

To: Cambridgeshire County Council acting as agent for the Local Planning Authority

**TOWN AND COUNTRY PLANNING ACT 1990  
APPLICATION FOR AN ORDER TO PERMANENTLY DIVERT  
A PUBLIC RIGHT OF WAY**

Name of applicant Redrow Homes Limited

Address Redrow House, 6 Waterside Way, The Lakes, Northampton, NN4 7XD

Tel. (work) [REDACTED] Tel. (home) .....

I hereby apply for the diversion of the footpath/~~bridleway~~\* known as Sawston [parish] 196/12 under s.257 of the Town and Country Planning Act 1990 and undertake, if an order for the diversion of the path is made, to carry out such work on the diverted route of the path as may be required to bring the path into a fit condition for public use to the satisfaction of the County Council (the Highway Authority), prior to the confirmation of the order.

(\*Delete the term that does not apply.)

Signed Anne Holton Date 19.10.21

**Consent of other landowner/s and other requirements**

Written consent of any other landowner/s affected by your proposed diversion (for both the existing line and proposed new line) must be obtained prior to submission.

A copy of the County Council's requirements for making diversion orders can be found at the end of this application form. The County Council will require all of these to be met. Please note in particular:

The requirement for pre-application consultations: The applicant must consult with the relevant Parish Council and local user groups, and must append copies of any correspondence to this application

**The path to be diverted**

Parish Sawston No 196/12

From Plantation Road OS grid ref. TL49404964

To ..... OS grid ref. TL49754988

General description of path From Plantation Road the path heads in a north easterly direction as shown by a dashed red line on the attached plan labelled 'Footpath Co-ordinates'

**Landowner – please provide a map showing landownership/other interests**

Name PARCEL 1 (edged red on attached Landownership Plan) - Christine Rosemary Molton of 31 Common Lane, Sawston, Cambridge, CB22 3HW and David Alexander Simmers of 23 Hillock Lane, Woolston, Warrington, WA1 4NF (as Trustees of the Richard John Driver Will Trust)

~~Lessee/tenant~~

Name PARCEL 2 (edged blue on attached Landownership Plan) - Ward's Charity or Church Lands

Address (CRN 1176520) of 23 Princess Drive, Sawston, Cambridge, CB22 3DL and of 48 Church Lane, Sawston, Cambridge, CB22 3JR.

~~Occupier~~

Name ..PARCEL 3 (edged green on attached plan) - John Huntingdon Charity (CRN 6045630) of 189 High Street,  
Address ..Sawston, Cambridge, C22.3HJ.....

The land is occupied/farmed by Richard Molton, a beneficiary of the Richard John Driver Will Trust

**Reasons for the diversion**

Local Planning Authority:.. South Cambridgeshire District Council.....

Planning application No:.. 21/03955/FUL.....

Date of Planning Permission:.. N/A (planning application not yet determined).....

Description of proposed development: Land south of Babraham Road, Sawston - Erection of 280 dwellings, including 72 affordable dwellings, two new vehicular accesses from Babraham Road, pedestrian and cycle access, publically accessible open space, a Local Area of Play and a Local Equipped Area of Play, landscaping and earthworks and surface water drainage, associated amenity space and attenuation features and internal infrastructure.

**The proposed new route of the path**

Please enclose a signed and dated plan, preferably at scale of not less than 1:2,500 and based on an Ordnance Survey map.

From Existing footpath 196/14..... OS grid ref. TL49584947.....

To ..... OS grid ref. TL 49754988.....

**General description of new path** ..The footpath will run north from existing footpath 196/14 at the southern end of the site through the green corridor within the proposed new development as shown by a green dashed line on the attached plan labelled 'Footpath Co-ordinates'.....

**Landowner**

Name ..... As detailed above.....

Address .....

**Lessee/tenant**

Name .....

Address .....

**Occupier**

Name .....

Address .....

**Other Legal Interests**

Please give details of any other person(s) having a legal interest in the land over which the right of way is to be diverted, for example other landowners, mortgagees or other persons having an easement over the land:

Redrow Homes Limited has an interest in the land pursuant to a conditional contract for sale dated 23 June 2021 made between the Landowners (as set out above) and Redrow Homes Limited.....

Has the written consent of all such persons been obtained?

Yes/no [~~Delete as applicable~~]

The consents must accompany this application, together with a map showing all ownership and legal interests.

## **Pre-application consultations**

Please append copies of all correspondence with user groups and the relevant Parish/Town/City Councils. Have any objections been raised?

.....  
Please see the attached copy correspondence.  
.....

## **Works**

Following receipt of this application, if not already undertaken, the County Council's rights of way officer will contact you to arrange to meet you to inspect the proposed new route and to agree the works that will be needed to bring it into a fit condition for use as a public path. These works will be confirmed in writing following the site inspection. Please note that the Council will require a minimum width of 2m to be provided for the new route of a public footpath, and a minimum of 4m for the new route of a public bridleway. The new path will be signposted and/or waymarked to the extent deemed necessary by the Council.

## **Coming into operation of an alternative route**

Please note that the existing route of the path to be stopped up will **not** be extinguished until an officer of the Rights of Way Team acting on behalf of the Highway Authority (Cambridgeshire County Council) has certified that the new route of the alternative path has been provided on the ground to a suitable standard for use by the public. It is the applicant's responsibility to ensure that works to provide the new route of the path are completed.

## **Recovery of fees and costs**

Under the 'Local Authorities (Recovery of Costs for Public Path Orders) Regulations 1993 as amended by SI 1996 No 1978, the County Council may recover from the applicant the reasonable administrative costs of processing applications for, and making, public path orders. The County Council will invoice you for:

- the administrative costs of processing your application up to the making of a public path order, as set out in the Cambridgeshire Highway Records Guide which contains a Schedule of Charges that are available at [www.cambridgeshire.gov.uk/highwaysearches](http://www.cambridgeshire.gov.uk/highwaysearches);
- staff travelling expenses @ 45p per mile plus VAT;
- the cost of inserting one Public Notice in a local newspaper at the time of the making of the order, one Public Notice in a local newspaper at the time of the confirmation of the order and one Public Notice in a local newspaper at the time of the coming into operation of the order

The costs of taking an opposed order to a public inquiry will be met by the County Council or District Council, but the County Council will expect the applicant to provide their own legal representation at the inquiry. Please note that both Councils reserve the right to decline to proceed to a public inquiry for an opposed order.

For further information see the County Council's guidance:

- *Guidance and Check List for Public Path Order Applicants*
- *Public Rights of Way – A guide for planners and developers* available on our website at

<http://www.cambridgeshire.gov.uk/rightsofway>

## **Highways Service – Asset Information Definitive Map Team: Data Protection Privacy Notice**

We collect and use information about you - such as your name, address, email address, telephone number, and payment details - so that we can provide you with our services acting in our capacity as the Highway Authority and Commons Registration Authority under the Commons Registration Act 1965, Highways Act 1980, Wildlife & Countryside Act 1981, Town & Country Planning Act 1990, Freedom of Information Act 2000, Environmental Information Regulations 2004 and the Commons Act 2006.

Full details about how we use this data and the rights you have around this can be found in our privacy notice at [www.cambridgeshire.gov.uk/privacy](http://www.cambridgeshire.gov.uk/privacy). If you have any queries, please contact the Data Protection Officer at [data.protection@cambridgeshire.gov.uk](mailto:data.protection@cambridgeshire.gov.uk). The national regulator for Data Protection is the Information Commissioner's Office: <https://ico.org.uk/>

### **Statement**

I hereby agree to put the new route(s) into a fit condition, as approved by the Council, for use by the public within 28 days of a request by the Council to do so.

I hereby undertake to defray any compensation which becomes payable in consequence of the coming into operation of the order, and to pay in full the County Council's administrative costs of making the order and the costs of the public notices.

I also undertake with Cambridgeshire County Council to meet in full the requirements of any statutory undertaker in respect of any apparatus which may be over, in or under the right of way in respect of which I am making this application. I understand that the consent of the statutory undertakers (i.e. gas, water, electricity, telecommunications, the Post Office and the Civil Aviation Authority) is required before the order can be confirmed by the council and that their consent may be conditional on my carrying out works to protect the statutory undertakers' apparatus and/or rerouting it. (The Council will consult with statutory undertakers on your behalf.)

I have read and understand this application and make my application acknowledging the conditions specified in it.

Signed ...Anne Holton..... (for Redrow Homes) Date ...19.10.21.....

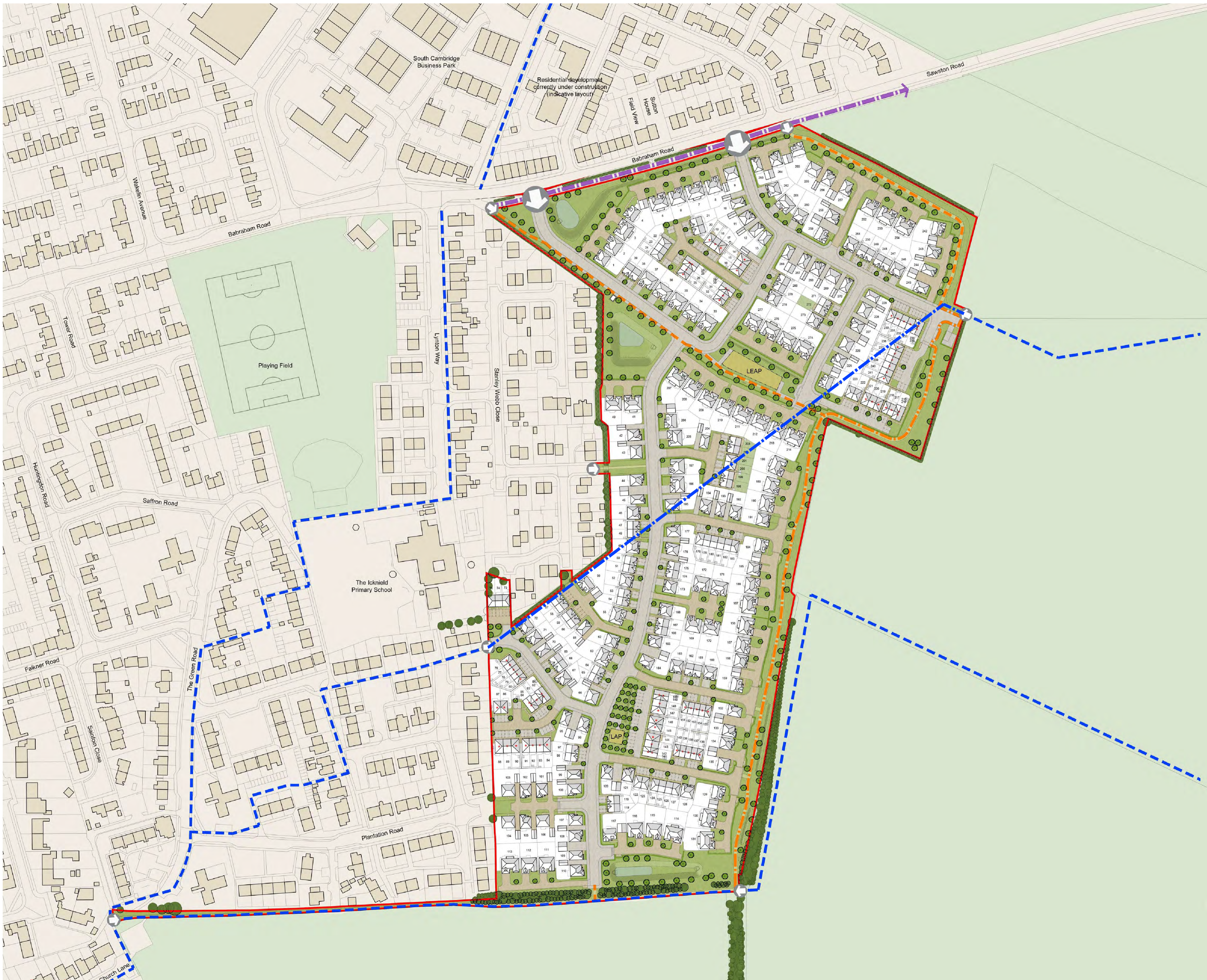
### ***Pre-application consultations***

*Applicants are advised that prior to formally submitting their diversion or extinguishment application to the Asset Information Team, they must complete informal consultations with the prescribed bodies (list attached). This will identify at an early stage whether the proposal is likely to be accepted by the public, and all responses received should be attached to the application form.*

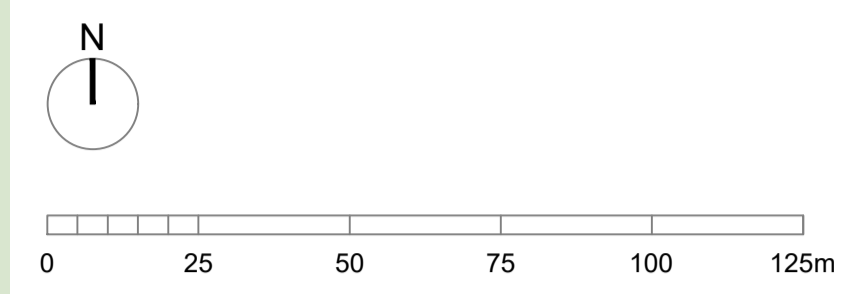
## List of Statutory Consultees

Please select the relevant contacts for the district affected by your proposal. It is not necessary to consult representative in other districts. It may be appropriate to consult more than one group if your location is near more than one parish.

The relevant Parish Council	
<p>Ramblers Association 2<sup>nd</sup> Floor Camelford House 87-97 Albert Bank LONDON SE1 7TW</p>	<p>Mrs Alysoun Hodges <b>East Cambridgeshire Ramblers Group</b> 88 West Fen Road, Ely CB6 3AA e-mail: <a href="mailto:hodgespalg@gmail.com">hodgespalg@gmail.com</a> <b>NB <i>Except for the parishes listed under Newmarket Ramblers</i></b></p>
<p>Auto-Cycle-Union Auto-Cycle-Union House Wood Street RUGBY CV21 2YX <a href="mailto:admin@acu.org.uk">admin@acu.org.uk</a></p>	<p>Steve Rossin Huntingdonshire Ramblers Association 6 De Beche Close Papworth Everard CAMBRIDGE CB23 3UP Email: <a href="mailto:steve.hel@btinternet.com">steve.hel@btinternet.com</a></p>
<p>Open Spaces Society 25A Bell Street HENLEY-ON-THAMES RG9 2BA <a href="mailto:office2@oss.org.uk">office2@oss.org.uk</a></p>	<p>Dr R &amp; Mrs J Moreton Joint Footpath Secretaries <b>South Cambridgeshire Ramblers</b> 23 Emery Street CAMBRIDGE CB1 2AX <a href="mailto:roger.janet@outlook.com">roger.janet@outlook.com</a></p>
<p>Byways and Bridleways Trust 57 Bowers Mill, Branch Road, Barkisland, HALIFAX HX4 0AD e-mail: <a href="mailto:notices@bywayandbridleway.net">notices@bywayandbridleway.net</a></p>	<p>Mr G Thomas <b>Fenland Ramblers Association</b> Coach House 6 Chapel Road WISBECH PE13 1RH</p>
<p>British Horse Society Stoneleigh Deer Park KENILWORTH CV8 2XZ <a href="mailto:access@bhs.org.uk">access@bhs.org.uk</a></p>	<p>Paul Cutmore <b>Cambridge City Ramblers Group</b> 12 Topcliffe Way CAMBRIDGE CB1 8SH e-mail: <a href="mailto:ptcutmore@cix.co.uk">ptcutmore@cix.co.uk</a></p>
<p>Lynda Warth British Horse Society Access and Bridleways Officer for Cambs 53 Bar Lane Stapleford Cambridge CB22 5BJ e-mail: <a href="mailto:lyndawarth@hotmail.co.uk">lyndawarth@hotmail.co.uk</a></p>	<p>Phil Prigg <b>Newmarket Ramblers Group</b> 1 Edgeborough Close Kentford NEWMARKET CB8 8QY</p> <p>Newmarket RG covers the following parishes in Cambs: <i>Ashley, Brinkley, Burrough Green, Cheveley, Chippenham, Dullingham, Kennett, Kirtling, Snailwell, Stetchworth, Westley Waterless and Woodditton</i></p>



NOTES  
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- KEY
- Application site
  - Proposed point of access  
Please refer to application drawings.
  - - - Existing Public Rights of Way
  - - - Existing cycleway
  - - - Proposed multipurpose recreational routes
  - - - Proposed footpath diversion
  - - - Existing Public Rights of Way: Footpath to be diverted

rev	date	description	dm	chkd
-	13.09.2021	First issue.		JJ

**fpcr**

- environmental assessment =
- landscape design = FPCR Environment and Design Ltd
- urban design = Lockington Hall
- ecology = Lockington
- architecture = Derby DE74 2RH
- arboriculture =

t: 01509 672772  
 e: mail@fpcr.co.uk  
 w: www.fpcr.co.uk

client  
**Redrow Homes**

project  
**Land south of Babraham Road, Sawston**

drawing title  
**MASTERPLAN - PROW DIVERSION OVERLAY**

scale  
**1:1250 @ A1**

drawn / checked  
 JJ

revision date  
**13 September 2021**

drawing number  
**9860-P-10**

rev  
 -

CAD file: K:\9800\9860\LANDS\Plans\9860-P-10 PROW diversion.dwg

[Address]

14<sup>th</sup> September 2021

Dear Sir/Madam,

**Proposed footpath diversion and creation in Sawston, Cambridgeshire**

Redrow Homes Ltd have recently submitted a planning application to South Cambridgeshire District Council for the residential development of 280 homes on Land South of Babraham Road in Sawston (ref: 21/03955/FUL). The site is allocated for development in the South Cambridgeshire Local Plan 2018 under Policy H/1:c.

There are currently two public rights of way located on the site; these being Footpath 196/12 which crosses the centre of the site from Plantation Road then heads in a north easterly direction over to the eastern boundary of the site, and Footpath 196/14 that runs along the southern boundary before passing out of the site and running in a northerly direction just outside but adjacent to the eastern boundary, before heading east away from the site. These routes are shown marked in blue on the enclosed masterplan.

