

# Public Rights of Way

**Public Rights Of Way (PROW) are highways established in law, and are fully protected from being obstructed or diverted without proper authority.**

The Definitive Map and Statement containing records of all PROW are held by the council's PROW Team and paper copies can be obtained from our Planning Searches team for a small fee.

Contact [planning.searches@bristol.gov.uk](mailto:planning.searches@bristol.gov.uk)

Further information including electronic mapping of the PROW network can be found on our [website](#).

## Public Rights of Way

The potential implications that any development may have for the existing PROW network need to be fully considered by the designer at pre-application stage.

The effect that a proposed development will have on a right of way must be considered by planning authorities when deciding whether or not to approve an application for planning permission. Legally there must be no encroachment onto PROW either permanently or temporarily by any means (including by planting), unless consent has been obtained from the Highway Authority (Bristol City Council), even if planning permission has been granted.

Existing footpaths should be accommodated on their existing alignment wherever possible. However, some PROW will need improvements to be properly incorporated into a development, and others may require stopping up or diversion.



*Fig 1: College Road to Halfpenny Bridge, Fishponds, Bristol – example of Public Right of Way*

Developers should take into account the existing function and character of a PROW and should not assume that it will be acceptable to divert it along a new road.

Alterations to PROW should consider the potential for ecological enhancements.

To avoid construction delays it is recommended that designers undertake the following:

- Investigate the presence of PROW at the pre-application stage;
- Incorporate PROW along a dedicated route rather than along new estate roads within a proposed development whenever possible;

- Allow sufficient time for the formal processing of an Order for the closure or diversion of a PROW. This can take up to six months if unopposed and eighteen months to two years if the Order is opposed;
- Do not start building work until the Order is confirmed;
- Consultation with our [Public Rights of Way Team](#) before undertaking any works on site that affect a PROW;
- Obtain Temporary Traffic Regulation Order (TTRO) for all temporary closures/diversions of PROW

## Diversion and Stopping up

If a PROW needs to be diverted or stopped up for development purposes there are processes under the Town and Country Planning Act 1990 which need to be followed. There is no guarantee that a legal Order will be confirmed simply because planning permission has been granted.

Until such time as an Order has been made and subsequently confirmed, the legal line of the PROW remains unaltered. Even where a development does not directly affect a PROW it may be that ancillary works such as the storage of materials and plant, or vehicle access routes may affect it.

## Permissive Routes

Where development provides areas which are to be privately managed but accessible to the public, permissive rights will be required. This could be through creating a permissive path through the site in agreement with us (through a s106 agreement), or through a walkway agreement under s35 of the Highways Act 1980.

## Other users on PROW – cyclists and horse-riders

We will not encourage vehicular use of any PROW.

Cyclists and horse riders are entitled to use rights of way known Bridleways and as Restricted Byways as well as all-purpose roads. These users should be considered should developments affect an existing or future bridleway or restricted byway. Such routes also carry pedestrians so developers should consider their needs also during the design process.

Additional width for cyclists will be required if the bridleway or restricted byway is likely to experience a significant number of cycle movements.

Ensuring that junctions with bridleways or restricted byways are accessible to all user types is critical. For example: horse-friendly vehicle barriers and K barriers may allow horse riders and some cyclists through, but will be a barrier to many other users, such as adapted cycles, or disabled users on mobility scooters. It will be necessary to seek advice from the PROW Team as to the most appropriate form of barrier, if such an obstacle is to be considered.

Whilst unlikely to occur in most parts of Bristol, where new roads are likely to carry significant numbers of horses then additional verges may need to be provided to accommodate these movements.

Where a road is crossed by a bridleway or restricted byway carrying significant numbers of horse-riders, a Pegasus crossing should be provided in conjunction with appropriate signage. Where there are significant numbers of cyclists, a Toucan crossing will be required.

## Accessibility requirements for PROW

The PROW Team can provide you with their Design Standards for PROW Assets and Infrastructure guidance which contains further details of accessibility and design standards.

### Barriers on PROW

Developers should be creating infrastructure which is accessible for all. This includes Public Rights of Way, which have [different accessibility requirements](#) from street design.

There are very few PROW in Bristol where we would authorise installation of a gate (where there is currently no barrier) and even fewer where we would allow a stile. In an urban area these types of barriers are neither necessary nor appropriate.

Barriers serve two functions where paths join roads:

- Safety barriers – designed to deter pedestrians, cyclists and horse riders from joining a road from a path without looking.
- Access control barriers – to prevent access by unauthorised motorcycles and other motorised vehicles.

If it is absolutely necessary to install barriers, either type must be designed to accommodate use by users with pushchairs and by people with mobility impairments.

It is important that the need for barriers is considered at the outset. We will advise of circumstances where barriers will be required and can provide advice on the design. Barriers should not be erected without prior discussion with the PROW Team. They are classified as obstructions unless approved by us.

### Gradients

- Recommended maximum ramp gradient 1:20; steeper gradients of up to 1:10 may be acceptable over short distances.
- Where the path is steeper than 1:20 (i.e. a ramp), a level resting place should be provided every 10m.
- Cross Slope 1:50 maximum
- Step treads 35mm maximum

### Path Surface

- Surface must be hard, firm and smooth with very few loose stones (none bigger than 5mm)
- The path should be easily drained and contain no dips or areas where puddles can form
- Breaks in path surface as in boardwalks, grates, grills etc., should be no more than 12mm measured in the direction of travel along the path.

### Width

Path widths recorded in the Definitive Map and Statement should be adhered to when maintaining or improving PROW surfaces and edgings.

Where there is no specific width recorded, a 2000mm width should be provided.

Depending on its location, or where this may not be appropriate (for example, in an open grassland area where a wider path may not be in character), a reduced width of 1500mm or absolute 1200mm minimum may be more appropriate, with consideration of the need for passing places as outlined below. Please seek guidance from PROW Team or TDM for acceptable reduced widths for such circumstances.

To ensure accessibility for users with restricted mobility footpaths should be provided with passing places at appropriate spacing where possible (every 5000 metres for urban contexts, 100 metres for managed urban fringe settings).

## Height clearance

- A tunnel clear of overhanging or encroaching tunnel vegetation, and other obstructions should be a minimum of 1200mm wide and 2100mm high.

## Resting Places

- Resting places should also be considered at 100m intervals along the path. Each resting point should have a seat or perch, which is placed on surfaced, level ground. These should be set back from the path and, in addition to path width, be at least 1200mm wide and 1500mm long

## Construction and PROW

Where the route of a PROW may be temporarily affected by your development, it is possible to apply for a temporary closure (Temporary Traffic Regulation Order). When work is complete the path should be fully reinstated to the appropriate condition so that it can be used by the public.

Any development works or building materials on the line of the PROW could render a developer or contractor liable to prosecution if no legal Order has been confirmed for a permanent diversion, or if a temporary closure order has not been agreed.



**Fig 2: Public Right of Way integrated into new development** (image © Google 2020)