



RIGHTS OF WAY AND DEVELOPMENT

GUILDFORD LOCAL COMMITTEE

3rd MARCH 2005

KEY ISSUE

This report is concerned with the possibility of providing pathways for pedestrians through new developments.

SUMMARY

The report sets out the ways in which new paths may be provided when development takes place, and the matters which the Local Planning Authority and the County Council's Rights of Way Group need to take into account when deciding whether or not to include new public paths in developments. Details of the separate roles of the two authorities were included in the earlier report and are not repeated here.

Report by

Surrey Atlas Ref.

SCC HEAD OF PLANNING & COUNTRYSIDE
GBC HEAD OF PLANNING

N/A

GUILDFORD B.C. WARD

COUNTY ELECTORAL DIVISION

ALL

ALL

OFFICER RECOMMENDATIONS

This report is for information only. Any views expressed by Members will be taken into account to inform future actions on planning applications.

INTRODUCTION & BACKGROUND

- 1 At the meeting of the Committee on 11th March 2004, Members considered a series of written question from the Holy Trinity Amenity Group (HTAG). One of these asked about the County's strategy for the adoption of paths on new residential estates, and expressed concern about what HTAG saw as the failure to provide a number of pedestrian routes through the St. Luke's development. Officers undertook to bring a report to a future meeting of the Committee. That report was brought on 22 July 2004. The committee resolved that Surrey County Council's Rights of Way and Access Group and Guildford Borough Council (Planning Control) should produce a joint report on measures by which pathways for pedestrians in new developments may be made available permanently.

RELEVANT POLICY CONSIDERATIONS

- 2 The Structure Plan, Local Transport Plan and the Joint Walking Strategy all support increased pedestrian accessibility. In addition the County Council now has a statutory duty to produce a Rights of Way Improvement Plan (ROWIP) by 2007, and from 2010 that plan will be part of the LTP. Guidance for the new LTP (2006-2010) indicates that it should include measures to promote and improve the rights of way network to provide safe off road routes for vulnerable road users, thus encouraging more walking and cycling, both for health reasons and to lessen traffic congestion.
- 3 It is likely that one of the themes of the ROWIP in Surrey will be to improve the direct links between town and country, so that people can access the countryside without using their cars. The Statutory Guidance on the ROWIP requires authorities to ensure that proposals included in the ROWIP are supported by the policies and proposals in structure and local plans.
- 4 Local Plan Policy supports the provision of pedestrian access within new developments.
- 5 Policy G1 (2) (Transport Provision, Access, Highway Layout and Capacity) states "Satisfactory access and highway layout is provided and the traffic generated by the development is compatible with the local road network. Appropriate provision has been made for pedestrian, cyclist and public transport facilities".
- 6 Policy G6 (Planning Benefits) states "Where necessary to the grant of planning permission and in order to meet a planning need arising from a proposed development the Borough Council will seek from developers the provision of suitable planning benefits".

- 7 Supplementary Planning Guidance 'Planning Obligations and Infrastructure' 2003 offers further advice on what should be negotiated within schemes. On larger schemes it is possible to ensure that internal highway infrastructure, such as footpaths, is provided and linked into the existing highway. Any footpaths that are provided within the development should be covered under planning conditions or a larger agreement to ensure that they are protected for the benefit of the wider community.