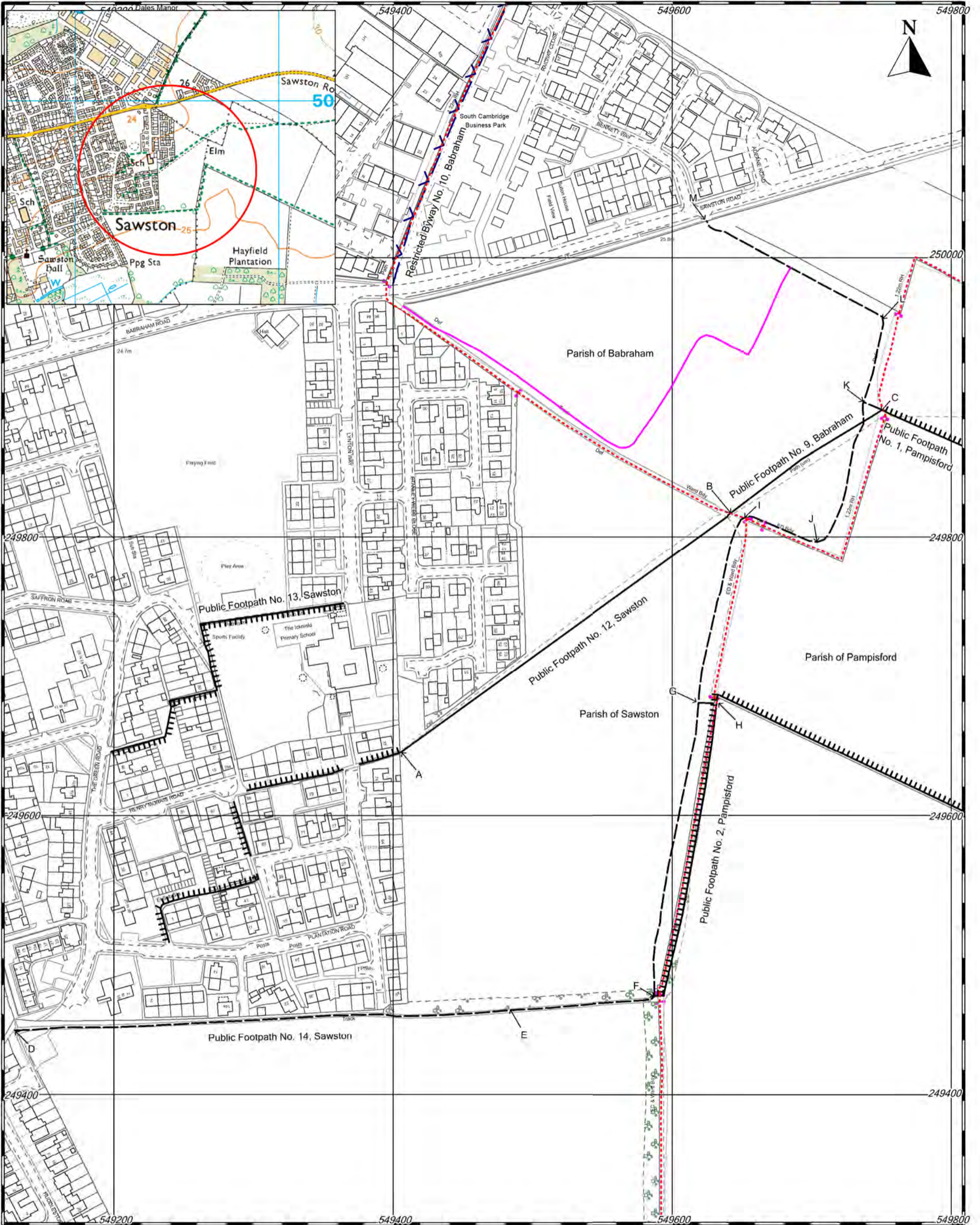
I am writing to make you aware that as part of the development proposals, Redrow Homes are seeking to divert the route of Footpath 196/12 from the point where it enters the site on the eastern boundary to then head southwards within the green corridor along the eastern boundary of the site to join up with Footpath 196/14 on the southern boundary. The route of Footpath 196/14 would remain unchanged and it is proposed that both paths would be upgraded to bridleway status and would be paved at a width of 3m for the majority of their length through the site (the width reduces to 2m for short sections of the path). Where possible, taking account of the constraints of the site, we have also sought to provide a grass verge alongside the paved path that would be suitable for use by equestrians.

As illustrated on the enclosed masterplan, the development proposals also seek to create a new bridleway to connect the existing shared footway/cycleway that runs along the side of Babraham Road with Footpath 196/12 where it enters the site on the eastern boundary. Taken together, the proposals would allow for a linked and upgraded route to connect Babraham Road in the north around the eastern side of the site and over to Church Lane in the south west. This will allow for convenient and safe access to the services and facilities located in the village centre along the High Street.

Redrow Homes will shortly be submitting footpath diversion, creation and upgrade applications to the local authority and are seeking your views in advance. I would be grateful if you could send any comments in writing to me at the postal address shown above or by email to [alice.kirkham@redrow.co.uk](mailto:alice.kirkham@redrow.co.uk) by [5<sup>th</sup> October 2021].

Yours faithfully,  
**For Redrow Homes Limited**

**Alice Kirkham**  
**Senior Planning Manager**



THIS MAP FORMS PART OF THE SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL (PUBLIC FOOTPATH NO. 12, SAWSTON) PUBLIC PATH STOPPING UP ORDER 2022

Unaffected Public Footpath		Proposed Permissive Bridleway		Public Bridleway to be created (F-G-I-J-K-L-M)		Public Footpath to be stopped up (A-B-C)	
Unaffected Restricted Byway		Public Footpath to be created (K-C & G-H)		Public Footpath to be upgraded to a Public Bridleway (D-E-F)		Parish boundary	





THIS MAP FORMS PART OF THE SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL (PUBLIC FOOTPATH NO. 12, SAWSTON) PUBLIC PATH STOPPING UP ORDER 2022

- Unaffected Public Footpath
- Unaffected Restricted Byway
- Proposed Permissive Bridleway
- Public Footpath to be created (K-C & G-H)
- Public Bridleway to be created (F-G-I-J-K-L-M)
- Public Footpath to be upgraded to a Public Bridleway (D-E-F)
- Public Footpath to be stopped up (A-B-C)
- Parish boundary

# Appendix D

Our Ref: 21/03955/FUL  
Portal Ref: PP-10027772

25 August 2022



Holly Martin  
Barton Willmore  
9th Floor  
Bank House  
8 Cherry Street  
Birmingham  
B2 5AL

South Cambridgeshire Hall  
Cambourne Business Park  
Cambourne  
Cambridge  
CB23 6EA

[www.scambs.gov.uk](http://www.scambs.gov.uk) | [www.cambridge.gov.uk](http://www.cambridge.gov.uk)

Dear Sir/Madam

## **SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL** **Application for Planning Permission**

Proposal: Erection of 280 dwellings, including 72 affordable dwellings, two new vehicular accesses from Babraham Road, pedestrian and cycle access, publicly accessible open space, a Local Area of Play (LAP) and a Local Equipped Area of Play (LEAP), landscaping and earthworks and surface water drainage, associated amenity space and attenuation features and internal infrastructure.

Site address: Land South Of Babraham Road Sawston Cambridge South Cambridgeshire

Your client: Redlow Homes Limited

Further in the above matter, please find enclosed our formal decision notice relating to your client's application for planning permission. Please be sure to remind your client that the scheme should be carried out in line with the approved plans. This will avoid the need for any enforcement action.

### **Making changes to the approved plans**

In the event that you wish to change your proposal, please contact your case officer who will advise you on whether the change can be dealt with as a "non-material" or "material" amendment. In either case you will have to complete a form and provide fresh drawings.

### **Important information regarding conditions**

If you have been granted Planning Permission / Listed Building Consent / Advertisement Consent you may wish to get started immediately, however it is always important to carefully read the decision notice in full before any work begins.

The majority of planning decisions have conditions attached. Some conditions request further information that requires approval by the Local Planning Authority before any

development takes place ('pre-commencement'). All conditions are set out on the decision notice.

Under Section 7 of the Planning (Listed Buildings and Conservation Areas) Act 1990, it is a criminal offence to carry out unauthorised works to a listed building. Under Section 9 of the Act, a person shall be guilty of an offence should they fail to comply with any condition attached to the consent.

### **How do I discharge the conditions**

Please note that the process takes up to eight weeks from the date the Local Planning Authority receives a valid application. Therefore it is important to plan ahead and allow plenty of time before work is due to commence.

You need to fill in a form to submit your request to discharge conditions, and accompany the relevant details/samples. You can download the necessary form by using the following link: <https://www.greatercambridgeplanning.org>

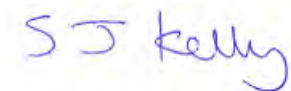
Alternatively you can submit an application to discharge the conditions through the Government's Planning Portal website: <https://www.planningportal.co.uk/applications>. Please note, The Planning Portal refers to it as 'Approval of details reserved by a condition'.

When the required information has been submitted you will receive a reference and an acknowledgement letter. Once the Local Planning Authority is satisfied that the requirement of the condition have been met you will receive a formal notification that the conditions have been discharged.

### **Appeals against conditions**

You should also be aware that the applicant has the right to appeal against any conditions attached to this Notice, please see <https://www.gov.uk/planning-inspectorate> for details. If you are concerned about any condition you should contact the case officer in the first instance for advice.

Yours faithfully



SJ Kelly  
Joint Director For Planning & Economic Development For  
Cambridge & South Cambridgeshire



**Notice of Planning Permission**  
Subject to conditions

Reference 21/03955/FUL  
Date of Decision 25 August 2022

Holly Martin  
Barton Willmore  
9th Floor  
Bank House  
8 Cherry Street  
Birmingham  
B2 5AL

The Council hereby GRANTS Planning Permission for:

Erection of 280 dwellings, including 72 affordable dwellings, two new vehicular accesses from Babraham Road, pedestrian and cycle access, publicly accessible open space, a Local Area of Play (LAP) and a Local Equipped Area of Play (LEAP), landscaping and earthworks and surface water drainage, associated amenity space and attenuation features and internal infrastructure.

at

Land South Of Babraham Road Sawston Cambridge South Cambridgeshire

In accordance with your application received on 31 August 2021 and the plans, drawings and documents which form part of the application.

**Conditions**

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: In accordance with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

- 2 The development hereby permitted shall be carried out in accordance with the approved plans as listed on this decision notice.

Reason: In the interests of good planning, for the avoidance of doubt and to facilitate any future application to the Local Planning Authority under Section 73 of the Town and Country Planning Act 1990.

- 3 No development shall commence until a site wide Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority.

The CEMP shall include the consideration of the following aspects of construction:

- a) Construction and phasing programme.
- b) Contractors' access arrangements for vehicles, plant and personnel including the location of construction traffic routes to, from and within the site, details of their signing, monitoring and enforcement measures.
- c) Construction / Demolition hours which shall be carried out between 0800 hours to 1800 hours Monday to Friday, and 0800 hours to 1300 hours on Saturday and at no time on Sundays, Bank or Public Holidays, unless in accordance with agreed emergency procedures for deviation.
- d) Delivery times and collections / dispatches for construction / demolition purposes shall be carried out between 0800 to 1800 hours Monday to Friday, 0800 to 1300 hours on Saturdays and at no time on Sundays, Bank of Public Holidays, unless otherwise agreed in writing by the Local Planning Authority.
- e) Soil Management Strategy having particular regard to potential contaminated land and the reuse and recycling of soil on site, the importation and storage of soil and materials including audit trails.
- f) Noise impact assessment methodology, mitigation measures, noise monitoring and recording statements in accordance with the provisions of BS 5228-1:2009+A1:2014 Code of Practice for noise and vibration control on construction and open sites.
- g) Vibration impact assessment methodology, mitigation measures, monitoring and recording statements in accordance with the provisions of BS 5228-2:2009+A1:2014 Code of Practice for noise and vibration control on construction and open sites. Details of any piling construction methods / options, as appropriate.
- h) Dust mitigation, management / monitoring and wheel washing measures in accordance with the provisions of Control of dust and emissions during construction and demolition - Greater Cambridge supplementary planning guidance 2020.
- i) Use of concrete crushers.
- j) Prohibition of the burning of waste on site during demolition / construction.
- k) Site artificial lighting including hours of operation, position and impact on neighbouring properties.
- l) Drainage control measures including the use of settling tanks, oil interceptors and bunds.
- m) Screening and hoarding details.
- n) Access and protection arrangements around the site for pedestrians, cyclists and other road uses.
- o) Procedures for interference with public highways, including permanent and temporary realignment, diversions and road closures.
- p) External safety and information signing and notices.
- q) Implementation of a Stakeholder Engagement / Residents Communication Plan, Complaints procedures, including complaints response procedures
- r) Membership of the Considerate Contractors Scheme.

Development shall be carried out in accordance with the approved CEMP.

Reason: To protect the amenity of the adjoining properties in accordance with Policy CC/6 of the South Cambridgeshire Local Plan 2018.

- 4 No development shall take place (including ground works, vegetation clearance) until a Construction Ecological Management Plan (CEcMP) has been submitted to and approved in writing by the local planning authority. The CEcMP shall include the following:
  - a) Risk assessment of potentially damaging construction activities.
  - b) Identification of "biodiversity protection zones".

- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- d) The location and timings of sensitive works to avoid harm to biodiversity features.
- e) The times during which construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs if applicable.

The approved CEcMP shall be ahead to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that before any development commences appropriate construction ecological management plan has been agreed to fully conserve and enhance ecological interests in accordance with Policies HQ/1 and NH/4 of the South Cambridgeshire Local Plan 2018.

- 5 No development shall commence until a "lighting design strategy for biodiversity" features or areas to be lit shall be submitted to and approved in writing by the local planning authority. The strategy shall:
- a) Identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
  - b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specification) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the Local Planning Authority.

Reason: To conserve and protect ecological interests in accordance with Policies HQ/1 and NH/4 of the South Cambridgeshire Local Plan 2018.

- 6 Prior to commencement, a Farmland Bird Mitigation Strategy shall be submitted to and approved by the Local Planning Authority to compensate the loss or displacement of any Farmland Bird territories identified as lost or displaced. This shall include provision of offsite compensation measures to be secured by legal agreement or a condition of any consent, in nearby agricultural land, prior to commencement.

The content of the Farmland Bird Mitigation Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed compensation measure e.g. Skylark nest plots;
- b) detailed methodology for the compensation measures e.g. Skylark plots must follow AgriEnvironment Scheme option: 'AB4 Skylark Plots';
- c) locations of the compensation measures by appropriate maps and/or plans;

d) persons responsible for implementing the compensation measure.

The Farmland Bird Mitigation Strategy shall be implemented in accordance with the approved details and all features shall be retained for a minimum period of 10 years.

Reason: To conserve, protect and enhance ecological interests in accordance with Policies HQ/1 and NH/4 of the South Cambridgeshire Local Plan 2018.

- 7 Prior to commencement of the development and in accordance with BS5837 2012, a phased tree protection methodology in the form of an Arboricultural Method Statement (AMS) and Tree Protection Plan (TPP) shall be submitted to the Local Planning Authority for its written approval, before any tree works are carried and before equipment, machinery or materials are brought onto the site for the purpose of development (including demolition). In a logical sequence the AMS and TPP will consider all phases of construction in relation to the potential impact on trees and detail tree works, the specification and position of protection barriers and ground protection and all measures to be taken for the protection of any trees from damage during the course of any activity related to the development, including supervision, demolition, foundation design, storage of materials, ground works, installation of services, erection of scaffolding and landscaping.

The approved tree protection methodology will be implemented throughout the development and the agreed means of protection shall be retained on site until all equipment, and surplus materials have been removed from the site. Nothing shall be stored or placed in any area protected in accordance with approved tree protection plans, and the ground levels within those areas shall not be altered nor shall any excavation be made without the prior written approval of the Local Planning Authority.

Reason: To satisfy the Local Planning Authority that trees to be retained will not be damaged during any construction activity, including demolition, in order to preserve arboricultural amenity in accordance with Policy NH/4 of the South Cambridgeshire Local Plan 2018 and section 197 of the Town and Country Planning Act 1990.

- 8 No laying of services, creation of hard surfaces or erection of a building shall commence until a detailed design of the surface water drainage of the site has been submitted to and approved in writing by the Local Planning Authority. Those elements of the surface water drainage system not adopted by a statutory undertaker shall thereafter be maintained and managed in accordance with the approved management and maintenance plan to be submitted to and approved in writing by the Local Planning Authority alongside the detailed drainage scheme required by this condition.

The scheme shall be based upon the principles within the agreed Flood Risk Assessment and Drainage Strategy prepared by Rolton Group (ref: 200510-RGL-ZZ-XX-RP-D-0001 S2-P02) dated August 2021 and shall also include:

- a) Full calculations detailing the existing surface water runoff rates for the QBAR, 3.3% Annual Exceedance Probability (AEP) (1 in 30) and 1% AEP (1 in 100) storm events;
- b) Full results of the proposed drainage system modelling in the above-referenced storm events (as well as 1% AEP plus climate change), inclusive of all collection, conveyance, storage, flow control and disposal elements and including an allowance for urban creep, together with an assessment of system performance;
- c) Detailed drawings of the entire proposed surface water drainage system, attenuation and flow control measures, including levels, gradients, dimensions and

- pipe reference numbers, designed to accord with the CIRIA C753 SuDS Manual (or any equivalent guidance that may supersede or replace it);
- d) Full detail on SuDS proposals (including location, type, size, depths, side slopes and cross sections);
- e) Site Investigation and test results to confirm infiltration rates;
- f) Temporary storage facilities if the development is to be phased;
- g) A timetable for implementation if the development is to be phased;
- h) Details of overland flood flow routes in the event of system exceedance, with demonstration that such flows can be appropriately managed on site without increasing flood risk to occupants;
- i) Demonstration that the surface water drainage of the site is in accordance with DEFRA non-statutory technical standards for sustainable drainage systems;
- j) Full details of the maintenance/adoption of the surface water drainage system;
- k) Measures taken to prevent pollution of the receiving groundwater and/or surface water.

The drainage scheme must adhere to the hierarchy of drainage options as outlined in the NPPF PPG

Reason: To ensure a satisfactory method of surface water drainage and to prevent the increased risk of flooding in accordance with Policies CC/7 and CC/9 of the South Cambridgeshire Local Plan 2018.

- 9 No development, including preparatory works, shall commence until details of measures indicating how additional surface water run-off from the site will be avoided during the construction phase have been submitted to and approved in writing by the Local Planning Authority. The applicant may be required to provide collection, balancing and/or settlement systems for these flows. Unless otherwise detailed and approved in the submitted scheme, the approved measures and systems shall be brought into operation before any works to create buildings or hard surfaces commence.

Reason: To ensure surface water is managed appropriately during the construction phase of the development, so as not to increase the flood risk to adjacent land/properties or occupied properties within the development itself; recognising that initial works to prepare the site could bring about unacceptable impacts in accordance with Policies CC/7 and CC/9 of the South Cambridgeshire Local Plan 2018.

- 10 No development shall commence on site until a traffic management plan has been submitted to and agreed in writing by the Local Planning Authority. The principle areas of concern that should be addressed are:
- a) Movement and control of muck away vehicles (all loading and unloading should be undertaken where possible off the adopted public highway)
  - b) Contractor parking, with all such parking to be within the curtilage of the site where possible
  - c) Movements and control of all deliveries (all loading and unloading should be undertaken off the adopted public highway where possible.)
  - d) Control of dust, mud and debris, and the means to prevent mud or debris being deposited onto the adopted public highway.

The development shall be carried out in accordance with the approved details.

Reason: To ensure that before development commences, highway safety will be maintained during the course of development.



- 11 No development shall commence on site until a condition survey of the adopted public highway for a distance of at least 50 metres either side of the extent of the site (where it abuts the adopted public highway) has been submitted to and agreed in writing by the Local Planning Authority. The inspection of the adopted public highway shall be carried out in conjunction with an officer of the Highway Authority. The developer will be responsible for the repair, in a timely manner, of any damage to the adopted public highway that may be caused as a result of their operations.

Reason: For the safe and efficient operation of the highway.

- 12 Prior to the commencement of development, a Public Rights of Way scheme shall be submitted to and approved by the Local Planning Authority. Such scheme shall include provision for:
- a) the design of non-motorised user (NMU) access onto Babraham Road and public rights of way routes and their surfacing, widths, gradients, landscaping and structures.
  - b) any proposals for diversion and closure of public rights of way and alternative route provision.

Works shall be carried out in accordance with the approved details.

Reason: In the interests of the amenity and safety of the public in accordance with Policy TI/2 of the South Cambridgeshire Local Plan.

- 13 Notwithstanding the approved plans, no development of Plots 102, 103 and 112 shall commence until details of the proposed garages serving those plots have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details.

Reason: To protect the amenity of neighbouring properties on Plantation Road in accordance with Policy HQ/1 of the South Cambridgeshire Local Plan 2018 as the scale and siting of the double garages proposed on these plots would give rise to harm to the amenities of adjacent neighbouring properties.

- 14 No development above slab level shall take place until A Landscape and Ecological Management Plan (LEMP) has been submitted to, and approved in writing by, the local planning authority. The content of the LEMP shall include the following:
- a) Description and evaluation of features to be managed.
  - b) Ecological trends and constraints on site that might influence management.
  - c) Aims and objectives of management, including how a biodiversity net gain will be achieved.
  - d) Appropriate management options for achieving aims and objectives.
  - e) Prescriptions for management actions.
  - f) Prescription of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
  - g) Details of the body or organisation responsible for implementation of the plan.
  - h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

The approved plan will be implemented in accordance with the approved details.

