



Appendix O: Public Rights of Way in Worcestershire

Streetscape Design Guide 2025

Worcestershire County Council

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1. Introduction

As part of the Streetscape Design Guide, this section provides guidance so that all involved in the planning and development process consider Public Rights of Way (PRoW) at an early stage in the planning and design process and ensure that any provisions for Public Rights of Way adhere with DEFRA guidance, planning policy and legal requirements.

2. Background

The Public Rights of Way network can form an integral and important part of any development by providing a functional and sustainable link to shops, services, schools and recreation by linking urban areas with the countryside. They provide a sustainable asset for public access across the county passing through all types of development areas; agricultural, residential, leisure and commercial, including mineral and waste sites.

Public Rights of Way are recorded on the Definitive Map of Public Rights of Way, which is a legal document. The Definitive Map records footpaths, bridleways, byways and restricted byways.

- Footpaths are open only to walkers.
- Bridleways are open to walkers, horse riders and pedal cyclists.
- Restricted Byways are open to walkers, horse riders and drivers/riders of non-mechanically propelled vehicles (such as horse drawn carriage and pedal cycles)
- Byways are open to all classes of traffic including motor vehicles but used by the public as footpaths or bridleways.

Information recorded in the Definitive Map and Statement is conclusive evidence in law as to existence, position, status, width and limitations or conditions.

To ensure that the rights of way network remain fit for purpose when a development takes place it is essential that the Public Rights of Ways are considered at the earliest opportunity of the planning process. This is to ensure that the Public Rights of Ways compliments rather than conflicts with site design and surrounding network. The advice in this document aims to inform and advise in situations where Public Rights of Way need to be considered and taken account where development proposals impinge upon them.

General information about the management of Public Rights of Way can be found at [Managing public rights of way](#).

3. Government Advice, Design and Planning Considerations

The following Government guidance is available:

a) National Planning Policy Framework (NPPF), Dec 2024

Paragraph 105, *“Planning policies and decisions should protect and enhance Public Rights of Way and access, including taking opportunities to provide better facilities for users, for example by adding links to existing rights of way networks including National Trails.”*

b) Defra Rights of Way circular 1/09:

Paragraph 7.1 *“Proposals for the development of land affecting Public Rights of Way give rise to two matters of particular concern: the need for adequate consideration of the rights of way before the decision on the planning application is taken and the need, once planning permission has been granted, for the right of way to be kept open and unobstructed until the statutory procedures authorising closure or diversion have been completed.”*

Paragraph 7.2 *“The effect of development on a public right of way is a material consideration in the determination of applications for planning permission and local planning authorities should ensure that the potential consequences are taken into account whenever such applications are considered.”*

Paragraph 7.8 *“In considering potential revisions to an existing right of way that are necessary to accommodate the planned development, but which are acceptable to the public, any alternative alignment should avoid the use of estate roads for the purpose wherever possible and preference should be given to the use of made-up estate paths through landscaped or open space areas away from vehicular traffic.”*

Paragraph 7.11 *“The grant of planning permission does not entitle developers to obstruct a public right of way.”*

4. Planning Considerations

The applicant is advised to ensure that the exact definitive legal alignment of any Public Right of Way is determined and considered at the earliest opportunity prior to submission. This is particularly important as the present walked and/or provided route may not be legally correct. These can be found by consulting the Definitive Map and Statement for Worcestershire. A working copy of the Definitive Map can be viewed at [Public rights of way searches](#)

If you require a more formal copy of the Definitive Map from the Public Rights of Way team then details for obtaining a specific Public Rights of Way search are available at [Public rights of way searches](#)

It is essential that the Definitive Map is consulted prior to commencement for development that **does not require planning permission**, such as agricultural buildings, to ensure the definitive line is not obstructed by the development.

