

Guidance notes – Choosing a New Route

Part II: Choosing a new route

This part of the guidance is intended to help applicants promote a diversion which provides the best possible alternative route and an application which is, therefore, more likely to be approved. It is also intended to discourage the making of applications that stand little or no prospect of success.

We recognise that the needs and aspirations of the users of a path need to be taken into account when a path is diverted as well as those of the land owner and/or manager. We will consider both and we will also have regard to our Rights of Way Improvement Plan, which informs the way in which we manage the network of public rights of way. These are the result of research and consultation with local residents, access user groups, farmers and land managers.

We recognise that different users have different needs and not everyone using the rights of way network will agree on the qualities which make it special. We have consulted a number of people and organisations with different interests and have sought to draw out the most obvious issues of concern. The guidance is not intended to be prescriptive, because the overall quality of an application will be a combination of many different factors. These might include:

- the quality of the existing route and the proposed new route, in terms of surface, gradient, views and quality of the user's experience,
- the importance of the path in the network,
- the nature of the terrain,
- local needs and opportunities, and
- the level and ease of future maintenance.

Our recommendations on widths, for example, are for guidance only, because the provision of a path at our suggested width does not guarantee that the application will be looked on favourably, any more than non-compliance means that application will necessarily be unsuccessful. We are suggesting that new footpaths should be at least 2 metres wide, because this width provides for ease of use and makes the path more accessible for machinery used for cutting. However, if there are good practical, or land management, reasons why the width should be less the diversion may nonetheless be acceptable. We want to encourage easier access to the countryside for all, so we will look more favourably on a new route that has no gates or stiles than on one which affords less accessibility. However, we also recognise that there are reasons why structures may be necessary to manage land properly, so a new path which includes such gates or structures may still be approved. Our guidance should be read in this spirit.

I. Accessibility to users and for maintenance purposes

Structures

- We like routes without gates, stiles, or other structures
- We don't like routes with structures unless these are necessary to prohibit unauthorised use or to control livestock. If a structure is needed to prevent unauthorised use, where possible a gap should be left at the side for pedestrian (and, where necessary, equestrian) access. Structures needed for the control of livestock may be authorised under s.147 Highways Act 1980.
- We don't like stiles.

- We would like you to discuss with us the specification of any structures before submitting your application. Bridleway gates need to have a minimum 1.5metre (5 feet) clear opening and have an easy to use latch. We would like to see Radar gates and medium mobility gates where improvements to accessibility are needed or desirable.
- We like structures on bridleways at junctions with roads to be sited sufficiently far back from the road junction to provide an area for riders to wait safely before crossing.

Width

- We don't like new paths to be narrower than the paths they replace.
- We like paths to be wide enough for people to use easily and for machine access should surface cutting be necessary, ideally a minimum of 2 metres for a footpath and 3 metres for a bridleway but, generally, the wider the path the better.
- We don't like to find that diverted paths are subsequently narrowed by fencing or hedges, so if a path is to be enclosed at least an additional 0.5 metres (18 inches) of width should be offered.

2. Quality of surface

- We don't like new paths to have a surface which is less durable than the old, or which costs more to maintain. Drainage of the new path is an important matter to consider, as is the ability of the path to dry out after wet weather. The surface of a brand new path across open land may not be as durable as the surface of a path that has been compacted as a result of having been trodden for centuries, so the new path may need to be drained or engineered before it is of a similar standard.
- We like new paths with improved durability, consistent with their character and situation. We will advise on the required standard of construction of a new path. This will vary accordingly to its location and future use. For example, if the diversion means that the path is likely to be used more after the diversion than before, we may require the new path to be constructed to a higher standard than the old.
- We don't like new paths to use private access points where livestock congregate or where surface damage can be caused by farm machinery.
- We don't like new paths to require regular maintenance where this is not necessary on the rest of the path. Consider allowing sheep to continue grazing the area of the new path while excluding cattle and horses from it.

3. Quality of experience

- We like paths which offer the user a similar, or enhanced, experience to the path diverted, in terms of character, views, gradient and convenience of use.
- We don't like a significant increase in length, unless this is justified where it offers an improved experience or a link to a network not as conveniently accessible on the existing network.
- We don't like paths which take the user away from points of interest, such as views, historic features, or water unless an equivalent feature is available on the new route.
- We like diversions which reduce potential hazards for the user, such as taking users off a busy road, or away from land used by plant and machinery.
- We like paths which are safer for users, such those with improved sight lines at road crossings.
- We like paths which take a route that is easy for the users to follow without excessive signing and way marking.

4. Strategic value

- We like diversion proposals which provide improvements in connectivity to other parts of the rights of way network or to an area or areas of public access.
- We don't like diversions that do the opposite.

- We like diversions which offer network improvements better than those which do not. All diversion proposals should meet the standards relevant to highways of that type.
- We like diversions which offer additional rights for non-motorised users. If a new footpath is suitable and appropriate for use by horse riders and cyclists, we will welcome the dedication of additional rights for those users.

We reserve the right not to process an application for diversion if rights of way on land owned by the landowner are not fit for use as a result of any default on the part of the owner or occupier of the land.

We will not make or confirm an order if we do not consider it expedient to do so. In deciding whether or not it is expedient, we may take into account the cost of promoting an order once made, and the prospective benefit afforded to the public by the new route.