Reason: To ensure that before any development commences an appropriate landscape and ecological management plan has been agreed in accordance with Policies HQ/1 and NH/4 of the South Cambridgeshire Local Plan 2018.

- 15 No development above ground level shall commence until a scheme for the provision and implementation of foul water drainage has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details prior to the occupation of any part of the development or in accordance with an implementation programme agreed in writing with the Local Planning Authority.

Reason: To reduce the risk of pollution to the water environment and to ensure a satisfactory method of foul water drainage in accordance with Policies CC/7 and CC/8 of the South Cambridgeshire Local Plan 2018.

- 16 No development above ground level shall commence until details of all the materials for the external surfaces of buildings to be used in the construction of the development have been submitted to and approved in writing by the local planning authority. The details shall include:
- a) Details of all the materials to be used in the development, including ground surface finishes details.
  - b) Details of the material choices and architectural details of the individual house types along with street views for stretches of houses along the spine road, the site edges and other areas within the site showing how varied materials are applied across the site.
  - c) Details of all windows and doors, surrounds, heads, cills, at a scale of not less than 1:20.
  - d) Details of eaves, verges, soffits and fascia at scale of not less than 1:20.

Development shall be carried out in accordance with the approved details.

Reason: To ensure the external appearance of the development does not detract from the character and appearance of the area in accordance with Policy HQ/1 of the South Cambridgeshire Local Plan 2018 and Chapter 7 of the Sawston Village Design Guide Supplementary Planning Document 2020.

- 17 No development above ground level shall commence until details of a hard and soft landscaping scheme have been submitted to and approved in writing by the Local Planning Authority. These details shall include:
- a) proposed finished levels or contours; car parking layouts, other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (e.g. Street furniture, artwork, play equipment, refuse or other storage units, signs, lighting, CCTV installations and water features); proposed (these need to be coordinated with the landscape plans prior to be being installed) and existing functional services above and below ground (e.g. drainage, power, communications cables, pipelines indicating lines, manholes, supports); retained historic landscape features and proposals for restoration, where relevant;
  - b) planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate and an implementation programme; If within a period of five years from the date of the planting, or replacement planting, any tree or plant is removed, uprooted or

destroyed or dies, another tree or plant of the same species and size as that originally planted shall be planted at the same place as soon as is reasonably practicable, unless the Local Planning Authority gives its written consent to any variation.

c) boundary treatments indicating the type, positions, design, and materials of boundary treatments to be erected.

d) a landscape maintenance and management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas.

Reason: To ensure the development is satisfactorily assimilated into the area and enhances biodiversity in accordance with Policies HQ/1 and NH/4 of the South Cambridgeshire Local Plan 2018.

18 No development above ground level shall commence until a strategy for the delivery of the proposed sustainable show home(s) has been submitted to and approved in writing by the Local Planning Authority. This strategy shall include the following:

a) a plan showing the location of the sustainable show home(s)

b) an indicative timetable for delivery of the sustainable show home(s)

c) sustainability targets to be achieved in the construction/design of the show home(s)

d) sustainable alternatives available for purchase by prospective house buyers (to include measures such as energy efficiency, renewable technologies, water conservation, waste and recycling and overheating)

e) a marketing scheme to demonstrate how the sustainable alternatives in (d) above can be purchased by prospective house buyers The strategy for the show home(s) shall be implemented in full accordance with the approved details.

Reason: In the interests of reducing carbon dioxide emissions and promoting principles of sustainable construction and efficient use of buildings in accordance with Policy CC/5 of the South Cambridgeshire Local Plan 2018 and the Greater Cambridge Sustainable Design and Construction SPD 2020.

19 No development above ground level shall commence until details of the proposed arrangements for future management and maintenance of the proposed streets within the development (including scope for interim parking controls ahead of formal adoption of the streets) have been submitted to and approved in writing by the Local Planning Authority. The streets shall thereafter be maintained in accordance with the approved details until such time as an Agreement has been entered into under Section 38 of the Highways Act 1980 or a Private Management and Maintenance Company has been established.

Reason: In the interests of highway safety and to achieve a permeable development with ease of movement and access for all users and abilities in accordance with Policy HQ/1 of the South Cambridgeshire Local Plan 2018.

20 No development above ground level shall commence until a scheme for the provision and location of fire hydrants to serve the development to a standard recommended by the Cambridgeshire Fire and Rescue Service has been submitted to and approved in writing by the Local Planning Authority.

The development shall not be occupied until the approved scheme has been implemented.

Reason: To ensure an adequate water supply is available for emergency use.

- 21 No development above slab level shall take place until a scheme to secure the widening of the footway to 3m (where possible) on Babraham Road from Wakelin Avenue to Cambridge Road, has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall also include a timetable for its implementation. The development shall be carried out in accordance with the agreed details.

Reason: To improve existing cycle and walking routes to the village centre in accordance with policy HQ/1(f) and TI/2(c) of the adopted South Cambridgeshire Local Plan 2018.

- 22 No occupation of any dwelling, hereby permitted, shall commence until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall specify: the methods to be used to discourage the use of the private motor vehicle and the arrangements to encourage use of alternative sustainable travel arrangements such as public transport, car sharing, cycling and walking how the provisions of the Plan will be monitored for compliance and confirmed with the local planning authority The Travel Plan shall be implemented and monitored as approved upon the occupation of the development.

Reason: In the interests of encouraging sustainable travel to and from the site in accordance with Policy TI/2 of the South Cambridgeshire Local Plan 2018.

- 23 The development, hereby permitted, shall not be occupied until details of facilities for the covered, secure parking of cycles for use in connection with the development have been submitted to and approved in writing by the Local Planning Authority. The details shall include the means of enclosure, materials, type and layout. The facilities shall be provided in accordance with the approved details and shall be retained as such.

Reason: To ensure appropriate provision for the secure storage of bicycles in accordance with Policy TI/3 of the South Cambridgeshire Local Plan 2018.

- 24 No dwelling(s) shall be occupied until a water efficiency specification for each dwelling type, based on the Water Efficiency Calculator Methodology or the Fitting Approach set out in Part G of the Building Regulations 2010 (2015 edition) has been submitted to and approved in writing by the Local Planning Authority. This shall demonstrate that all dwellings are able to achieve a design standard of water use of no more than 110 litres/person/day and the development shall be carried out in accordance with the agreed details.

Reason: To ensure that the development makes efficient use of water and promotes the principles of sustainable construction in accordance with Policy CC/4 of the South Cambridgeshire Local Plan 2018 and the Greater Cambridge Sustainable Design and Construction SPD 2020.

- 25 Prior to the first occupation of any dwelling, infrastructure to enable the delivery of broadband services, to industry standards, shall be provided for that dwelling.

Reason: To contribute towards the provision of infrastructure suitable to enable the delivery of high speed broadband across the district, in accordance with policy TI/10 of the South Cambridgeshire Local Plan 2018.

- 26 The dwellings referenced in this condition, hereby permitted, shall not be occupied until the proposed first floor windows in the north side elevations of Plots 42 and 188, the east side elevations of Plots 72 (window above ground floor level), 100, 110, 170, 171, 183 and 254 and west side elevations of Plots 73, 74-75, 86, 178 and 194, have been fitted with obscured glazing (meeting as a minimum Pilkington Standard level 3 or equivalent in obscurity) and shall be fixed shut or have restrictors to ensure that the windows cannot be opened more than 45 degrees beyond the plane of the adjacent wall. The glazing shall thereafter be retained in accordance with the approved details.

Reason: To prevent overlooking of the adjoining properties in accordance with Policy HQ/1 of the South Cambridgeshire Local Plan 2018.

- 27 All ecological measures and/or works shall be carried out in accordance with the details contained in the Ecological Appraisal (FPCR Environmental and Design Ltd., August 2021), the Bat Survey Report (FPCR Environmental and Design Ltd., August 2021), the Bird Report (FPCR Environmental and Design Ltd., August 2021), as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

Reason: To conserve and enhance ecological interests in accordance with Policies HQ/1 and NH/4 of the South Cambridgeshire Local Plan 2018.

- 28 The approved renewable/low carbon energy technologies (as set out in the Energy & Sustainability Statement - August 2021) shall be fully installed and operational prior to the occupation of the development and thereafter maintained in accordance with a maintenance programme, details of which shall have previously been submitted to and approved in writing by the Local Planning Authority.

Where grid capacity issues subsequently arise, written evidence from the District Network Operator confirming the detail of grid capacity and a revised Energy Statement to take account of this shall be submitted to and approved in writing by the Local Planning Authority. The revised Energy Statement shall be implemented development and thereafter maintained in accordance with the approved details.

Reason: In the interests of reducing carbon dioxide emissions and to ensure an energy efficient and sustainable development in accordance with Policy CC/3 of the South Cambridgeshire Local Plan 2018 and the Greater Cambridge Sustainable Design and Construction SPD 2020.

- 29 Prior to the first occupation of the development the junction of the access with the highway carriageway shall be laid out with 8 metre radius kerbs and shall be reduced further to 6 metres if the speed limit is permanently lowered to 30mph.

Reason: In the interests of highway safety.

- 30 No gas fired combustion appliances shall be installed until details demonstrating the use of low Nitrogen Oxide (NO<sub>x</sub>) combustion boilers, (i.e., individual gas fired boilers that meet a dry NO<sub>x</sub> emission rating of ≤40mg/kWh), have been submitted to and approved in writing by the local planning authority. The details shall include a manufacturer's Nitrogen Oxides (NO<sub>x</sub>) emission test certificate or other evidence to demonstrate that every boiler installed meets the emissions standard above. The approved scheme shall be fully installed before the development is occupied or the use is commenced and retained as such.

Reason: To protect local air quality and human health by ensuring that the production of air pollutants such as nitrogen dioxide and particulate matter are kept to a minimum during the lifetime of the development in accordance with policy SC/12 of the South Cambridgeshire Local Plan 2018.

- 31 One electric charging point for every dwelling with on-plot parking, as set out in paragraph 3.4.5 of the submitted Transport Assessment (Eddisons, July 2021), shall be fully installed and operational for occupiers of the relevant plot prior to its first occupation.

Reason: In the interests of reducing impacts of developments on local air quality and encouraging sustainable forms of transport in accordance with Policies SC/12 and TI/2 of the South Cambridgeshire Local Plan 2018 and the Greater Cambridge Sustainable Design and Construction SPD 2020.

- 32 All hard and soft landscape works shall be carried out and maintained in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with a programme agreed in writing with the Local Planning Authority. If within a period of five years from the date of the planting, or replacement planting, any tree or plant is removed, uprooted or destroyed or dies, another tree or plant of the same species and size as that originally planted shall be planted at the same place as soon as is reasonably practicable, unless the Local Planning Authority gives its written consent to any variation.

Reason: To ensure the development is satisfactorily assimilated into the area and enhances biodiversity in accordance with Policies HQ/1 and NH/4 of the South Cambridgeshire Local Plan 2018.

- 33 Demolition or construction vehicles with a gross weight in excess of 3.5 tonnes shall service the site only between 0930 hours and 1600 hours, Monday to Friday.

Reason: In the interests of highway safety

- 34 If during the development contamination not previously identified is found to be present at the site, such as putrescible waste, visual or physical evidence of contamination of fuels/oils, backfill or asbestos containing materials, then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, a remediation strategy detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved to the satisfaction of the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy SC/11 of the adopted South Cambridgeshire Local Plan 2018.

- 35 Notwithstanding the provisions of Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that order with or without modification), the provision within the curtilage of the dwelling house(s) of any building or enclosure, swimming or other pool for Plots 72, 74, 75, 76, 77, 86 and 87 shall not be allowed without the granting of specific planning permission.

Reason: To protect the amenities of adjoining occupiers in accordance with Policy HQ/1 of the South Cambridgeshire Local Plan 2018.

#### Informatives

- 1 This permission is subject to an Agreement under Section 106 of the Town and Country Planning Act 1990 (as amended) dated 25th August 2022.
- 2 The granting of a planning permission does not constitute a permission or licence to a developer to carry out any works within, or disturbance of, or interference with, the Public Highway, and that a separate permission must be sought from the Highway Authority for such works.
- 3 Public Rights of Way must remain open and unobstructed at all times. Building materials must not be stored on Public Rights of Way and contractors' vehicles must not be parked on it (it is an offence under s 137 of the Highways Act 1980 to obstruct a public Highway).

Landowners are reminded that it is their responsibility to maintain boundaries, including trees, hedges and fences adjacent to Public Rights of way, and that any transfer of land should account for any such boundaries (s154 Highways Act 1980).

The granting of planning permission does not entitle a developer to obstruct a Public Right of Way (Circular 1/09 para 7.1).

- 4 The granting of permission and or any permitted development rights for any Air Source Heat Pump (ASHP) does not indemnify any action that may be required under the Environmental Protection Act 1990 for statutory noise nuisance. Should substantiated noise complaints be received in the future regarding the operation and running of an air source heat pump and it is considered a statutory noise nuisance at neighbouring premises a noise abatement notice will be served. It is likely that noise insulation/attenuation measures such as an acoustic enclosure and/or barrier would need to be installed to the unit in order to reduce noise emissions to an acceptable level. To avoid noise complaints it is recommended that operating sound from the ASHP does not increase the existing background noise levels by more than 3dB (BS 4142 Rating Level - to effectively match the existing background noise level) at the boundary of the development site and should be free from tonal or other noticeable acoustic features.

In addition equipment such as air source heat pumps utilising fans and compressors are liable to emit more noise as the units suffer from natural aging, wear and tear. It is therefore important that the equipment is maintained/serviced satisfactory and any defects remedied to ensure that the noise levels do not increase over time.

5 The applicant should take all relevant precautions to minimise the potential for disturbance to neighbouring residents in terms of noise and dust during the construction phases of development. This should include the use of water suppression for any stone or brick cutting and advising neighbours in advance of any particularly noisy works.

6 The granting of this planning permission does not indemnify against statutory nuisance action being taken should substantiated noise or dust complaints be received. For further information please contact the Environment Planning Team.

7 Statement of Reasons for Approval:

Town and Country Planning (Environmental Impact Assessment) Regulations 2017, Regulation 29, Information to Accompany Decisions.

Grant of planning permission and reasoned conclusion as to the significant effects of the development on the environment.

In reaching its decision to grant planning permission, the reasoned conclusion of the Local Planning Authority is set in Section 21 (Planning Balance) of the report to the South Cambridgeshire District Council (SCDC) Planning Committee dated 13 April 2022.

The Local Planning Authority has considered the predicted environmental impacts of the scheme as set out in the Environmental Impact Assessment accompanying the application. These impacts have been assessed in the SCDC committee report.

The planning permission seeks to mitigate the environmental impacts of the proposal through the imposition of planning conditions which relate to, amongst other things, ecological management and enhancement, drainage, flood risk and pollution control of the water environment.

Mindful of all environmental impacts arising from the development as set out in the associated Environmental Impact Assessment (as amended) submitted as part of the application pursuant to the Town and Country Planning (EIA) Regulations 2017, it is the view of the Local Planning Authority that the proposed development would comply with local plan policies, being a housing allocation, and guidance in the NPPF.

Having taken into consideration the provisions of the local plan, the NPPF and other guidance, the views of statutory consultees and wider stakeholders, as well as all other material planning considerations, the proposed development is approved.

Plans and drawings

This decision notice relates to the following drawings:

<b>Reference/Document/Drawing Title</b>	<b>Date Received</b>
9860-P-01 Rev C	01.02.2022
3238-F01 Rev J	01.02.2022
9860-HT-01 Rev C	28.02.2022
9860-HT-02 Rev C	28.02.2022
9860-HT-03 Rev C	28.02.2022



9860-HT-04 Rev C	28.02.2022
9860-HT-05 Rev D	28.02.2022
9860-HT-06 Rev C	28.02.2022
9860-HT-10 Rev C	28.02.2022
9860-HT-07 Rev B	28.02.2022
9860-HT-08 Rev C	28.02.2022
9860-HT-09 Rev B	28.02.2022
9860-HT-11 Rev B	28.02.2022
9860-HT-12 Rev B	28.02.2022
9860-HT-13 Rev C	28.02.2022
9860-HT-14 Rev B	28.02.2022
9860-HT-15 Rev D	28.02.2022
9860-HT-16 Rev C	28.02.2022
9860-HT-17 Rev C	28.02.2022
9860-HT-19 Rev B	28.02.2022
9860-HT-20 Rev D	28.02.2022
9860-HT-21 Rev C	28.02.2022
9860-HT-22 Rev C	28.02.2022
9860-HT-23 Rev C	28.02.2022
9860-HT-24 Rev B	28.02.2022
9860-HT-25 Rev A	28.02.2022
9860-HT-26 Rev C	28.02.2022
9860-HT-27 Rev B	28.02.2022
9860-HT-28 Rev E	28.02.2022
9860-HT-29 Rev C	28.02.2022
9860-HT-30 Rev C	28.02.2022
9860-HT-31 Rev C	28.02.2022
9860-HT-32 Rev B	28.02.2022
9860-HT-33 Rev B	28.02.2022
9860-HT-34 Rev D	28.02.2022
9860-HT-35 Rev C	28.02.2022
9860-HT-36 Rev B	28.02.2022
9860-HT-37 Rev D	28.02.2022
9860-HT-38 Rev C	28.02.2022
9860-HT-39 Rev C	28.02.2022
9860-HT-40 Rev B	28.02.2022
9860-HT-41 Rev D	28.02.2022
9860-HT-42 Rev D	28.02.2022
9860-HT-43 Rev C	28.02.2022
9860-HT-44 Rev C	28.02.2022
9860-HT-45 Rev C	28.02.2022
9860-HT-46 Rev C	28.02.2022
9860-HT-47 Rev D	28.02.2022
9860-HT-49 Rev B	28.02.2022
9860-HT-50 Rev B	28.02.2022
9860-HT-51 Rev B	28.02.2022
9860-HT-52 Rev B	28.02.2022
9860-HT-53 Rev A	28.02.2022
9860-HT-54 Rev A	28.02.2022
9860-HT-55 Rev A	28.02.2022
9860-HT-56 Rev A	28.02.2022
9860-HT-57 Rev A	28.02.2022
9860-HT-58 Rev A	28.02.2022
9860-HT-59 Rev A	28.02.2022

9860-HT-60 Rev A	28.02.2022
9860-HT-61	28.02.2022
9860-HT-62	28.02.2022
9860-HT-63	28.02.2022
9860-HT-64	28.02.2022
9860-HT-65 Rev A	28.02.2022
9860-HT-66	28.02.2022
9860-HT-67 REV A	28.02.2022
9860-HT-68 REV A	28.02.2022
9860-HT-69	28.02.2022
9860-HT-70	28.02.2022
9860-L-12	28.02.2022
9860-HT-71	28.02.2022
9860-HT-72	28.02.2022
9860-P-02 Rev H	28.02.2022
9860-P-03 Rev E	28.02.2022
9860-P-04 Rev N	28.02.2022
9860-P-05 Rev E	28.02.2022
9860-SK-15 Rev H	28.02.2022
9860-L12	02.09.2021
9860-L13	02.09.2021

It is important the development is carried out fully in accordance with these plans. If you are an agent, please ensure that your client has a copy of them and that they are also passed to the contractor carrying out the development. A copy of the approved plan(s) is/are kept on the planning application file.

#### Authorisation

Authorised by:



SJ Kelly  
 Joint Director For Planning & Economic Development For  
 Cambridge & South Cambridgeshire

South Cambridgeshire Hall  
 Cambourne Business Park  
 Cambourne  
 Cambridge  
 CB23 6EA

Date the decision was made: 25 August 2022

## **Working with the applicant**

The LPA positively encourages pre-application discussions. Details of this advice service can be found at <https://www.greatercambridgeplanning.org>. If a proposed development requires revisions to make it acceptable the LPA will provide an opinion as to how this might be achieved. The LPA will work with the applicant to advise on what information is necessary for the submission of an application and what additional information might help to minimise the need for planning conditions. When an application is acceptable, but requires further details, conditions will be used to make a development acceptable. Joint Listed Building and Planning decisions will be issued together. Where applications are refused clear reasons for refusal will identify why a development is unacceptable and will help the applicant to determine whether and how the proposal might be revised to make it acceptable.

