



Public Rights Of Way

A Practical Guide for Developers

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LOCAL TRANSPORT PLAN
MERSEYSIDE



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This leaflet is designed to offer guidance for people:

- Involved in advising on and determining planning applications.
- Making planning applications.
- Considering building work or changing land use.

What are Public Rights of Way?

All Public Rights of Way (PROW) are Highways and therefore have the same status in law as public roads. On Merseyside there are 3 types of PROW:

- Footpaths - for use on foot only.
- Byways & Restricted Byways – for use on foot, horse, cycle, motorised and non-motorised vehicles.
- Bridleways – for use on foot, horse and cycle.

Where are PROW recorded?

All PROW are recorded on a definitive map and statement: these are the legal documents held and reviewed by the Highways Authority. Members of the public can view these records by prior arrangement or on the Local Authority websites.

It is important to note that some routes, which are not recorded on the definitive and statement may still have acquired highway status through documentary evidence or public use. In such circumstance you should assume the route is a highway and seek advice from the PROW officer for that area.

Why can't I ignore the existence of a PROW?

All PROW are highways and it is illegal to obstruct highways. It is important to identify the location of a PROW at an early stage of any proposed development to avoid potential delays or difficulties in developing the land. The Highway Authority has a legal duty to keep all PROW available to the public, and as such can take enforcement action to ensure PROW remain open.

What if there is a PROW on the development site?

It is important to note that the granting of planning permission does not give the successful applicant a right to alter, obstruct or move a PROW. This can only be achieved by following a statutory procedure.

A PROW may be diverted or extinguished to enable development to take place and on occasion it may be required to construct and dedicate a new PROW within the site as part of the planning approval.

Until the appropriate legal order is in place the Highway Authority's PROW officer must be consulted on matters affecting PROW.

To protect the public's use of the PROW the PROW Officer will try to safeguard against:

- Changes to the surface.
- Reductions in path width.
- Storage of building materials or vehicles on the PROW.
- Damage or change in alignment of the PROW.
- Vehicular or increased vehicular use of a PROW.
- Additional barriers on PROW.
- Obstructions of PROW and to ensure the safety of users of the PROW.
- Increased gradients.
- Drainage issues with level changes of adjoining land.

Cycle Routes.

Cycle routes are now being incorporated into development schemes more often. If this is a condition of the planning approval then the PROW Officer should be consulted. Where a new route is required, the needs of all users should be considered with particular attention given to minimising potential conflict between user groups.

What comes first; planning permission or a public path order?

Early consultation is key to any successful application for planning permission.

If planning permission is granted for development affecting a PROW, a public path order will be necessary to authorise the stopping up or diversion of the PROW, whether it is for a temporary period or a permanent change. If there are any objections to the public path order, which are not withdrawn after the consultation period, then a public inquiry may be held with an independent planning inspector making the final decision. If the inspector supports the position of the objectors, then a revised planning application will need to be made showing and accommodating the PROW as determined by the inspector.

It is therefore in the applicant's interest to consult on the PROW with the PROW Officer and user groups whilst drawing up proposals for the planning application as this may help to reduce the risk of delays and increased costs.

Temporary Diversions / Stopping up.

PROW can be temporarily diverted or closed to enable works to be carried out on site and in the interests of public safety. A legal procedure needs to be followed and the maximum period for such temporary orders is six months. Anything extending beyond this timescale will need permission from the Secretary of State.

The Procedure for Public Path Orders.

This procedure applies to all sites, regardless of size.

1. Initial consultation by applicant with user groups.
2. Report submitted by PROW Officer to delegated chief officer to gain authorisation to proceed.
3. Public Path Order made and commences formal public consultation – 28 days.

- 4a. No objection – order can be confirmed and implemented.
- 4b. Objections received and not resolved – order submitted to the Secretary of State for confirmation (a public inquiry may be held).

Further Information

This leaflet has been developed as a result of the Merseyside Rights of Way Improvement Plan – a 10 year strategy for improving the Public Rights of Way network for all types of users.

For further information, please contact the relevant Public Rights of Way Officer for the area in question:

Merseyside District	Contact	Contact Tel.	Email Address
Knowsley Metropolitan Borough Council	Mr Bernard Maloney	0151 443 2289	Bernie.Maloney@knowsley.gov.uk
Liverpool City Council	Mr Mike Cassidy	0151 233 5230	Michael.Cassidy@liverpool.gov.uk
Sefton Metropolitan Borough Council	Mrs Val Hough	0151 934 4206	Val.Hough@technical.sefton.gov.uk
St Helens Metropolitan Borough Council	Mr James Widdop	01744 456 652	Jameswiddop@stelens.gov.uk
Wirral Metropolitan Borough Council	Mr Robin Tutchings	0151 606 2480	Robintutchings@wirral.gov.uk