In addition to routes recorded on the Definitive Map, it may be possible that there could be claimed rights of way crossing the site that do yet appear on the Definitive Map. This is claimed by application for a Definitive Map Modification Order (DMMO). Details of these routes is mapped on the working copy map by adding the layer and further details about the claims in progress is available at [Definitive Map Modification Orders](#). It is important to note that outstanding claims will always be investigated and determined, even if land use has changed. Therefore, consideration of the effect of any outstanding claims is critical to avoid issues post construction.

The Public Rights of Way team are also happy to discuss any questions and proposals prior to planning submission.

5. Design Considerations

To ensure any path within or affected by development is fit for purpose and adds long term value to that development, the following should be considered and incorporated into the design as necessary:

- Consider who will use the Public Right of Way, and why, to maximise convenient non-motorised travel.
- Endeavour to provide a route for the path on its existing recorded alignment. Only if this is not practicable should a diversion or extinguishment be considered.
- Paths should be routed through public open space and segregated from estate roads and footways wherever possible, so that they are well overlooked and pleasant to use.
- All new paths should be open and available to as many people in the community as possible. The needs of disabled people and those less able should be catered for at the outset by careful consideration of sufficient signage, surfacing, drainage, widths and gradients. All routes should be free from barriers that limit access.
- Details of how the path will be treated should be provided with the planning application including width, surface and boundary information, and technical approval from the Public Rights of Way team will be required prior to the commencement of any works. This should also include consideration of additional measures needed where Public Rights of Ways and new estate roads cross. This may include dropped kerbs, tactile paving, route waymarking and signage, etc.

6. Legal considerations and constraints

The granting of planning permission alone does not give the applicant the right to interfere, obstruct or divert a Public Right of Way. No development should take place on or near a Public Right of Way unless the appropriate statutory legal process (where necessary, as detailed below) has been successfully completed. The Public Right of Way must be kept open and unaltered for public use, unless or until the necessary public path order, or temporary closure to allow construction, has come into effect. This advice is paramount and should be included as a standard informative on planning consultation recommendations and set out in the model conditions. Any necessary permanent

diversion should improve the route and all further details, including construction specification, should have technical sign-off by the Public Rights of Way team.

The development may achieve an overall improvement in the network by providing missing links. Such opportunities should always be considered of a planning application and, if appropriate, the new path can be dedicated and added to the Definitive Map (under Section 25 of the Highways Act 1980), as opposed to remaining as an informal unrecorded route.

Where a Public Right of Way passes through a development there are three possible effects:

- **No effect on legal alignment.** Whilst the legal alignment of the path may not be affected by the proposal, it may introduce other elements that need consideration such as introduction of new boundaries across (and adjacent to) the path, removal of existing defunct boundaries and an effect on usage. In this instance the route would remain open for use by the public throughout construction and may require temporary fencing around the definitive line for public safety.
- **Temporary effect on legal alignment.** As with the above, the legal alignment of the path may not be permanently affected by the proposal, but it may introduce other permanent elements that need consideration and/or authorisation as detailed above. Additionally, the path may require a temporary closure (TTRO) by way of an Order under Section 14 of the Road Traffic Regulation Act 1984 to allow the development to be constructed safely.
- **Permanent effect on alignment.** In instances where it is desirable to relocate or extinguish the Public Right of Way within the proposed development it will be necessary to apply for and successfully place a legal order under one of the following pieces of legislation:
 - Section 257 of the Town and Country Planning Act 1990.
 - Section 119/118 of the Highways Act 1980

Additionally, there may also be a requirement to temporarily close routes, for safety reasons, within the site whilst the development works are undertaken using a Temporary Traffic Regulation Order (TTRO).

Temporary Traffic Regulation Order

A Temporary Traffic Regulation Orders (TTRO) under Road Traffic Regulation Act 1984 can only be considered if the route of the public right of way to be closed will be reopened on its existing line. In cases where the original line of the right of way will be permanently obstructed, we require a permanent diversion/ extinguishment Order is completed to confirmation stage before we will consider an TTRO application.

Permanent diversions required to enact approved planning permission are usually undertaken by **the planning authority granting planning permission**. Application should be made to the relevant

authority as soon as possible after planning approval is granted to avoid delays to the construction phase of projects.