In relation to this application, it was considered and the process managed in accordance with paragraph 38 of the National Planning Policy Framework.

## **General Notes**

This decision notice does not convey any approval or consent which may be required under any enactment, bye-law, order or regulation other than Section 57 of the Town and Country Planning Act 1990.

Your attention is specifically drawn to the requirements of the Equality Act 2010 and the Equality Act (Disability) regulations 2010, the British Standards Institution BS8300:2009 "Design of Buildings and their approaches to meet the needs of disabled people – Code of Practice" and to Approved Document 'M' "Access to and use of buildings", volumes 1 and 2 of the Building Regulations 2010 and to Approved Document 'B' "Fire Safety", volumes 1 and 2 of the Building Regulations 2010, in request of guidance on means of escape for disabled people. The development should comply with these requirements as applicable

It is an offence under Section 171 of the Highways Act 1980 to temporarily deposit building materials, rubbish or other things on the public highway or make a temporary excavation on it without the written consent of the Highway Authority. The Highway Authority may give its consent subject to such conditions as it thinks fit.

The applicant is reminded that under the Wildlife and Countryside Act 1981(Section 1) (as amended) it is an offence to take, damage or destroy the nest of any wild bird while that nest is in use or being built. Trees and scrub are likely to contain nesting birds between 1 March and 31 August. Trees within the application should be assumed to contain nesting birds between the above dates unless a survey has shown it is absolutely certain that nesting birds are not present.

## **Building Regulations**

Your planning application may also require Building Regulations consent. Please follow the link below for more information and to make your application or call us on 0300 7729622 to discuss your project.

[www.3csharedservices.org/building-control/what-are-building-regulations/](http://www.3csharedservices.org/building-control/what-are-building-regulations/)

## Appeals to the Secretary of State

The applicant has a right to appeal to the Secretary of State against any conditions of this planning permission, under Section 78 of the Town & Country Planning Act 1990. The appeal must be made on a form which may be obtained from:

The Planning Inspectorate,  
Temple Quay House, 2 The Square, Temple Quay, Bristol. BS1 6PN  
Telephone 0303 444 5000 or visit  
<https://www.gov.uk/planning-inspectorate>

If an enforcement notice is or has been served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within: **28 days** of the date of service of the enforcement notice, **OR** within **6 months** (12 weeks in the case of a householder or minor commercial appeal) of the date of this notice, whichever period expires earlier.

The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to him that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

In practice, the Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based their decision on a direction given by him.

## Purchase Notices

If the Local Planning Authority or the Secretary of State grants permission subject to conditions the owner may claim that he/she can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted. In these circumstances the owner may serve a purchase notice on the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

## Before starting work

It is important that all conditions, particularly pre-commencement conditions, are fully complied with, and where appropriate, discharged prior to the implementation of the development. Failure to discharge such conditions may invalidate the planning permission granted. The development must be carried out fully in accordance with the requirements of any details approved by condition.

## Street Naming and Numbering

In order to obtain an official postal address, any new buildings should be formally registered with South Cambridgeshire District Council. Unregistered addresses cannot be passed to Royal Mail for allocation of postcodes.

Applicants can find additional information, a scale of charges and an application form at [www.scambs.gov.uk/snn](http://www.scambs.gov.uk/snn). Alternatively, applicants can contact the Address Management Team: call 08450 450 500 or email [address.management@scambs.gov.uk](mailto:address.management@scambs.gov.uk).

Please note new addresses cannot be assigned by the Council until the footings of any new buildings are in place.

## Third Party Rights to challenge a planning decision

Currently there are no third party rights of appeal through the planning system against a decision of a Local Planning Authority. Therefore, if you have concerns about a planning application and permission is granted, you cannot appeal that decision.

Any challenge under current legislation would have to be made outside the planning system through a process called Judicial Review.

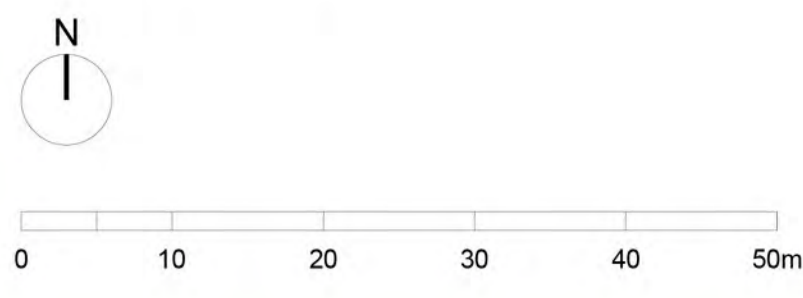
A 'claim for judicial review' includes a claim to review the lawfulness of a decision, action or failure to act in relation to the exercise of a public function, in this case, a planning decision. The court's permission to proceed is required in a claim for Judicial Review. A claim for Judicial Review is dealt with by the Administrative Court and if leave to judicially review a planning decision is granted, the Judicial Review will be decided by a judge at the High Court.

An application to Judicial Review a decision must be made within **6 weeks** of the decision about which you have a grievance being made. For further information on judicial review and the contact details for the Administrative Courts, please go to <http://www.justice.gov.uk/>

# Appendix E

Residential development currently under construction (indicative layout)

**NOTES**  
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- KEY**
- Application site
  - Plot handed
  - Affordable unit
  - Approved Document M4(2) dwelling
  - Custom build plot
  - Garden wall - 1.8m high brick
  - Close board fence - 1.8m high
  - Estate railing fence
  - Timber post and wire fence
  - Timber fence to play area - 1m high
  - Timber bollard
  - Hedgerow
  - Indicative tree
  - Cycle storage
  - BCP Bin collection point

**HOUSE TYPE SCHEDULE**

Type	Beds	Sq ft	Quantity
<b>Private</b>			
Baskwell	2	845	22
Letchworth	2	984	40
Amberley	3	1137	4
Stallford Q	3	1218	15
Oxford Q	3	1318	17
Shaftesbury	4	1410	9
Leamington	3	1417	27
Harrigale	4	1555	12
Sunningdale	4	1654	14
Hampstead	4	1855	19
Higgate	5	1932	9
Richmond	4	2030	20
<b>Private total</b>			<b>208</b>
<b>Affordable</b>			
Maisonette (GFL)	1	633	8
Maisonette (1FL)	2	705	8
1BH Avon	1	680	22
2BH Tavy L	2	863	22
3BH Dart L	3	1004	10
4BH Tweed L	4	1146	2
<b>Affordable total</b>			<b>72</b>
<b>Total</b>			<b>280</b>

Revision table:

Rev	Date	Description	Drawn	Chk
N	24.02.2022	Culture added	JMG	JJ
M	23.02.2022	Amended to client comments (plots 109 & 114)	JMG	JJ
L	21.02.2022	Amended to client comments	JMG	JJ
K	27.01.2022	Culture added	JMG	JJ
J	24.02.2022	Amended to client comments	JMG	JJ
I	12.01.2022	Amended to client comments	JMG	JJ
H	08.12.2021	Amended to client comments	JMG	JJ
G	07.12.2021	Amended to client comments	JMG	JJ
F	01.12.2021	Amended to client comments	JMG	JJ
E	24.11.2021	Amended to client comments	JMG	JJ
D	17.11.2021	Amended to client comments	JMG	JJ
C	15.11.2021	Amended to client comments	JMG	JJ
B	13.08.2021	Amended to client comments	JMG	JJ
A	04.08.2021	First Issue	JMG	JJ

**fpcr**  
fpcr Environment and Design Ltd  
Lockington Hall  
Derby DE74 2DR  
t: 01509 827772  
e: mail@fpcr.co.uk  
w: www.fpcr.co.uk

client: Redrow Homes  
project: Land south of Babraham Road, Sawston  
drawing title: PLANNING LAYOUT  
scale: 1:500 @ A0  
drawing checked: JMG / JJ  
date: 04 August 2021  
drawing number: **9860-P-04**  
revision: **N**  
CAD file: K:\9860\9860\LANDS\9860-P-04N Planning Layout.dwg

# Appendix F

## Memorandum of Agreement for the processing of Public Path Orders between Cambridgeshire County Council and South Cambridgeshire District Council.

This Memorandum outlines agreement reached between Cambridgeshire County Council [The County Council] and South Cambridgeshire District Council [The District Council] concerning the processing of Public Path Orders under the Town & Country Planning Act 1990 in Cambridgeshire.

In this Memorandum 'Public Path Orders' refers to all orders that effectively divert, create or extinguish a public right of way.

### Legislative Framework

The Highways Act 1980 and the Town and Country Planning Act 1990 enable both District and County Councils to undertake and process Public Path Orders. Orders made under the Highways Act 1980 can be made by either authority. Orders made under the Town and Country Planning Act 1990 can only be made by the appropriate planning authority. However, the planning authority may contract out the processing of such orders to suitably qualified contractors. The County Council has a statutory duty under the Wildlife and Countryside Act 1981 to modify the Definitive Map in order to show any changes to the route of a path effected by a public path order under either Act. The two authorities already have an Agreement regarding public path orders made under the Highways Act 1980 whereby the County Council undertakes to assess and make all orders requested under that Act through to confirmation if the applications meet the legal tests.

### Public Path Orders under the Town and Country Planning Act 1990

The County Council will make all orders under the Town and Country Planning Act 1990 where they are the Planning Authority. The District Council will be consulted on these orders due to their status as a statutory consultee.

The County Council will receive applications from the public for public path orders which are required under the Town and Country Planning Act 1990 on behalf of the District Council. The County Council will process the order according to the procedure set out in the Appendix. The County Council will recover its costs from the applicant direct. No charges shall be made by the County Council to the District Council or by the District Council to the County Council for any aspect of making or confirming the order.

Signed on behalf of Cambridgeshire County Council by:-

Name..... *C. H. Kemp* .....  
Job Title..... *DIRECTOR OF HIGHWAYS + ACCESS* .....  
Date..... *26<sup>th</sup> JAN 2007* .....

Signed on behalf of South Cambridgeshire District Council by:-

Name..... *DAVID LORD* .....  
Job Title..... *ASST. SOLICITOR* .....  
Date..... *20<sup>th</sup> February 2007* .....

## Memorandum of Agreement –Cambridgeshire County Council and South Cambridgeshire District Council - Public Path Orders

### Appendix – Procedure for public path orders under the Town and Country Planning Act 1990 where Cambridgeshire County Council acts as agent for South Cambridgeshire District Council

- Application made direct to Cambridgeshire County Council
- Cambridgeshire County Council formally notifies South Cambridgeshire District Council of application and timescale for processing application
- South Cambridgeshire District Council arranges slot on relevant committee agenda for consideration of report
- Cambridgeshire County Council carries out formal consultations on the proposed diversion, writes report and prepares a draft order and order map
- South Cambridgeshire District Council Planning Committee considers the report and determines whether the order should or should not be made
- South Cambridgeshire District Council seals the draft order and order map if order is to be made
- Cambridgeshire County Council processes the publication of the order
- If no objections, South Cambridgeshire District Council confirms the order and Cambridgeshire County Council processes the publication of the confirmation
- If objections, South Cambridgeshire District Council and Cambridgeshire County Council jointly agree whether or not to submit order to Planning Inspectorate (Secretary of State) for determination

#### Costs

Cambridgeshire County Council will recoup the costs of making the order direct from the applicant.

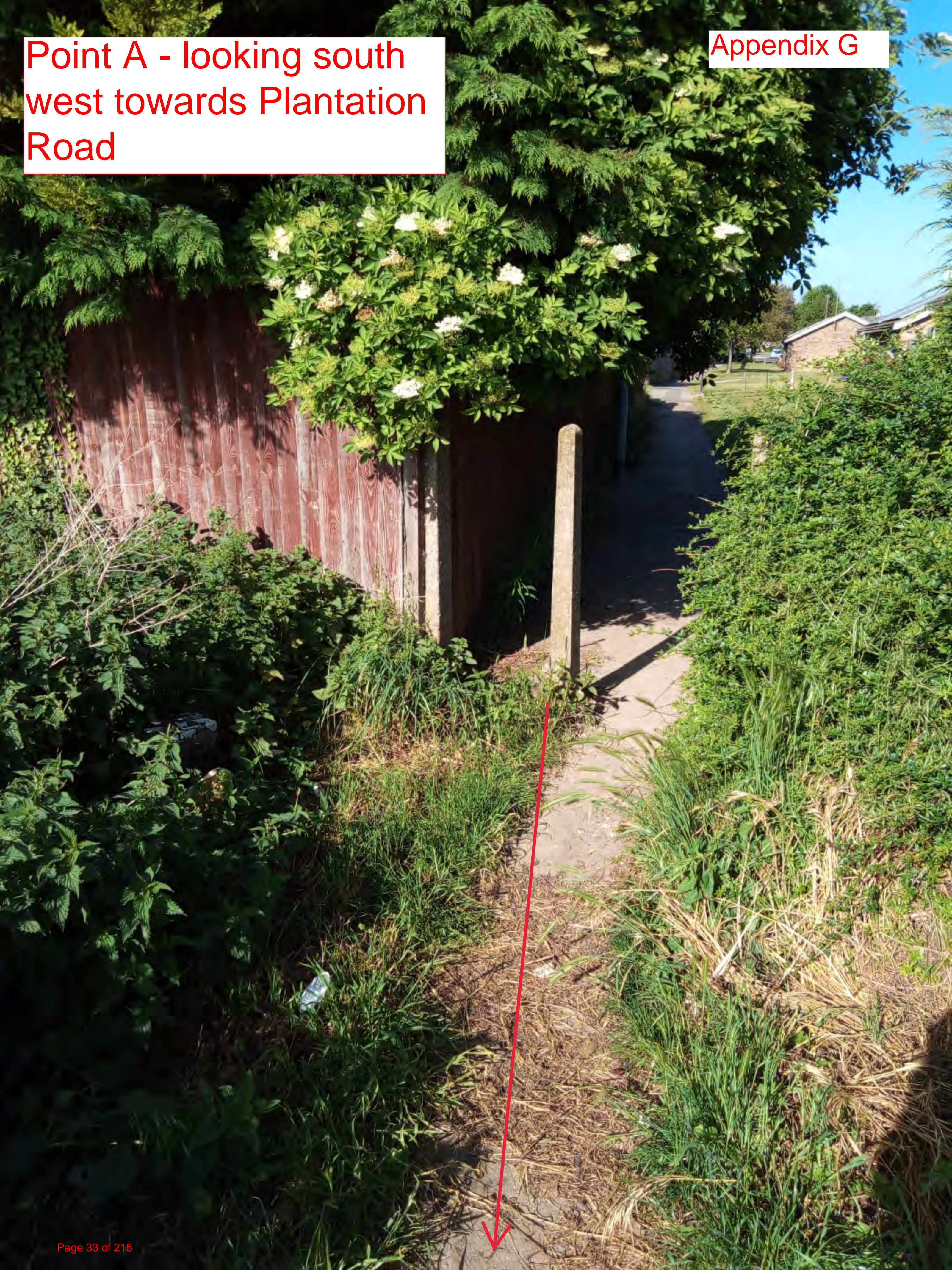
The local authority is not permitted to recharge to the applicant the costs of sending an opposed order to the Planning Inspectorate. Therefore, if South Cambridgeshire District Council wishes to submit an order to the Planning Inspectorate, it will meet the Cambridgeshire County Council's costs in doing so or submit the order itself and meet its own costs.

The risk of having to meet these costs should mean that South Cambridgeshire District Council only resolves to make orders where it was reasonably confident that the order would not attract objections. The onus lies with the applicant to provide a diverted route that is acceptable to all parties (including reviewing the proposed diverted route if, after consultations, their original suggestion is not acceptable).



Point A - looking south west towards Plantation Road

Appendix G



Between Point A and B looking north-east at the rear of properties at Stanley Webb Close



Point C looking south-west  
towards Stanley Webb  
Close and Plantation Road



Point C looking east-south-east along continued alignment of Pampisford Footpath 1



Point D looking east towards point E  
- route to have a tarmac surface in  
this location



Point E looking north towards  
development area at point tarmac section  
of bridleway to be adopted ends and  
route continues as a hoggin path



Point F looking  
north-north-east



Point I looking  
south-south-east  
towards point J

Point J





Looking north  
towards Point M



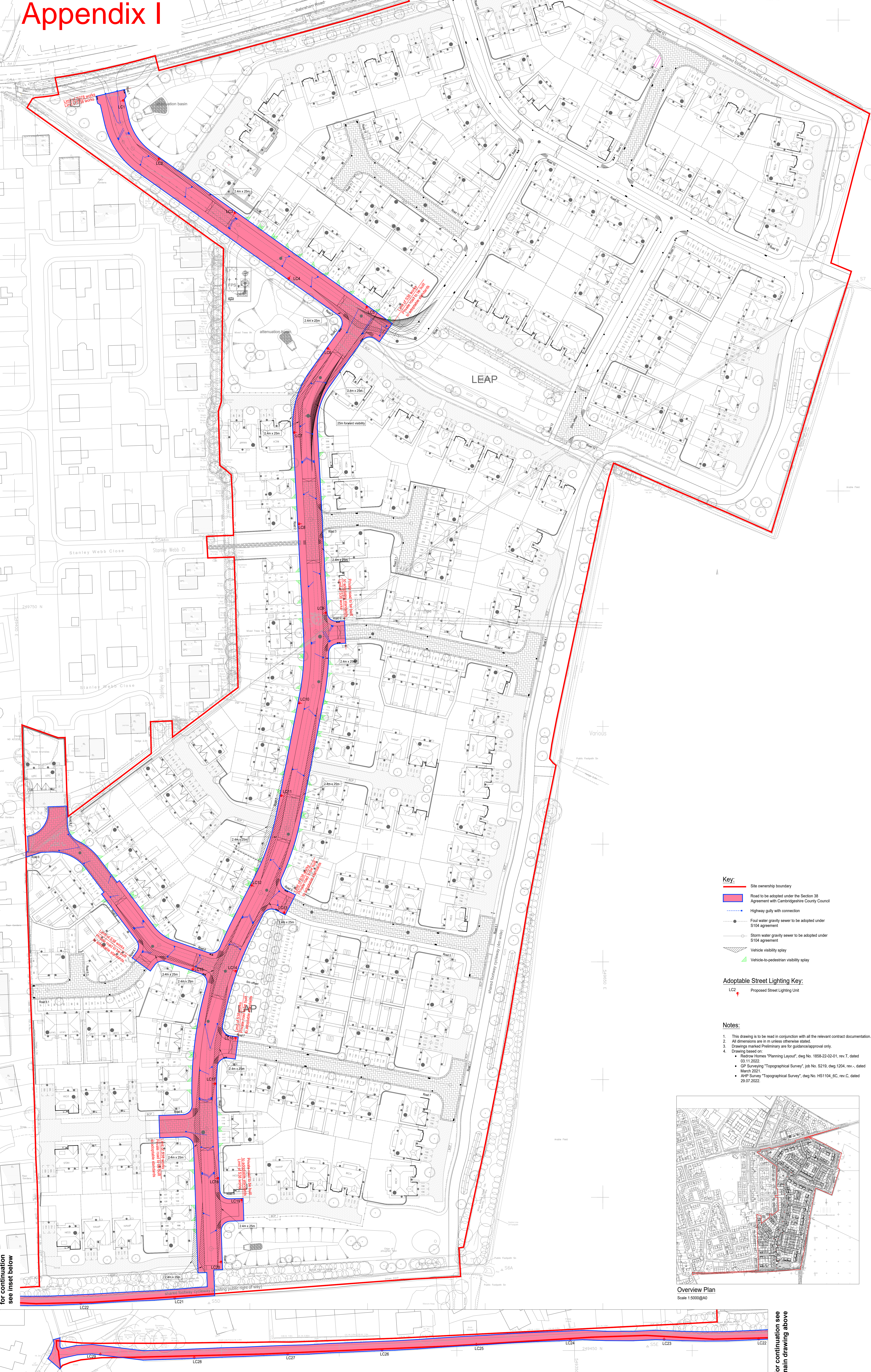
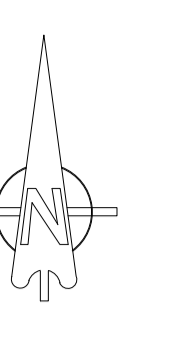
Point M



Babraham Rd  
England  
Google  
Street View - Apr 2019



Babraham Rd  
Son



- Key:**
- Site ownership boundary
  - Road to be adopted under the Section 38 Agreement with Cambridgeshire County Council
  - Highway gully with connection
  - Foul water gravity sewer to be adopted under S104 agreement
  - Storm water gravity sewer to be adopted under S104 agreement
  - Vehicle visibility splay
  - Vehicle-to-pedestrian visibility splay

- Adoptable Street Lighting Key:**
- LC2 ↑ Proposed Street Lighting Unit

- Notes:**
1. This drawing is to be read in conjunction with all the relevant contract documentation.
  2. All dimensions are in m unless otherwise stated.
  3. Drawings marked Preliminary are for guidance/approval only.
  4. Drawing based on:
    - Redrow Homes "Planning Layout", dwg No. 1858-22-02-01, rev.T, dated 03.11.2022.
    - GP Surveying "Topographical Survey", job No. S219, dwg.1204, rev., dated March 2021.
    - AHP Survey "Topographical Survey", dwg No. HS1104\_6C, rev.C, dated 29.07.2022.