PLANNING CONSIDERATIONS

- 8 The planning authority always takes account of pedestrian permeability when dealing with applications for larger developments. However whilst new residents support permeability for themselves and their neighbours, they are frequently not in favour of the general public having access through their estate because of security and privacy considerations.
- 9 The opportunity to provide footpath linkages does not exist on many of the smaller sites, where there is not space to provide for additional infrastructure or, more often, there is no opportunity to link into the existing network. In these instances it may be appropriate to provide a commuted sum for the off-site provision of new infrastructure or improvements to the existing highway.
- 10 Before planning obligations can be sought they must meet the five tests set out in Circular 1/97 Planning Obligations. Contributions should be:
- Relevant to planning;
 - Necessary;
 - Directly related to the proposed development;
 - Fairly and reasonably related in scale and kind;
 - Reasonable in all other respects.
- 11 An example of where contributions may be applicable is the Town Centre, where there is a high level of public transport accessibility. It may be more appropriate for developers to provide improvements to walking and cycling in the immediate area, instead of on-site parking.
- 12 Footpaths also need to be well designed to ensure that they do not detract from the area in which they are situated while providing access for the various groups that may wish to use them. Particular care needs to be taken when footpaths are provided in sensitive locations, such as Conservation Areas or rural villages, as poorly designed schemes could have a significant impact on the character of these areas.

HIGHWAY AUTHORITY CONSIDERATIONS

- 13 As stated in the report to the July committee the revenue funds allocated for maintenance of all parts of the highway network are limited, and therefore new paths and roads through new developments are not automatically adopted.

- 14 There is often a tension between the desire to encourage walking and the need to maintain pedestrian permeability on the one hand, and the needs of safety, both real and perceived, on the other. There have recently been a number of requests throughout the county for the closure of existing rights of way in urban areas because these are seen as facilitating anti-social behaviour and create difficulties for Surrey Police in policing this behaviour. Members will be aware of the Committee's approval on 21 October 2004 of the proposed removal of all Public Highway Rights from the footpath connecting Manfield Road to Longfield Road, Ash. In many cases the paths concerned are exactly those which are most useful in providing a pedestrian route to amenities, and which could therefore be viewed as most useful in meeting the aims of the LTP. It is unlikely that this trend will disappear in the near future and there is therefore an argument that the highway authority should not adopt paths which will be the subject of requests for closure shortly after their adoption.

PROPOSALS FOR THE FUTURE

- 15 Whilst local links are clearly important to those living near them, it is difficult to justify their maintenance, including street cleaning by the borough council, at public expense by reference to the strategic ROW network. In officers' opinion it is therefore important to focus the joint efforts of the planning and highway authorities on seeking new rights of way which make an important contribution to the network as a whole, whether this is for utility or recreational use.
- 16 At present there are no identified strategic walking routes within the Borough of Guildford. As such, it can be difficult to identify where a need exists and to try and secure the appropriate provision or contribution.
- 17 Guildford Borough Council and Surrey County Council have recently formed a Walking Forum, which is due to look at all the issues connected with walking and provision for pedestrians. It is envisaged that strategic or key routes can be identified and mapped, similar to the existing cycling strategy. This information can then be used when determining planning applications in order to assess whether an obligation is appropriate.
- 18 Under the ROWIP it will be particularly important to provide access through developments on the edge of towns and villages to provide links into the countryside for local residents and in some places for recreational visitors arriving in the area by public transport.
- 19 There are also sites where planning gain can provide a safe off-road link between existing rights of way for vulnerable road users, and every effort will continue to be made to secure such agreements with developers.
- 20 The committee will be given the opportunity to comment on the ROWIP in draft form, but opportunities to provide new rights of way through developments in appropriate circumstances will of course be pursued in the meantime.

FINANCIAL IMPLICATIONS

21 There are no immediate financial implications.

HUMAN RIGHTS ACT 1998

22 There are no immediate Human Rights Act implications.

SUSTAINABLE DEVELOPMENT IMPLICATIONS

23 There are no significant environmental or economic implications.

CRIME & DISORDER IMPLICATIONS

24 As note in paragraph 14 above, the desire to maximise opportunities for pedestrians may sometimes contribute to crime or the fear of crime.

EQUALITIES IMPLICATIONS

25 There are no immediate equalities implications.

LEAD OFFICERS

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BACKGROUND PAPERS

Guildford Local Committee:
Written Public Questions, Item 5, Question 5 11.03.04
Report on Town Paths, Item 9 22.07.04