7. Guide to furniture, boundaries and surfacing

7.1 Furniture – gates, gaps, bollards, road crossings (kerbs/surfacing)

Structures that interfere with the public's unrestricted passage on rights of way must be authorised by the Highway Authority before installation and cannot be decided or conditioned by a planning decision. Any new structure across a right of way can only be installed with the authorisation of the Highway Authority, under S147 of the Highways Act 1980. Such structures will only be authorised for the express control of farm stock and to ensure accessibility, all new furniture should comply with the current BS5709. If existing structures require replacement please contact the Public Rights of Way team for further advice, in some cases they will be able to provide the necessary materials.

Gaps are the preferred method of crossing boundaries. However, if stock control is an issue, then gates are the preferred type of furniture, and stiles will not be authorised on new routes. Whilst furniture can be included in legal orders made under S119 of the Highways Act 1980 there is no provision in Section 257 of the Town and Country Planning Act 1990, the above-mentioned s147 is the appropriate recourse to authorise furniture in these instances.

Bollards/chicanes and similar structures to assist with user safety can only be installed if authorised by the Highway Authority under Section 66 of the Highways Act 1980. In such cases the needs of disabled users must be taken into consideration in the design

7.2 Widths and Surfacing

Unless recorded in the Definitive Statement, subsequent Legal Order or defined by existing historic boundaries, it shall be assumed that the widths of Public Rights of Way are:-

- Footpath 2m
- Bridleway 3m
- Restricted byway 5m
- Byway Open to All Traffic 5m

Some paths may be legally much wider than this and advice can be obtained from the Public Rights of Way team on specific detail of routes by contacting the team.

Where it is desirable to enclose a right or way within new boundaries, extra width should be provided to ensure clear unencumbered verges, to facilitate good visibility and an open aspect for users, and to negate the effects of encroachment by adjacent vegetation. Detail of widths should be included on submitted plans following discussions with the Public Rights of Way team.

7.3 Technical design considerations

7.3.1 Surfacing

Where any change in surface or new routes is proposed as part of an application advice should be sought from the Public Rights of Way team prior to submission of a planning application.

Public Rights of Way vary depending on what they are used for and where they are located.

Considerations will include drainage, changes in level, camber, suitable surface for usage, location, slope and ground conditions. Slopes of more than 1 in 12 should be avoided. Suitable options will range from natural grass paths through to crushed graded stone. In most cases we would not support the use of bituminous or paved surfacing unless there is a clear benefit to the network and users. It is therefore important that specific proposals are provided as part of planning applications. Where any fixed drainage is installed, such as gullies or balancing ponds are installed it would normally be expected that the landowner/management company would maintain these. Any drainage or changes to levels should not direct water towards other property outside the site or any highways.

Any works on the Public Rights of Way network will need technical sign off by the Public Rights of Way team prior to commencement of works.

7.3.2 Signage on Public Rights of Ways

It is essential that where Public Rights of Ways will cross new developments, then suitable signage is installed to allow a clear route on the definitive line to be identified by users. This not only provides clarity for the public but also helps to stop users straying from the definitive line into private areas. Advice and guidance on signage and suitable waymarking and posts can be obtained from the team.

Please note, we do not support street lighting on Public Rights of Way and any proposals including this will need to be supported and maintained by the Worcestershire County Council highways streetlighting team or remain part of private development maintenance.

7.4 Enforcement and Obstructions of Public rights of Way

Public Rights of Way are Highway and are subject to the powers of enforcement located in the Highways Act 1980. Where a Public Right of Way is negatively affected by development, either by obstruction, reduction in width, safety concerns or addition of unauthorised furniture it should be noted that we have the powers, and legal duty, to act to protect the public Highway.

On any of the matters listed above we are always happy to discuss questions or concerns you may have and would welcome early engagement. We are also happy to work with land managers to reduce inappropriate use of the network.

To contact the Public Rights of Way team, please email: Countryside@worcestershire.gov.uk