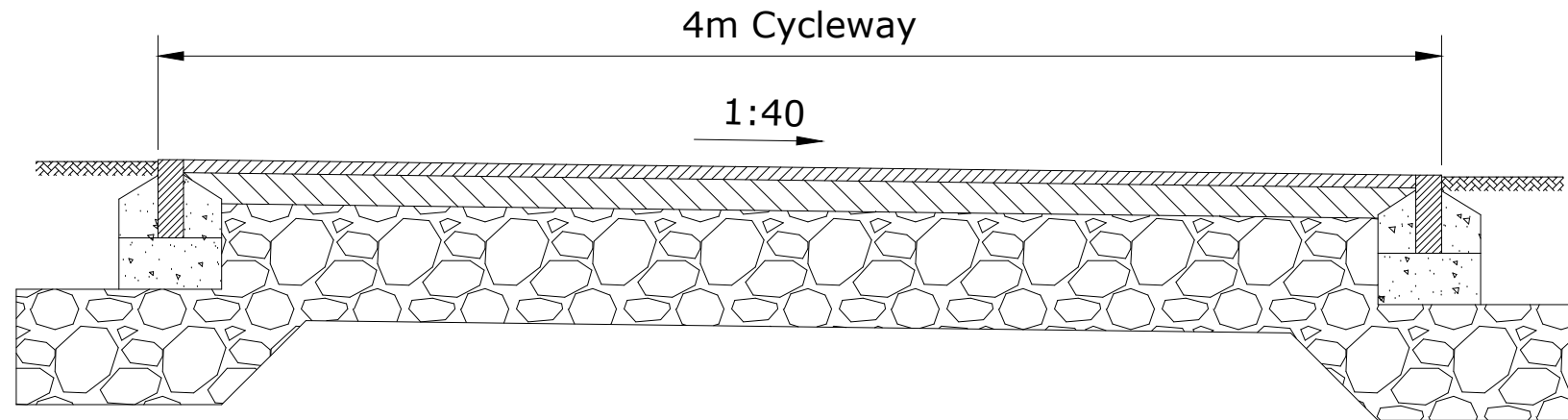
for continuation see inset below

for continuation see main drawing above

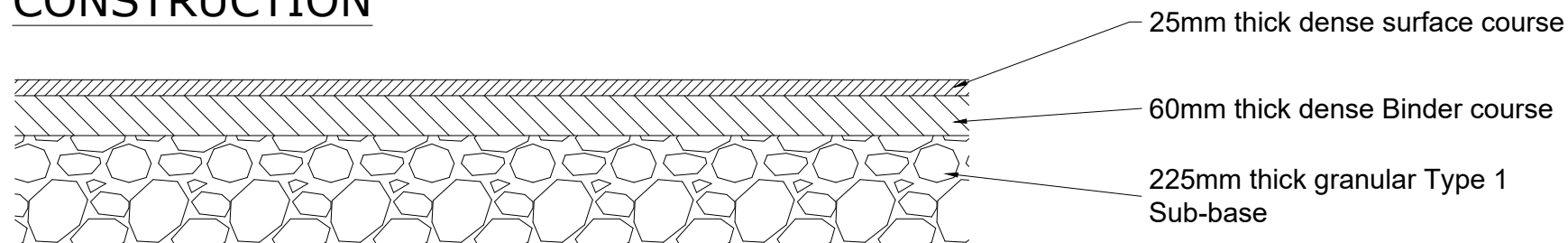
D	16.11.2022	Revised site layout attached (rev T) Road 5 included in the S38 adoption proposal	AJM/PDB
C	26.10.2022	Street lighting added for southern boundary footway	AJM/PDB
B	27.09.2022	Vehicle and vehicle-to-pedestrian visibility splays added	AJM/PDB
A	22.09.2022	Southern boundary footway updated. New site layout attached	AJM/PDB
/	21.07.2022		AJM/PDB
Rev.	Date	Description of issue	Chkd
<b>Issue Purpose:</b>			
PRELIMINARY			
<b>Project:</b>			
Redrow Homes			
Land off Babraham Road			
Sawston, Cambridgeshire			
<b>Drawing Title:</b>			
Section 38 Agreement Plan			
<b>Designer's Risk Assessment Reference:</b>			
DS_0703_08-DRA-Civils			
<b>Specification Reference:</b>			
Drawn By: AJM			
Checked By: PDB			
Scale: 1:500 @ A0			
Date: July 2022			
Drawing No: DS_0703_08/INF/60			
Rev: D			
<b>DAMJUL</b>		<b>WILSONDEE</b>	
Civil Structures Division		Civil Designs	

# Appendix J

## Section Through Footway



### TYPICAL FLEXIBLE FOOTWAY/CYCLEWAY CONSTRUCTION



#### Footway Construction

**Surface Course:** 25mm Compacted thickness of AC 10 dense surface. The course aggregate shall be either crushed rock or gravel. To be compacted and levelled to ensure a smooth surface.

**Binder Course:** 60mm thickness of asphalt concrete. To be compacted and levelled to ensure smooth surface

**Sub-Base:** 225mm Type 1 aggregate (stone and dust mix). To be compacted and levelled to ensure a smooth surface.

Formation will be in accordance with CCC specification and to be treated with an approved herbicide before construction commences.

PCC edging to be in accordance to Appendix 4.0, Housing Estate Road Construction Specification.

B	27/05/22	Spec reference amended	MB
A	5/05/22	150mm to 225mm sub base surface course from AC 6 to AC 10	JW
Revision	Date	Amendment	Initials

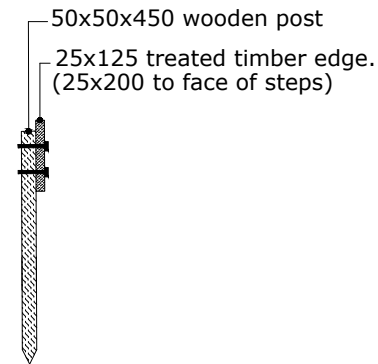
Development	<b>Sawston</b>		
Location	Land off Babraham Road		
Marketing Name	Tudor Meadow		
Drawing Title	Footpath Construction Detail 1		
Drawing Number	<b>1858-PROW-03</b>		
Revision	<b>B</b>	Scale @ A3	NTS @ A3
Drawn By	MLB	Date Started	Feb 2022
Checked by		Date	

  
**REDROW**  
**HOMES**  
 Redrow Homes South Midlands  
 Redrow House, 6 Waterside Way, The Lakes, Northampton, NN4 7XD  
 Tel: 01604 601115 Fax: 01604 603113 Web: www.redrow.co.uk

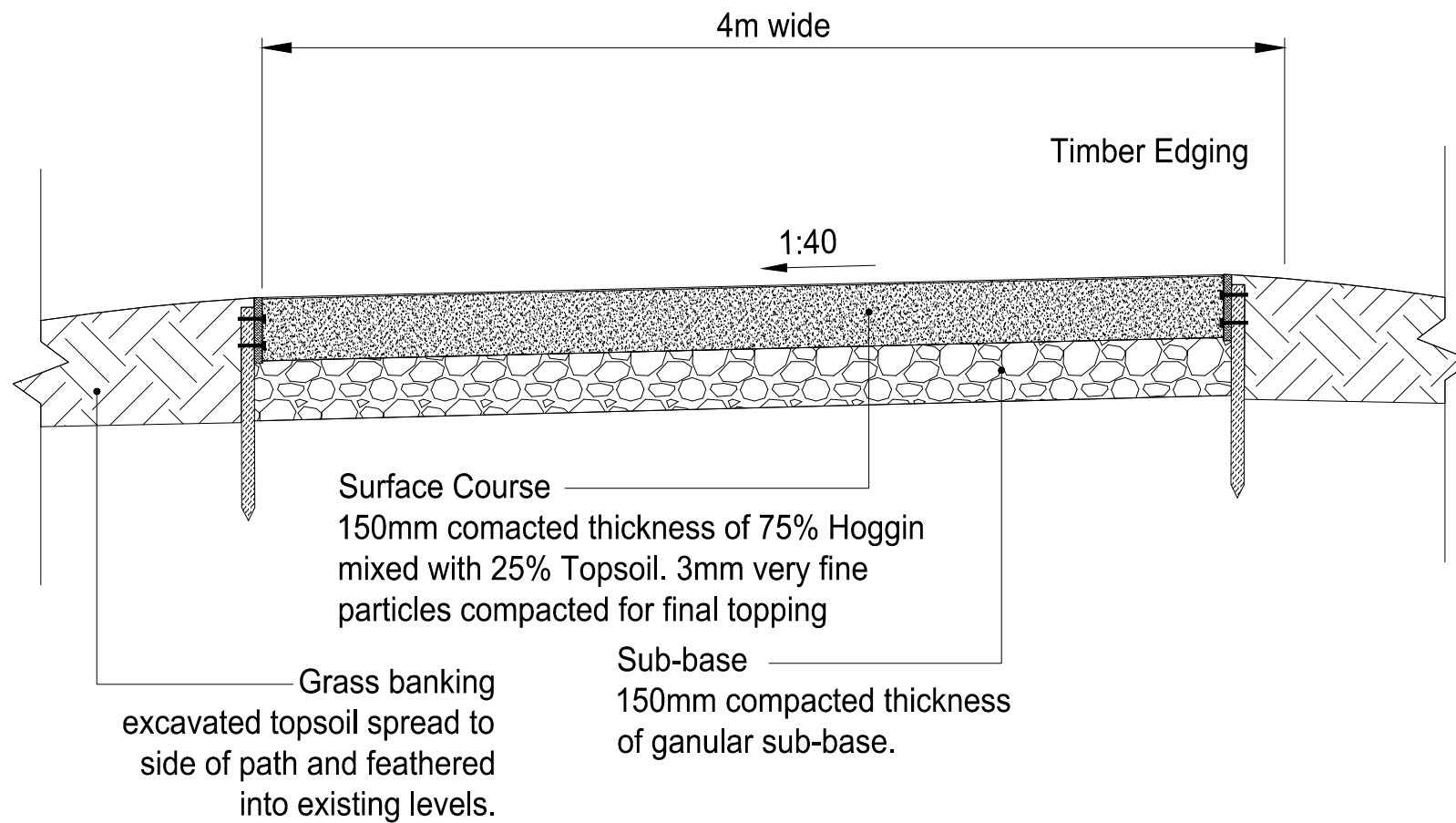
Legal Disclaimer TBC  
 This layout has been designed after due consideration of our Context & Constraints Plan

# Appendix K

## Section through Timber Edging



## Section through Hoggin Pulic Right of Way/Bridleway



Revision	Date	Amendment	Initials
C	04/10/22	additional detail added	MB
B	27/05/22	PCC edging detail removed	MB
A	5/05/22	PCC edging detail added	JW

Development		<b>Sawston</b>	
Location		Land off Babraham Road	
Marketing Name		Tudor Meadow	
Drawing Title		Footpath Construction Detail 2	
Drawing Number		<b>1858-PROW-04</b>	
Revision	<b>C</b>	Scale @ A3	NTS @ A3
Drawn By	MLB	Date Started	Feb 2022
Checked by		Date	

  
**REDROW**  
**HOMES**  
 Redrow Homes South Midlands  
Redrow House, 6 Waterside Way, The Lakes, Northampton, NN4 7XD  
 Tel: 01604 601115 Fax: 01604 603113 Web: www.redrow.co.uk

Legal Disclaimer TBC  
This layout has been designed after due consideration of our Context & Constraints Plan

# Appendix L

<b>Form submission reference:</b>	CCC437327976
<b>Status:</b>	Open
<b>Directorate:</b>	
<b>Service:</b>	
<b>Team:</b>	
<b>Your name:</b>	Tom Ruzala
<b>Your job title:</b>	Asset Information Definitive Map Officer
<b>Your phone:</b>	01223 715626
<b>Your email:</b>	<a href="mailto:tom.ruzala@cambridgeshire.gov.uk">tom.ruzala@cambridgeshire.gov.uk</a>
<b>Proposal being assessed:</b>	Sawston Footpath 12 Stopping up Order
<b>Business plan proposal number:</b>	P120
<b>Key service delivery objectives and outcomes:</b>	Maintaining the legal record of Public Rights of Way in the county in the form of the Definitive Map and Statement.&nbsp; Process legal changes to public rights of way in accordance with legislation, council policies and the Rights of Way Improvement Plan.&nbsp; &nbsp;&nbsp;&nbsp;
<b>What is the proposal:</b>	Proposal is to stop up part of Public Footpath No. 12, Sawston under S.257 of the Town and Country Act 1990 pursuant to planning reference&nbsp;21/03955/FUL and replace it with an alternative bridleway connecting to an upgraded footpath and Church Lane in Sawston.
<b>What information did you use to assess who would be affected by this proposal?</b>	Cambridgeshire Insight, Google Map, consultations with local parish councils and local user groups undertaken by applicant prior to submission of the application.&nbsp;
<b>Are there any gaps in the information you used to assess who would be affected by this proposal?</b>	no
<b>Does the proposal cover:</b>	All service users customers service provision countywide
<b>Which particular employee groups/service user groups will be affected by this proposal?</b>	Rights of way users including ramblers, equestrians and cyclists.&nbsp; New residents to Sawston and existing residents of Sawston.&nbsp; Local dog walkers.&nbsp; &nbsp;
<b>Does the proposal relate to the equality objectives set by the Council's Single Equality Strategy?</b>	no
<b>Will people with particular protected characteristics or people experiencing socio-economic inequalities be over/underrepresented in affected groups:</b>	Not applicable
<b>Does the proposal relate to services that have been identified as being important to people with particular protected characteristics/who are experiencing socio-economic inequalities?</b>	no
<b>Does the proposal relate to an area with known inequalities?</b>	no



<b>Race:</b>	The ethnicity spread within the parishes of Sawston and Babraham is broadly in line with the district average according to Cambridgeshire Insight.&nbsp; The proposal therefore is not thought to disproportionately affect any particular ethnic group or race.&nbsp;
<b>Religion or belief (including no belief):</b>	The religious belief spread within the parishes of Sawston and Babraham is broadly in line with the district average according to Cambridgeshire Insight.&nbsp; There are no places of worship within close proximity of the route.&nbsp; The proposal therefore is not thought to disproportionately affect any particular ethnic group or race.&nbsp;
<b>Sex:</b>	The population statistics for Sawston and Babraham broadly reflect the county average in terms of Sex.&nbsp; &nbsp;The proposal therefore is not thought to disproportionately affect any particular sex.
<b>Sexual orientation:</b>	People's sexual orientation does not have any affect on whether or not they can use or are limited from using a public right of way.
<b>Socio-economic inequalities:</b>	Sawston and Babraham is not identified as an area of deprivation.&nbsp; The scheme would not have any disproportionate impacts on any particular groups as public access it for all.
<b>Head of service:</b>	Roger Payne
<b>Head of service email:</b>	<span style="background-color: black; color: black;">[REDACTED]</span>



# Appendix M

Date: 2 September 2022  
Contact: Tom Ruzala  
Telephone: 01223 715626  
E Mail: Tom.Ruzala@cambridgeshire.gov.uk



Consultee  
Sent by email

Steve Cox  
Executive Director  
Place and Sustainability  
Highways Maintenance

Box STA2101  
Huntingdon Highways Depot  
Stanton Way  
Huntingdon  
PE29 6PY

Dear Consultee,

## **Consultation on a proposal to stop up of part of Public Footpath No. 12, Sawston and Public Footpath No. 9 Babraham and replace it with a Public Bridleway with two Public Footpath connections**

Cambridgeshire County Council has received an application, on behalf of South Cambridgeshire District Council, from Redrow Homes to stop up part of Public Footpath No. 12, Sawston and Public Footpath No. 9, Babraham under section 257 of the Town and Country Planning Act 1990. The application is pursuant to planning permission reference 21/03955/FUL South Cambridgeshire District Council to build 280 dwellings on land south of Babraham Road in Sawston.

The proposal seeks to stop up the existing cross-field public footpaths (between points A-B-C on the attached plan) and replace them with a public bridleway running around the perimeter of the site from Church Lane (point D) through to Sawston Road (point M). Part of Public Footpath No. 14, Sawston along the southern perimeter of the site, between points D and F, is proposed to be upgraded to bridleway status. The existing connection to Public Footpath No. 2, Pampisford will be retained at point F, in addition to a new Public Footpath connection between points G and H and a replacement Public Footpath connection to Public Footpath No. 1, Pampisford between points K and C.

The majority of the new replacement Public Rights of Way to be created, including the footpath connections, will be comprised of 4 metres of a hoggin surfaced path between timber edgings. Between points D and E the bridleway is proposed to have a 4 metre wide tarmac surface between concrete edgings and made up to a standard suitable for adoption by the County Council.

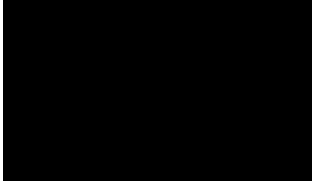
The legal width of the replacement bridleway and footpath connections shall be 4 metres. No limiting structures, such as gates, are proposed on the new public rights of way.

It is considered that the proposals will simultaneously enhance the non-motorised accessibility of the development and enhance wider rights of way connectivity in the Sawston, Babraham and the Pampisford area.

I would be grateful if I could receive any comments you wish to make on the proposals by **30<sup>th</sup> September 2022.**

Please do not hesitate to contact me should you have any questions or wish to discuss this matter further.

Yours sincerely



**Tom Ruzala**  
**Asset Information Definitive Map Officer**



THIS MAP FORMS PART OF THE SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL (PUBLIC FOOTPATH NO. 12, SAWSTON) PUBLIC PATH STOPPING UP ORDER 2022

- Unaffected Public Footpath
- Unaffected Restricted Byway
- Public Footpath to be stopped up (A-B-C)
- Public Footpath to be created (K-C & G-H)
- Public Bridleway to be created (F-G-I-J-K-L-M)
- Public Footpath to be upgraded to a Public Bridleway (D-E-F)
- Parish boundary

# Appendix N

**From:** [Tom Ruzala](#)  
**To:** [Jo Keeler](#); [Clare Speed](#)  
**Subject:** RE: Consultation on an application to stop of a public footpath and replace it with a bridleway and two footpath connections in Sawston, Cambridgeshire  
**Date:** 08 November 2022 12:50:00  
**Attachments:** [Sawston FP 12 Stopping Up Plan - Planning Layout.pdf](#)  
[P120 Consultation Letter.pdf](#)

---

Thank you Joe.

In terms of the concerns which some members of the Parish Council had about the different means of transport using the same pathway, I'll try to address this which I hope might help with some of the general concerns which were raised on 25 October.

The majority of the proposed bridleway (except for the tarmac section between points D and E which is subject to the adoption process) is to be formed of a hoggin surface which is a naturally occurring compacted gravel type surface. This type of surface is often used on rights of way which are mainly used for leisure purposes rather than commuting type routes (for example the circular bridleway constructed around the perimeter of Cambourne). There were some concerns about motorised scooters using the path and being a danger to other users. Officially motorised scooters cannot legally be used on public rights of way and in practise I believe that the proposed unsealed surface of much of the bridleway would be unlikely to attract those types of users as they would find it difficult to use that sort of surface. I'm very hopeful for that reason that motorised scooters should not cause a significant issue on the proposed bridleway.

In terms of the width it is Cambridgeshire County Council policy, built into Cambridgeshire Highways Operational Standards document (see page 129 which is part of the County Council's non-motorised user routes adoption policy matrix - [Highway Operational Standards April 2022 \(cambridgeshire.gov.uk\)](#)), that newly created bridleways should have a minimum width of 4 metres. This is wider than the statutory standard set for bridleways in the Highways Act 1980 (3 metres - [Highways Act 1980 \(legislation.gov.uk\)](#)) and is in line with good practise standards outlined by the British Horse Society for the width for new bridleways ([dimensions-1021.pdf \(bhs.org.uk\)](#)).

The consultation which I held in September stated that the proposed bridleway was to be 4 metres wide. The consultation included the local secretaries for the Ramblers, the British Horse Society and the Cycling Touring Club Cambridge who represent some of the views of the users who are likely to use the bridleway. In terms of the layout of the route we have received positive feedback from those local user groups which I believe helps to provide us with a good level of confidence that what is being proposed by Redrow is to a high standard and will be suitable to accommodate the type of leisure use which the route is expected to be subject to.

I hope that this helps provide some rational behind the proposed bridleway width and helps with some of the concerns which were raised at the parish council. The next stage in

the process for me is to take the matter to the Assistant Director for Highways Maintenance at the County Council in order to gain their approval in terms of whether what is being proposed by Redrow is acceptable to the Highway Authority. If the Assistant Director is happy for the matter to proceed, I then need to take the application to the Planning Committee for South Cambridgeshire District Council. Members of the Planning Committee will be informed of the consultation responses that we have received and will ultimately make the decision on whether or not an order should be made to stop up the existing footpath and replace it with the bridleway. I don't have a set date yet for the committee but please do let me know if there are any further concerns about this which might lead to the Parish Council objecting to the matter later on. Once the legal order is made, it's a lot more difficult to change so ideally, we want everyone to be as happy as possible before any legal changes are made.

Thank you very much

**Tom Ruzala**

**Asset Information Definitive Map Officer**

Highways Maintenance

T: 01223 715626

M: 07500 101551

E: [tom.ruzala@cambridgeshire.gov.uk](mailto:tom.ruzala@cambridgeshire.gov.uk)

A: Highways Service, Box No. STA2101, Cambridgeshire County Council, Stanton Way Depot, Huntingdon, PE29 6PY

*Please note my working days are Monday, Tuesday, Wednesday and Friday*

---

**From:** Jo Keeler <[clerk@sawstonparishcouncil.gov.uk](mailto:clerk@sawstonparishcouncil.gov.uk)>

**Sent:** 26 October 2022 09:29

**To:** Tom Ruzala <[Tom.Ruzala@cambridgeshire.gov.uk](mailto:Tom.Ruzala@cambridgeshire.gov.uk)>; Clare Speed <[assistantclerk@sawstonparishcouncil.gov.uk](mailto:assistantclerk@sawstonparishcouncil.gov.uk)>

**Subject:** RE: Consultation on an application to stop of a public footpath and replace it with a bridleway and two footpath connections in Sawston, Cambridgeshire

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Good morning Tom

Thank you for your time last night.

So to confirm the parish council agreed to support your proposal regarding the footpaths but do have concerns with all the different means of transport using the same pathway, ie equestrians, cyclist, pedestrians, motorised scooters etc.

Kind regards

Jo

Mrs Jo Keeler  
Sawston Parish Clerk

*My hours of work are 8.30am – 2pm*

---

**From:** Jo Keeler  
**Sent:** 25 October 2022 09:06  
**To:** Tom Ruzala <[Tom.Ruzala@cambridgeshire.gov.uk](mailto:Tom.Ruzala@cambridgeshire.gov.uk)>; Clare Speed <[assistantclerk@sawstonparishcouncil.gov.uk](mailto:assistantclerk@sawstonparishcouncil.gov.uk)>  
**Subject:** RE: Consultation on an application to stop of a public footpath and replace it with a bridleway and two footpath connections in Sawston, Cambridgeshire

Good morning Tom, please see attached minutes item 167.  
See you tonight  
Jo

---

**From:** Tom Ruzala <[Tom.Ruzala@cambridgeshire.gov.uk](mailto:Tom.Ruzala@cambridgeshire.gov.uk)>  
**Sent:** 24 October 2022 15:00  
**To:** Clare Speed <[assistantclerk@sawstonparishcouncil.gov.uk](mailto:assistantclerk@sawstonparishcouncil.gov.uk)>; Jo Keeler <[clerk@sawstonparishcouncil.gov.uk](mailto:clerk@sawstonparishcouncil.gov.uk)>  
**Subject:** RE: Consultation on an application to stop of a public footpath and replace it with a bridleway and two footpath connections in Sawston, Cambridgeshire

Hello,

Do you have a copy of the minutes from September's Parish Council meeting so I can see what the concerns are about the bridleway?

Thank you very much

**Tom Ruzala**  
**Asset Information Definitive Map Officer**

Highways Maintenance

T: 01223 715626

M: 07500 101551

E: [tom.ruzala@cambridgeshire.gov.uk](mailto:tom.ruzala@cambridgeshire.gov.uk)

A: Highways Service, Box No. STA2101, Cambridgeshire County Council, Stanton Way Depot, Huntingdon, PE29 6PY

*Please note my working days are Monday, Tuesday, Wednesday and Friday*

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**From:** Clare Speed <[assistantclerk@sawstonparishcouncil.gov.uk](mailto:assistantclerk@sawstonparishcouncil.gov.uk)>  
**Sent:** 03 October 2022 10:34

**To:** Tom Ruzala <[Tom.Ruzala@cambridgeshire.gov.uk](mailto:Tom.Ruzala@cambridgeshire.gov.uk)>

**Cc:** Jo Keeler <[clerk@sawstonparishcouncil.gov.uk](mailto:clerk@sawstonparishcouncil.gov.uk)>

**Subject:** RE: Consultation on an application to stop of a public footpath and replace it with a bridleway and two footpath connections in Sawston, Cambridgeshire

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Good Morning Tom,

We won't have a zoom link as the meeting is in person.

Many Thanks  
Mrs Clare Speed  
Assistant Parish Clerk  
Tel: 01223 832470

My hours of work are:  
Monday 9.00am – 2.00pm  
Tuesday 9.00am – 2.00pm  
Wednesday 9.00am-2.00pm  
Thursday 9.00am – 2.00pm

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---

**From:** Tom Ruzala <[Tom.Ruzala@cambridgeshire.gov.uk](mailto:Tom.Ruzala@cambridgeshire.gov.uk)>

**Sent:** 30 September 2022 08:26

**To:** Clare Speed <[assistantclerk@sawstonparishcouncil.gov.uk](mailto:assistantclerk@sawstonparishcouncil.gov.uk)>; Jo Keeler <[clerk@sawstonparishcouncil.gov.uk](mailto:clerk@sawstonparishcouncil.gov.uk)>

**Subject:** RE: Consultation on an application to stop of a public footpath and replace it with a bridleway and two footpath connections in Sawston, Cambridgeshire

Morning Clare,

For your information Alice Kirkham, the Senior Planning Manager and Michaela Briggs from Redrow will be attending the meeting on 25 October.

They've asked for a Zoom link if there is one.

Thanks very much

**Tom Ruzala**

**Asset Information Definitive Map Officer**

Highways Maintenance

T: 01223 715626

M: 07500 101551

E: [tom.ruszala@cambridgeshire.gov.uk](mailto:tom.ruszala@cambridgeshire.gov.uk)

A: Highways Service, Box No. STA2101, Cambridgeshire County Council, Stanton Way Depot, Huntingdon, PE29 6PY

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---

**From:** Clare Speed <[assistantclerk@sawstonparishcouncil.gov.uk](mailto:assistantclerk@sawstonparishcouncil.gov.uk)>

**Sent:** 28 September 2022 15:07

**To:** Tom Ruszala <[Tom.Ruszala@cambridgeshire.gov.uk](mailto:Tom.Ruszala@cambridgeshire.gov.uk)>; Jo Keeler <[clerk@sawstonparishcouncil.gov.uk](mailto:clerk@sawstonparishcouncil.gov.uk)>

**Subject:** RE: Consultation on an application to stop of a public footpath and replace it with a bridleway and two footpath connections in Sawston, Cambridgeshire

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Hi Tom,

The meeting is at Spicers Pavilion, Cambridge Road, Sawston, Cambridge. CB22 3DG

Kind regards

Clare

Mrs Clare Speed

Sawston Parish Assistant Clerk

My work hours are 9.00am - 2.00pm Monday-Thursday (Office closed to public Thursday's)  
01223 832470

---

**From:** Tom Ruszala <[Tom.Ruszala@cambridgeshire.gov.uk](mailto:Tom.Ruszala@cambridgeshire.gov.uk)>

**Sent:** 28 September 2022 13:10

**To:** Clare Speed <[assistantclerk@sawstonparishcouncil.gov.uk](mailto:assistantclerk@sawstonparishcouncil.gov.uk)>; Jo Keeler <[clerk@sawstonparishcouncil.gov.uk](mailto:clerk@sawstonparishcouncil.gov.uk)>

**Subject:** RE: Consultation on an application to stop of a public footpath and replace it with a bridleway and two footpath connections in Sawston, Cambridgeshire

Thank you



Will do. Where is the parish council meeting being held?

**Tom Ruzala**

**Asset Information Definitive Map Officer**

Highways Maintenance

T: 01223 715626

M: 07500 101551

E: [tom.ruzala@cambridgeshire.gov.uk](mailto:tom.ruzala@cambridgeshire.gov.uk)

A: Highways Service, Box No. STA2101, Cambridgeshire County Council, Stanton Way Depot, Huntingdon, PE29 6PY

*Please note my working days are Monday, Tuesday, Wednesday and Friday*

---

**From:** Clare Speed <[assistantclerk@sawstonparishcouncil.gov.uk](mailto:assistantclerk@sawstonparishcouncil.gov.uk)>

**Sent:** 28 September 2022 13:06

**To:** Tom Ruzala <[Tom.Ruzala@cambridgeshire.gov.uk](mailto:Tom.Ruzala@cambridgeshire.gov.uk)>; Jo Keeler <[clerk@sawstonparishcouncil.gov.uk](mailto:clerk@sawstonparishcouncil.gov.uk)>

**Subject:** RE: Consultation on an application to stop of a public footpath and replace it with a bridleway and two footpath connections in Sawston, Cambridgeshire

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Hi Tom,

I have added you to the agenda as the first item and please feel free to leave after your item.

Please let us know if someone from Redrow is also able to attend.

Many Thanks

Mrs Clare Speed  
Assistant Parish Clerk  
Tel: 01223 832470

My hours of work are:  
Monday 9.00am – 2.00pm  
Tuesday 9.00am – 2.00pm  
Wednesday 9.00am-2.00pm  
Thursday 9.00am – 2.00pm

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---

**From:** Tom Ruzala <[Tom.Ruzala@cambridgeshire.gov.uk](mailto:Tom.Ruzala@cambridgeshire.gov.uk)>

**Sent:** 28 September 2022 12:44

**To:** Jo Keeler <[clerk@sawstonparishcouncil.gov.uk](mailto:clerk@sawstonparishcouncil.gov.uk)>; Clare Speed <[assistantclerk@sawstonparishcouncil.gov.uk](mailto:assistantclerk@sawstonparishcouncil.gov.uk)>

**Subject:** RE: Consultation on an application to stop of a public footpath and replace it with a bridleway and two footpath connections in Sawston, Cambridgeshire

Hello Jo,

Yes, I can attend the meeting. Would it be possible to put the item first on the agenda so I am able to leave after the relevant part of the meeting?

I think it would also be beneficial to have somebody representing the applicant organisation (Redrow) to be there so they can field any specific questions about the development. I'll ask them and let you know if somebody is able to attend from them.

Thanks very much

**Tom Ruzala**

**Asset Information Definitive Map Officer**

Highways Maintenance

T: 01223 715626

M: 07500 101551

E: [tom.ruzala@cambridgeshire.gov.uk](mailto:tom.ruzala@cambridgeshire.gov.uk)

A: Highways Service, Box No. STA2101, Cambridgeshire County Council, Stanton Way Depot, Huntingdon, PE29 6PY

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**From:** Jo Keeler <[clerk@sawstonparishcouncil.gov.uk](mailto:clerk@sawstonparishcouncil.gov.uk)>

**Sent:** 28 September 2022 12:04

**To:** Clare Speed <[assistantclerk@sawstonparishcouncil.gov.uk](mailto:assistantclerk@sawstonparishcouncil.gov.uk)>; Tom Ruzala <[tom.ruzala@cambridgeshire.gov.uk](mailto:tom.ruzala@cambridgeshire.gov.uk)>

**Subject:** RE: Consultation on an application to stop of a public footpath and replace it with a bridleway and two footpath connections in Sawston, Cambridgeshire

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Good morning Tom

The parish council discussed this last night and we do not support the proposal. There are concerns with the disconnection between existing bridleway and the extension of the footpath especially for equestrians. There are other concerns and I have been asked if a representative

can attend one of our meetings so we can discuss our concerns.

Please let me know if you are available October 25<sup>th</sup> 7.15pm to come to our full parish meeting.

I look forward to hearing from you.

Kind regards

Jo

Mrs Jo Keeler  
Sawston Parish Clerk

*My hours of work are 8.30am – 2pm*

---

**From:** Clare Speed <[assistantclerk@sawstonparishcouncil.gov.uk](mailto:assistantclerk@sawstonparishcouncil.gov.uk)>

**Sent:** 20 September 2022 09:42

**To:** Parish Councillors <[ParishCouncillors@sawstonparishcouncil.gov.uk](mailto:ParishCouncillors@sawstonparishcouncil.gov.uk)>

**Subject:** FW: Consultation on an application to stop of a public footpath and replace it with a  
bridleway and two footpath connections in Sawston, Cambridgeshire

Good Morning,

I will be sending out the updated agenda for the full parish meeting on Tuesday 27  
September later today, please find email and paperwork attached for item 167 on the  
agenda.

Many Thanks  
Mrs Clare Speed  
Assistant Parish Clerk  
Tel: 01223 832470

My hours of work are:  
Monday 9.00am – 2.00pm  
Tuesday 9.00am – 2.00pm  
Wednesday 9.00am-2.00pm  
Thursday 9.00am – 2.00pm

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Sawston Parish Council unless explicitly stated.

---

**From:** Tom Ruzala <[Tom.Ruzala@cambridgeshire.gov.uk](mailto:Tom.Ruzala@cambridgeshire.gov.uk)>

**Sent:** 02 September 2022 15:25

**Subject:** Consultation on an application to stop of a public footpath and replace it with a bridleway and two footpath connections in Sawston, Cambridgeshire

Dear Consultee,

I am contacting you on behalf of the Definitive Map service at Cambridgeshire County Council. We deal with the legal record of public rights of way in the county of Cambridgeshire.

Please find attached letter and plans concerning a consultation on an application to divert a public footpath and replace it with a bridleway and two footpath connections in Sawston, Cambridgeshire. The application has been made by Redrow Homes under S.257 of the Town and Country Planning Act 1990 and is associated with planning permission to build 280 houses on land south of Babraham Road in Sawston.

I would be grateful if I could receive any comments you wish to make on this proposal by 30 September 2022.

Please do not hesitate to get in touch with me should you have any questions or want to discuss this matter further.

Thank you very much

Kind regards,

**Tom Ruzala**

**Asset Information Definitive Map Officer**

Highways Maintenance

T: 01223 715626

M: 07500 101551

E: [tom.ruzala@cambridgeshire.gov.uk](mailto:tom.ruzala@cambridgeshire.gov.uk)

A: Highways Service, Box No. STA2101, Cambridgeshire County Council, Stanton Way Depot, Huntingdon, PE29 6PY

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# Appendix O

**From:** [Lynda Warth](#)  
**To:** [Tom Ruzala](#)  
**Cc:** [Peter Gaskin](#) [REDACTED]  
**Subject:** RE: Consultation on an application to stop of a public footpath and replace it with a bridleway and two footpath connections in Sawston, Cambridgeshire  
**Date:** 29 September 2022 21:48:43  
**Attachments:** [image004.png](#)  
[image005.png](#)  
[image006.png](#)  
[image007.png](#)  
[image001.png](#)  
[image002.png](#)  
[image003.png](#)

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Dear All

I happened to be walking on a path in Nottingham earlier this week and realised it represented what I tried to explain below.

Although I suspect the path was made of similar construction, the surface material differed along its length.

This surface would not be pleasant for horses because of the larger stones:



Whereas this surface would be better because it has a topping of much finer material:



Whether fine topping would get blown / washed away, revealing the larger stones, I am not certain. Hopefully not from Peter's comments below.

I thought a visual example might be useful.

Kind regards,

Lynda

Lynda Warth  
County Access & Bridleways Officer – Cambridgeshire  
British Horse Society

---

**From:** Tom Ruzala <Tom.Ruzala@cambridgeshire.gov.uk>  
**Sent:** 27 September 2022 13:47  
**To:** Lynda Warth [REDACTED]  
**Cc:** Peter Gaskin [REDACTED], [REDACTED] <[REDACTED]@cambridgeshire.gov.uk>  
**Subject:** RE: Consultation on an application to stop of a public footpath and replace it with a bridleway and two footpath connections in Sawston, Cambridgeshire

Hello Lynda,

That's great, thanks for responding and sending over detail of the survey which Sue has done. Very interesting to see.

I've spoken to Peter about the surface specification and he has confirmed that putting finer material on the top of the surface is good, as long as the base is built up with larger material which goes down to fines to hold it all together. The present specification doesn't go into that much detail about the material to be used so I'll get in touch with Redrow to request this and get back to you.

Thank you very much

**Tom Ruzala**

**Asset Information Definitive Map Officer**

Highways Maintenance

T: 01223 715626

M: 07500 101551

E: [tom.ruzala@cambridgeshire.gov.uk](mailto:tom.ruzala@cambridgeshire.gov.uk)

A: Highways Service, Box No. STA2101, Cambridgeshire County Council, Stanton Way Depot, Huntingdon, PE29 6PY

*Please note my working days are Monday, Tuesday, Wednesday and Friday*

---

**From:** Lynda Warth [REDACTED]

**Sent:** 26 September 2022 17:18

**To:** Tom Ruzala <[Tom.Ruzala@cambridgeshire.gov.uk](mailto:Tom.Ruzala@cambridgeshire.gov.uk)>

**Cc:** Peter Gaskin <[REDACTED]>

**Subject:** Consultation on an application to stop of a public footpath and replace it with a bridleway and two footpath connections in Sawston, Cambridgeshire

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Hi Tom

Sue has kindly been out and surveyed the Cambourne route for us. It looks acceptable with the caveat that for horses, the larger the stones the less acceptable. Where the surface has covered over with soil and grassed up, that is our preferred option but as the Sawston route is likely to be well used by cyclists, that is probably less likely to happen.

In conclusion, the Cambourne surface looks acceptable, the smaller the stone the better – is there an option to blind it with a fine material? I will be guided by Peter on that. The top of the range would be rubber crumb but this is a new, safe, off road link route for equestrians and that's the most important thing so long as they can travel on it safely and comfortably.

I did respond to your question about the shared path Sawston to Babraham in my earlier email – let me know if you need anything more.

Kind regards,

Lynda

Lynda Warth

County Access & Bridleways Officer – Cambridgeshire

British Horse Society

---

**From:** sue rogers [REDACTED]

**Sent:** 11 September 2022 22:28

**To:** Lynda Warth [REDACTED] >

**Subject:** Re: FW: Consultation on an application to stop of a public footpath and replace it with a bridleway and two footpath connections in Sawston, Cambridgeshire

Hi Lynda,

Here are some photos from Cambourne taken today of the hogging-type surface. Photos A1 (view) and A2 (closeup) are a pair, so are B1 and B2, C1 and C2, D1 and D2 are the newest installation put in about 2 years ago as Cambourne was extended, other photos are from original Cambourne so are older and more vegetation.

There is also a radial path (R1, R2) which has a different surface and connects into the perimeter bridleway.

Locations of photos on attached map.

I could see no trace anywhere of wooden battening to edge the hogging with.

Best wishes,

Sue

On Wed, Sep 7, 2022 at 8:41 PM Lynda Warth [REDACTED] > wrote:

Sue

This is the location of the path surface in Cambourne that we need to approve for the new bridleway in Sawston. Could you take a look, let me know what you think and if possible, take some photos.

The new route will give Sawston Riding school a safe link to the bridleway network. I've been working with the site developers for ages on this one and so pleased that it has come together. ☺

L.

---

**From:** Tom Ruzala <[Tom.Ruzala@cambridgeshire.gov.uk](mailto:Tom.Ruzala@cambridgeshire.gov.uk)>

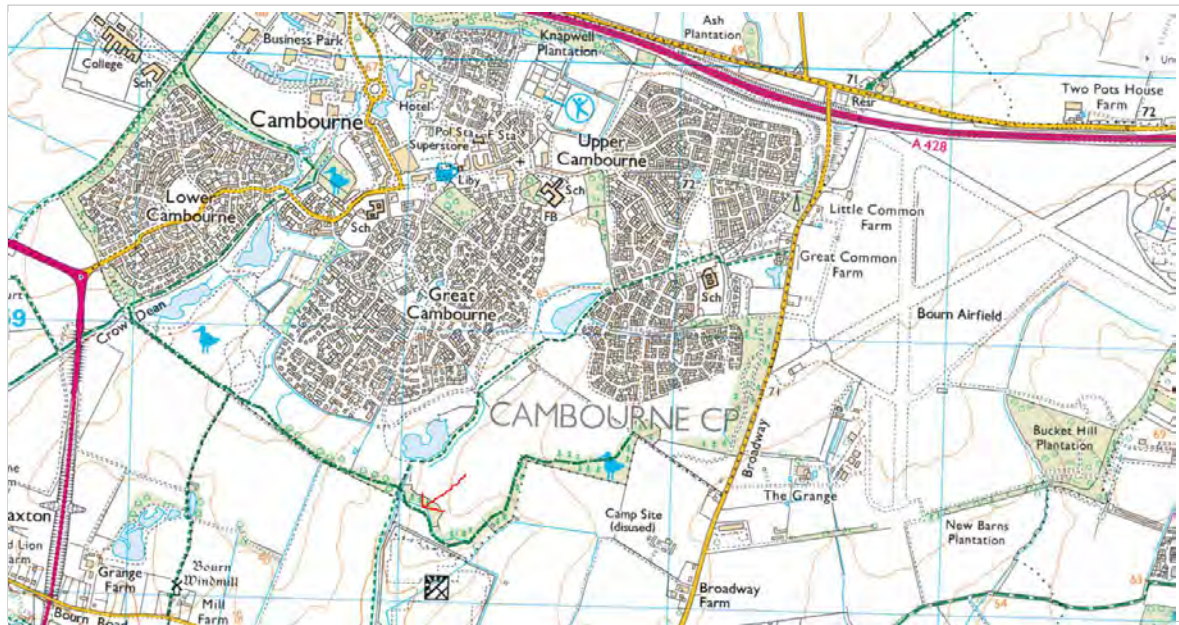
Sent: 07 September 2022 10:05

To: Lynda Warth

Subject: RE: Consultation on an application to stop of a public footpath and replace it with a bridleway and two footpath connections in Sawston, Cambridgeshire

Morning Lynda,

Peter's informed me that the surface of Cambourne Bridleway 4 (I've put a red arrow pointing to it below) is constructed with the same specification as proposed for Sawston.



Do you know when the project to put the foot/cycle path in along Sawston/Babraham road happened? I'm trying to find out a bit more about it.

Thanks very much

**Tom Ruzala**

**Asset Information Definitive Map Officer**

Highways Maintenance

T: 01223 715626

M: 07500 101551

E: [tom.ruzala@cambridgeshire.gov.uk](mailto:tom.ruzala@cambridgeshire.gov.uk)

A: Highways Service, Box No. STA2101, Cambridgeshire County Council, Stanton Way Depot, Huntingdon, PE29 6PY

*Please note my working days are Monday, Tuesday, Wednesday and Friday*

From: Lynda Warth

Sent: 06 September 2022 16:05

To: Tom Ruzala <[Tom.Ruzala@cambridgeshire.gov.uk](mailto:Tom.Ruzala@cambridgeshire.gov.uk)>

Subject: RE: Consultation on an application to stop of a public footpath and replace it with a bridleway and two footpath connections in Sawston, Cambridgeshire

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Hi Tom

CSET is the GCP Cambridge South East Transport scheme from CBC / Abington (Addenbrookes) to a new P&R at Babraham and links with the Linton Greenway scheme :

- A new shared-use active travel path for walkers, cyclists and horse riders would be built next to the new public transport route.



Not sure this is the latest map but it shows the idea. The busway has a brideway running alongside it.

Riders could simply cross the road and access the Restricted Byway to Stapleford or Babraham opposite:



Or they could head towards Babraham and the brideway or even up to the permissive brideway at Babraham Institute (fantastic canter track!) where they could cross the A1307 on the wonderful new Pegasus crossing although they would have to come straight back again as currently there is no onward equestrian access – once again no provision for equestrians and a cycle path which does not meet the requirements of the Highway Code.

You are correct that currently the path alongside Sawston Road excludes equestrians but there is no justification for our exclusion – we were omitted from consultation and ignored.

The changes to the Highway Code make the creation of a path like this no longer viable since cyclists should never pass equestrians on their inside. The Highway Code requires all road users to be mindful of the safety of themselves and other road users. In the interest of safety of all road users, the best place for horses on this road is on the shared cycle path. It is unforgivable that in order to best protect ourselves and other road users, we are placed in a position where we might be compromising our own insurance. Is there anything the Definitive Map team can do to expedite the correction of the signage on this path?

I understand that part of the appeal of rubber crumb is that it is very cheap to repair and maintain but you are correct that Cambridgeshire, unlike other authorities, thus far have only used it on one site which is still under construction.

Perhaps Peter could direct me to a path where the surface he is proposing has been constructed so that I can properly comment?

If Peter is content with the maintenance arrangement then that point is covered.

Kind regards,

Lynda

Lynda Warth  
County Access & Bridleways Officer – Cambridgeshire  
British Horse Society

---

**From:** Tom Ruzala <[Tom.Ruzala@cambridgeshire.gov.uk](mailto:Tom.Ruzala@cambridgeshire.gov.uk)>

**Sent:** 06 September 2022 13:18

**To:** Lynda Warth [REDACTED]

**Subject:** RE: Consultation on an application to stop of a public footpath and replace it with a brideway and two footpath connections in Sawston, Cambridgeshire

Hi Lynda,

What is the CSETS? I've been thinking about what equestrian users would do once they reach Sawston Road at point M as I don't believe that horses can presently ride on the foot/cycle path which runs to the south of the road unless there is a scheme coming forward here which I'm not yet aware of?

I've attached the specification which has been agreed with Peter Gaskin. This is based on the Cambourne Highway Design guide. I understand that as the width on this route is limited to 4 metres, Peter felt that it was preferable to have the hoggin extend over the full width of the route, rather than 2m of Hoggin and 2m of grass. Please take a look at the construction detail and let me know your thoughts. I understand that Rubber Crumb is very expensive to construct and maintain, so I don't think it's been used much on public rights of way in Cambridgeshire.

The Rights of Way to be created on the scheme will technically be maintainable at public expense by the County Council if the order is confirmed. During the construction phases Redrow the developer will be responsible for maintaining the paths, including ensuring that vegetation is cut back. On completion of the development, the paths across the development including the ones to be dedicated as public rights of way will be managed by the estate management company but legally would be the responsibility of the County Council to maintain so we would ensure that they are maintained in accordance with our policies if there were ever any issues. Peter Gaskin has agreed with the developer that the paths which are intended to become public rights of way are initially provided as flat and level mowed grass during construction, prior to the hoggin being laid on completion.

Please let me know your thoughts on this.

Thank you very much

**Tom Ruzala**



**Asset Information Definitive Map Officer**

Highways Maintenance

T: 01223 715626

M: 07500 101551

E: [tom.ruszala@cambridgeshire.gov.uk](mailto:tom.ruszala@cambridgeshire.gov.uk)

A: Highways Service, Box No. STA2101, Cambridgeshire County Council, Stanton Way Depot, Huntingdon, PE29 6PY

*Please note my working days are Monday, Tuesday, Wednesday and Friday*

---

**From:** Lynda Warth <[REDACTED]>

**Sent:** 05 September 2022 14:26

**To:** Tom Ruzala <[Tom.Ruszala@cambridgeshire.gov.uk](mailto:Tom.Ruszala@cambridgeshire.gov.uk)>

**Subject:** RE: Consultation on an application to stop of a public footpath and replace it with a bridleway and two footpath connections in Sawston, Cambridgeshire

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Dear Tom

Having been in touch with the consultants for this project for a number of years, I am delighted to see this proposal for a bridleway link from Sawston to Babraham Road come forward. I am not sure if you are aware, but this will give the very popular and active Sawston Riding School safe access to the local bridleway network. Should CSETS go ahead, this path would link into the NMU path creating a fantastic network of access.

I fully support the proposal with the exception of the surfacing. Hoggin can mean a great deal of different things. It can end up being very stony / lumpy and unsuitable for any users. Please can the applicant provide an exact specification for the surfacing with the requirement for it to be agreed with the BHS?

If it has to be one surface, we would prefer rubber crumb which works well for all users and does not freeze in winter or a natural surface (i.e. grassed) although we appreciate that would not be ideal for cyclists.

The other important factor is to identify responsibility and funding for maintenance of the path going forward.

Kind regards,

Lynda

Lynda Warth

County Access & Bridleways Officer – Cambridgeshire

British Horse Society

---

**From:** Tom Ruzala <[Tom.Ruszala@cambridgeshire.gov.uk](mailto:Tom.Ruszala@cambridgeshire.gov.uk)>

**Sent:** 02 September 2022 15:25

**Subject:** Consultation on an application to stop of a public footpath and replace it with a bridleway and two footpath connections in Sawston, Cambridgeshire

Dear Consultee,

I am contacting you on behalf of the Definitive Map service at Cambridgeshire County Council. We deal with the legal record of public rights of way in the county of Cambridgeshire.

Please find attached letter and plans concerning a consultation on an application to divert a public footpath and replace it with a bridleway and two footpath connections in Sawston, Cambridgeshire. The application has been made by Redrow Homes under S.257 of the Town and Country Planning Act 1990 and is associated with planning permission to build 280 houses on land south of Babraham Road in Sawston.

I would be grateful if I could receive any comments you wish to make on this proposal by 30 September 2022.

Please do not hesitate to get in touch with me should you have any questions or want to discuss this matter further.

Thank you very much

Kind regards,

**Tom Ruzala**

**Asset Information Definitive Map Officer**

Highways Maintenance

T: 01223 715626

M: 07500 101551

E: [tom.ruszala@cambridgeshire.gov.uk](mailto:tom.ruszala@cambridgeshire.gov.uk)

A: Highways Service, Box No. STA2101, Cambridgeshire County Council, Stanton Way Depot, Huntingdon, PE29 6PY

*Please note my working days are Monday, Tuesday, Wednesday and Friday*

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Visit [www.cambridgeshire.gov.uk](http://www.cambridgeshire.gov.uk)

# Appendix P

**From:** [CTC Cambridge](#)  
**To:** [Tom Ruzala](#)  
**Subject:** Re: Consultation on an application to stop of a public footpath and replace it with a bridleway and two footpath connections in Sawston, Cambridgeshire  
**Date:** 07 September 2022 14:12:14  
**Attachments:** [P120 Consultation Plan with Planning Layout CTC2\\_Q1.jpg](#)  
[P120 Consultation Plan with Planning Layout CTC2\\_Q2.jpg](#)

---

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<https://cccandpcc.sharepoint.com/sites/CCCItranet>

Dear Mr Ruzala,

Could you provide a bit more information about the Public Right of Way access into and out of this new development.

First, let me state that these proposed changes seem mostly good. The creation of a new peripheral bridleway is very welcome.

Part of my concern is that the new bridleway as defined suggests that the only public RoW will be along this new peripheral path and there may be only limited intermediate access to the bridleway from the new development. This because the RoW status of the various potential links (access points) is not clear. The question is partly triggered because I note that two short links - notably two short footpath connections G-H and K-C are defined but many other short links into the new development are not defined.

To try and make the question more specific, please see the two attached maps which are marked up copies of your map. I have two questions based on these maps.

1) (see attachment CTC\_Q1) What is the Public RoW status of the two diagonal routes marked in Red. These show two possible walking and cycling routes access the new development. The first route goes from Point A to Point XA - this route is a short possible route that could replace the extinguished footpath. The second route goes from Point B to Point XB - this route replaces a current de-facto track along the parish boundary (this path is not a PRow but is well used).

2) (see attachment CTC\_Q2) What the Public RoW status of the several potential access points into and out of the new development both to the west and to the east. There are shown in orange on the map and are labelled as Points YA, YB, YC, YD, YE, YF, YG, YH, YI, YJ, YK. Will there be public RoW access at all of these places? Is so, why is there not a short stub section of bridleway in all these locations to reflect this RoW?

Some more details.

On (1) I assume that all of the primary and second roads in the development will be adopted by the Council and hence will become public highways. The covers most of the red routes. Is that correct? But this still leaves the issue of public rights at the XA and XB access points. See 2.

On (2) I have read some of the original Design and Access Statement and I note that pedestrian access is proposed at some of these points. My question is to know if this will be \*public\* access and whether it will be pedestrian access only or whether cycle access will also be permitted. The access points to the west (notably YH, YI and YK are likely to be important to encourage cycling and walking to the local schools and to the local shops and their status is also not clear. I understand this issue was raised as an objection as part of the normal planning process but it is not clear whether this has been reflected in these plans.

I am happy to discuss further if these questions if any of this not clear.

Thanks in advance

Rupert Goodings

CTC Cambridge

On 02/09/2022 15:25, Tom Ruzala wrote:

- >
- > Dear Consultee,
- >
- > I am contacting you on behalf of the Definitive Map service at Cambridgeshire
- > County Council. We deal with the legal record of public rights of way in the
- > county of Cambridgeshire.
- >
- > Please find attached letter and plans concerning a consultation on an
- > application to divert a public footpath and replace it with a bridleway and
- > two footpath connections in Sawston, Cambridgeshire. The application has been
- > made by Redrow Homes under S.257 of the Town and Country Planning Act 1990 and
- > is associated with planning permission to build 280 houses on land south of
- > Babraham Road in Sawston.
- >
- > I would be grateful if I could receive any comments you wish to make on this
- > proposal by 30 September 2022.
- >
- > Please do not hesitate to get in touch with me should you have any questions
- > or want to discuss this matter further.
- >
- > Thank you very much
- >
- > Kind regards,
- >
- > \*Tom Ruzala\*
- > \*Asset Information Definitive Map Officer\*
- >
- > Highways Maintenance
- >
- > T: 01223 715626
- >
- > M: 07500 101551
- >
- > E: tom.ruzala@cambridgeshire.gov.uk
- >
- > A: Highways Service, Box No. STA2101, Cambridgeshire County Council, Stanton
- > Way Depot, Huntingdon, PE29 6PY
- >
- > /Please note my working days are Monday, Tuesday, Wednesday and Friday/
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THIS MAP FORMS PART OF THE SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL (PUBLIC FOOTPATH NO. 12, SAWSTON) PUBLIC PATH STOPPING UP ORDER 2022

- Unaffected Public Footpath
- Unaffected Restricted Byway
- Public Footpath to be stopped up (A-B-C)
- Public Footpath to be created (K-C & G-H)
- Public Bridleway to be created (F-G-I-J-K-L-M)
- Public Footpath to be upgraded to a Public Bridleway (D-E-F)
- Parish boundary



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- Public Bridleway to be created (F-G-I-J-K-L-M)
- Public Footpath to be upgraded to a Public Bridleway (D-E-F)
- Parish boundary

**From:** [Tom Ruzala](#)  
**To:** ["CTC Cambridge"](#)  
**Subject:** RE: Consultation on an application to stop of a public footpath and replace it with a bridleway and two footpath connections in Sawston, Cambridgeshire  
**Date:** 09 September 2022 13:24:00  
**Attachments:** [DS\\_0703\\_08\\_INF\\_60\\_rev0\\_Section\\_38\\_Agreement\\_Plan.pdf](#)

---

Dear Rupert,

I've attached to this email a copy of the plan which shows the extend of the highways which are to be adopted by the County Council under section 38 of the Highways Act 1980. I think this will assist you with your queries regarding the status of various routes within the development. You'll see that the main route through the middle, including the footways, are to be adopted by the County Council as public highway. The foot/cycleway which runs along the south of the development, towards Church Lane is also to be adopted by the County Council. The rest of the routes within the development will remain private and will be maintained by the selected estate management company on completion of the development, with the exception of those routes dedicated as public rights of way by the landowner which automatically become maintainable by the County Council although in practise will also be maintained by the estate management company.

The County Council will work through the adoption process for routes which are put forward for adoption by a developer. There are criteria's which the County Council look for in terms of design specification and how useful the link would be in terms of how many properties the development serves etc. In this case, beyond the highway which is to be adopted by the S.38 agreement, we've asked for Rights of Way connections at the points where the new perimeter bridleway meets existing public rights of way. The Definitive Map service at the County Council also have their own a non-motorised user routes adoption test which each route put forward needs to pass before it will be considered to be beneficial enough to the wider public to be 'adopted' by the County Council. The test is quite stringent, as the Counties budget for maintaining new highways is limited, we have to limit what we accept liability for. The test ensures that only the most useful routes are adopted by the County Council.

I hope that this helps answer some of your queries. The Planning Layout was approved by the district council and the developer is obligated under planning law to comply with the approved plans. This means that the connections as shown on the layout are obligated to be build and physically kept in place. The County Council is limited however in what it can and will seek to adopt as public highway.

I'll try and find out from the developer whether the access points on your plan are intended to be available for cyclists and get back to you.

Thanks very much

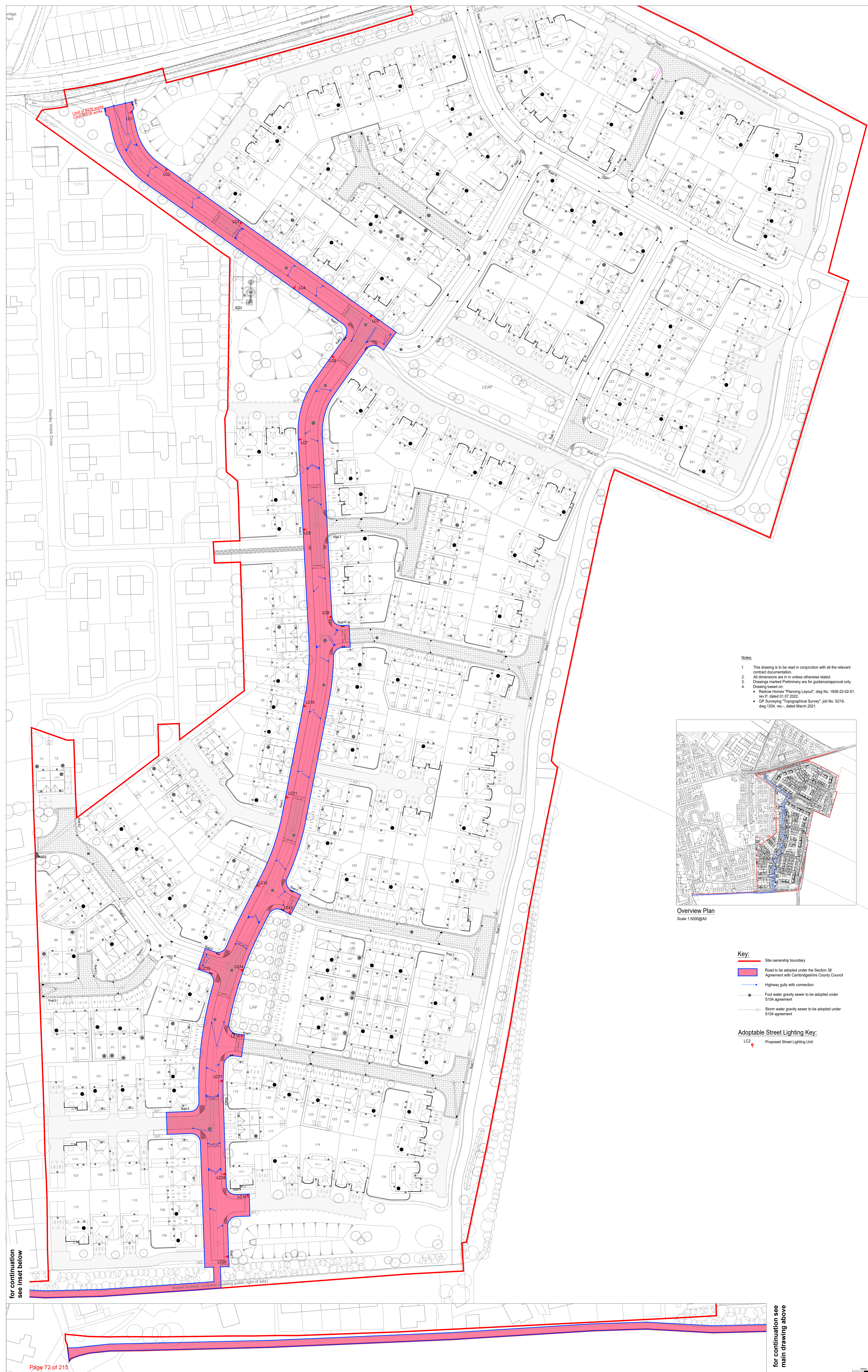
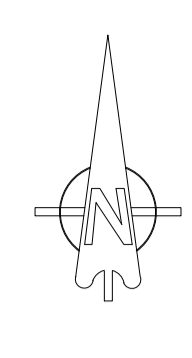
Tom Ruzala  
Asset Information Definitive Map Officer  
Highways Maintenance  
T: 01223 715626  
M: 07500 101551  
E: [tom.ruzala@cambridgeshire.gov.uk](mailto:tom.ruzala@cambridgeshire.gov.uk)  
A: Highways Service, Box No. STA2101, Cambridgeshire County Council, Stanton Way Depot, Huntingdon, PE29 6PY

Please note my working days are Monday, Tuesday, Wednesday and Friday

-----Original Message-----

From: CTC Cambridge <[\[REDACTED\]](#)>  
Sent: 07 September 2022 14:12  
To: Tom Ruzala <[Tom.Ruzala@cambridgeshire.gov.uk](mailto:Tom.Ruzala@cambridgeshire.gov.uk)>  
Subject: Re: Consultation on an application to stop of a public footpath and replace it with a bridleway and two footpath connections in Sawston, Cambridgeshire

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- Notes:**
1. This drawing is to be read in conjunction with all the relevant contract documentation.
  2. All dimensions are in m unless otherwise stated.
  3. Drawings marked 'Preliminary' are for guidance/approval only.
  4. Drawing based on:
    - Redrow Homes 'Planning Layout', dwg No. 1858-22-02-01, rev P, dated 01/07/2022.
    - GP Surveying 'Topographical Survey', job No. S219, dwg 1204, rev., dated March 2021.



- Key:**
- Site ownership boundary
  - Road to be adopted under the Section 38 Agreement with Cambridgeshire County Council
  - Highway gully with connection
  - Foul water gravity sewer to be adopted under S104 agreement
  - Storm water gravity sewer to be adopted under S104 agreement
- Adoptable Street Lighting Key:**
- LC2 Proposed Street Lighting Unit

for continuation see inset below

for continuation see main drawing above

21/07/2022	AJM/PDB
Rev. Date	Description of issue
Rev. Date	Chkd
Revisions:	
Issue Purpose:	
PRELIMINARY	
Project:	
Redrow Homes	
Land off Babraham Road	
Sawston, Cambridgeshire	
Drawing Title:	
Section 38 Agreement Plan	
Designer's Risk Assessment Reference:	
DS_0703_08-DRA-Civils	
Specification Reference:	
Drawn By:	Checked By:
AJM	PDB
Date:	Rev.
1:500 @ A0	July 2022
Drawing No:	
DS_0703_08/INF/60	/

**DAMJUL** **WILSONDEE**  
 Civil & Structural Solutions **Civil Designs**

Units 12, Harrogate Innovation Centre,  
 Harrogate Road, Harrogate, North Yorkshire, LS17 8PB  
 01422 681111 or 01422 681112  
 www.damjul.co.uk or www.wilsondee.co.uk

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**From:** [Tom Ruzala](#)  
**To:** [CTC Cambridge](#)  
**Subject:** RE: Consultation on an application to stop of a public footpath and replace it with a bridleway and two footpath connections in Sawston, Cambridgeshire  
**Date:** 14 September 2022 13:00:00  
**Attachments:** [P120 Consultation Plan with Planning Layout CTC2\\_Q2.jpg](#)  
[9860-P-04N Planning Layout.jpg](#)

---

Hello Rupert,

I've heard back from Redrow on the points identified on your plan. The spine road through the middle of the site will have a cycleway running through to promote access from Church Lane to the top of Babraham Road. The access points on the east of the site which you identify will all be in place as per the planning layout plan and will be cyclable although they won't be public rights of way, they will be managed by the developer's estate management company.

The western points won't all be accessible, so I've reference them below:

YK

-

This location will no longer have a path connection due to the housing development's management company objection, but a gap within the hedging will be provided. It will be grassland, therefore access can be achieved, although, not encouraged.

YJ

-

This will have a footpath connection. The bollard which is present in this location will be removed. In this location the access connects onto quite a narrow public footpath and therefore cycling along the access will not be encouraged.

YH

-

There won't be a formal footpath connection in this location, although it will be possible to access Plantation Road via a grassed area.

-

The layout of the Planning Permission has already been approved by Councillors therefore there is limited scope for making changes to access points.

Thanks very much

Tom Ruzala  
Asset Information Definitive Map Officer  
Highways Maintenance

**From:** [CTC Cambridge](#)  
**To:** [Tom Ruzala](#)  
**Subject:** Re: Consultation on an application to stop of a public footpath and replace it with a bridleway and two footpath connections in Sawston, Cambridgeshire  
**Date:** 14 September 2022 13:59:40

---

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Dear Tom,

Thanks for this and for your earlier reply. All very clear - if a bit disappointing.

I note that the "promoted" access to Church Lane access along the new bridleway is consistent with the proposal for a 4m tarmac surface on this section of bridleway. That will be important to provide an all-weather route to the local shops and services.

I am rather puzzled by the YK decision, given that this would be the preferred way for residents to access the front door of the Ickneild Primary School. I assume you mean that the objection was from the Redrow side (i.e. the \*new\* housing development management company) and not from the existing development. Is that correct? Do you have any more details as to why they objected?

I am assuming you can't take this any further - we would need to take up the western access issues with the planners?

Thanks again

Rupert Goodings

On 14/09/2022 13:00, Tom Ruzala wrote:

>  
> Hello Rupert,  
>  
> I've heard back from Redrow on the points identified on your plan. The spine  
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>  
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**From:** [Tom Ruzala](#)  
**To:** [CTC Cambridge](#)  
**Subject:** RE: Consultation on an application to stop of a public footpath and replace it with a bridleway and two footpath connections in Sawston, Cambridgeshire  
**Date:** 20 September 2022 16:09:00  
**Attachments:** [DS\\_0703\\_08\\_INF\\_60\\_rev0\\_Section\\_38\\_Agreement\\_Plan.pdf](#)

---

Hello Rupert,

I understand this wasn't necessarily the preferred choice of the developer but to do with the fact that the County Council would not maintain routes on the development beyond the main road connection through and the part of the Bridleway connecting the main road and Church Lane. The management company who will be managing the landscaping and roads and paths on the site objected to it being a cycle and pedestrian route because they felt that they couldn't maintain it as such. It's not something I've been involved with.

I'd say that this issue is beyond the scope of the proposed stopping up of part of Footpath 12 and concerns the broader layout of the site. As the site has planning permission, I'm not sure that there is much that can be done at this stage but you could raise it with the planning authority.

Thanks very much

Tom Ruzala  
Asset Information Definitive Map Officer  
Highways Maintenance  
T: 01223 715626  
M: 07500 101551  
E: [tom.ruzala@cambridgeshire.gov.uk](mailto:tom.ruzala@cambridgeshire.gov.uk)  
A: Highways Service, Box No. STA2101, Cambridgeshire County Council, Stanton Way Depot, Huntingdon, PE29 6PY

Please note my working days are Monday, Tuesday, Wednesday and Friday

-----Original Message-----

From: CTC Cambridge <[REDACTED]>  
Sent: 14 September 2022 13:59  
To: Tom Ruzala <[Tom.Ruzala@cambridgeshire.gov.uk](mailto:Tom.Ruzala@cambridgeshire.gov.uk)>  
Subject: Re: Consultation on an application to stop of a public footpath and replace it with a bridleway and two footpath connections in Sawston, Cambridgeshire

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**From:** [CTC Cambridge](#)  
**To:** [Tom Ruzala](#)  
**Subject:** Re: Consultation on an application to stop of a public footpath and replace it with a bridleway and two footpath connections in Sawston, Cambridgeshire  
**Date:** 21 September 2022 08:20:04

---

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Dear Tom,

Thanks for this follow-up. You've been very helpful on these issues.

All is pretty clear now, and yes I understand that this is out of scope for the footpath 12 stopping up consultation.

Thanks.



Rupert

On 20/09/2022 16:09, Tom Ruzala wrote:

>  
> Hello Rupert,  
>  
> I understand this wasn't necessarily the preferred choice of the developer but  
> to do with the fact that the County Council would not maintain routes on the  
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> this stage but you could raise it with the planning authority.  
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> Thanks very much  
>  
> Tom Ruzala  
>  
> Asset Information Definitive Map Officer  
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> Highways Maintenance  
>  
> T: 01223 715626  
>  
> M: 07500 101551  
>  
> E: tom.ruzala@cambridgeshire.gov.uk  
>  
> A: Highways Service, Box No. STA2101, Cambridgeshire County Council, Stanton  
> Way Depot, Huntingdon, PE29 6PY  
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> -----Original Message-----  
> From: CTC Cambridge [REDACTED]

> Sent: 14 September 2022 13:59  
> To: Tom Ruzala <Tom.Ruzala@cambridgeshire.gov.uk>  
> Subject: Re: Consultation on an application to stop of a public footpath and  
> replace it with a bridleway and two footpath connections in Sawston,  
> Cambridgeshire  
>  
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>  
> Dear Tom,  
>  
> Thanks for this and for your earlier reply. All very clear - if a bit  
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> assume you mean that the objection was from the Redrow side (i.e. the \*new\*  
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> Is that correct? Do you have any more details as to why they objected?  
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>  
> Thanks again  
>  
> Rupert Goodings  
>  
> On 14/09/2022 13:00, Tom Ruzala wrote:  
>  
>>  
>  
>> Hello Rupert,  
>  
>>  
>  
>> I've heard back from Redrow on the points identified on your plan.  
>  
>> The spine road through the middle of the site will have a cycleway  
>  
>> running through to promote access from Church Lane to the top of  
>  
>> Babraham Road. The access points on the east of the site which you  
>  
>> identify will all be in place as per the planning layout plan and will  
>  
>> be cyclable although they won't be public rights of way, they will be  
> managed by the developer's estate management company.  
>  
>>  
>  
>> The western points won't all be accessible, so I've reference them below:  
>

>>  
>  
>> \*\_YK\_\*  
>  
>>  
>  
>> \*\_\*  
>  
>>  
>  
>> This location will no longer have a path connection due to the housing  
>  
>> development's management company objection, but a gap within the  
>  
>> hedging will be provided. It will be grassland, therefore access can  
>  
>> be achieved, although, not encouraged.  
>  
>>  
>  
>> \*\_YJ\_\*  
>  
>>  
>  
>> \*\_\*  
>  
>>  
>  
>> This will have a footpath connection. The bollard which is present in  
>  
>> this location will be removed. In this location the access connects  
>  
>> onto quite a narrow public footpath and therefore cycling along the  
>  
>> access will not be encouraged.  
>  
>>  
>  
>> \*\_YH\_\*  
>  
>>  
>  
>> \*\_\*  
>  
>>  
>  
>> There won't be a formal footpath connection in this location, although  
>  
>> it will be possible to access Plantation Road via a grassed area.  
>  
>>  
>  
>> -  
>  
>>  
>  
>> The layout of the Planning Permission has already been approved by  
>  
>> Councillors therefore there is limited scope for making changes to access  
> points.  
>

>>  
>  
>> Thanks very much  
>  
>>  
>  
>> Tom Ruzala  
>  
>>  
>  
>> Asset Information Definitive Map Officer  
>  
>>  
>  
>> Highways Maintenance  
>  
>>  
>  
>> T: 01223 715626  
>  
>>  
>  
>> M: 07500 101551  
>  
>>  
>  
>> E: tom.ruzala@cambridgeshire.gov.uk <<mailto:tom.ruzala@cambridgeshire.gov.uk>>  
>  
>>  
>  
>> A: Highways Service, Box No. STA2101, Cambridgeshire County Council,  
>  
>> Stanton Way Depot, Huntingdon, PE29 6PY  
>  
>>  
>  
>> Please note my working days are Monday, Tuesday, Wednesday and Friday  
>  
>>  
>  
>> -----Original Message-----  
>  
>> From: Tom Ruzala  
>  
>> Sent: 09 September 2022 13:25  
>  
>> To: 'CTC Cambridge' <  
>   
>  
>> Subject: RE: Consultation on an application to stop of a public  
>  
>> footpath and replace it with a bridleway and two footpath connections  
>  
>> in Sawston, Cambridgeshire  
>  
>>  
>  
>> Dear Rupert,  
>  
>>  
>

>> I've attached to this email a copy of the plan which shows the extend  
>  
>> of the highways which are to be adopted by the County Council under  
>  
>> section 38 of the Highways Act 1980. I think this will assist you  
>  
>> with your queries regarding the status of various routes within the  
>  
>> development. You'll see that the main route through the middle,  
>  
>> including the footways, are to be adopted by the County Council as  
>  
>> public highway. The foot/cycleway which runs along the south of the  
>  
>> development, towards Church Lane is also to be adopted by the County  
>  
>> Council. The rest of the routes within the development will remain  
>  
>> private and will be maintained by the selected estate management  
>  
>> company on completion of the development, with the exception of those  
>  
>> routes dedicated as public rights of way by the landowner which  
>  
>> automatically become maintainable by the County Council although in practise  
> will also be maintained by the estate management company.  
>  
>>  
>  
>> The County Council will work through the adoption process for routes  
>  
>> which are put forward for adoption by a developer. There are  
>  
>> criteria's which the County Council look for in terms of design  
>  
>> specification and how useful the link would be in terms of how many  
>  
>> properties the development serves etc. In this case, beyond the  
>  
>> highway which is to be adopted by the S.38 agreement, we've asked for  
>  
>> Rights of Way connections at the points where the new perimeter  
>  
>> bridleway meets existing public rights of way. The Definitive Map  
>  
>> service at the County Council also have their own a non-motorised user  
>  
>> routes adoption test which each route put forward needs to pass before  
>  
>> it will be considered to be beneficial enough to the wider public to  
>  
>> be 'adopted' by the County Council. The test is quite stringent, as  
>  
>> the Counties budget for maintaining new highways is limited, we have  
>  
>> to limit what we accept liability for. The test ensures that only the most  
> useful routes are adopted by the County Council.  
>  
>>  
>  
>> I hope that this helps answer some of your queries. The Planning



>  
>> Layout was approved by the district council and the developer is  
>  
>> obligated under planning law to comply with the approved plans. This  
>  
>> means that the connections as shown on the layout are obligated to be build  
> and physically kept in place.  
>  
>> The County Council is limited however in what it can and will seek to  
>  
>> adopt as public highway.  
>  
>>  
>  
>> I'll try and find out from the developer whether the access points on  
>  
>> your plan are intended to be available for cyclists and get back to you.  
>  
>>  
>  
>> Thanks very much  
>  
>>  
>  
>> Tom Ruzala  
>  
>>  
>  
>> Asset Information Definitive Map Officer Highways Maintenance  
>  
>>  
>  
>> T: 01223 715626  
>  
>>  
>  
>> M: 07500 101551  
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>>  
>  
>> E: tom.ruzala@cambridgeshire.gov.uk <<mailto:tom.ruzala@cambridgeshire.gov.uk>>  
>  
>> <<mailto:tom.ruzala@cambridgeshire.gov.uk>  
> <<mailto:tom.ruzala@cambridgeshire.gov.uk>>>  
>  
>>  
>  
>> A: Highways Service, Box No. STA2101, Cambridgeshire County Council,  
>  
>> Stanton Way Depot, Huntingdon, PE29 6PY  
>  
>>  
>  
>> Please note my working days are Monday, Tuesday, Wednesday and Friday  
>  
>>  
>  
>> -----Original Message-----  
>  
>>  
>

>> From: CTC Cambridge <[REDACTED]>  
>  
>> <[REDACTED]>  
>  
>>  
>  
>> Sent: 07 September 2022 14:12  
>  
>>  
>  
>> To: Tom Ruzala <Tom.Ruzala@cambridgeshire.gov.uk>  
>  
>> <mailto:Tom.Ruzala@cambridgeshire.gov.uk>  
> <<mailto:Tom.Ruzala@cambridgeshire.gov.uk>>>>  
>  
>>  
>  
>> Subject: Re: Consultation on an application to stop of a public  
>  
>> footpath and replace it with a bridleway and two footpath connections  
>  
>> in Sawston, Cambridgeshire  
>  
>>  
>  
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>> Council's network. Do NOT click on links or open attachments unless  
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>> <<https://cccandpcc.sharepoint.com/sites/CCCIntranet>>  
> <<https://cccandpcc.sharepoint.com/sites/CCCIntranet>>>  
>  
>>  
>  
>> Dear Mr Ruzala,  
>  
>>  
>  
>> Could you provide a bit more information about the Public Right of Way  
>  
>> access into and out of this new development.  
>  
>>  
>  
>> First, let me state that these proposed changes seem mostly good. The  
>  
>> creation of a new peripheral bridleway is very welcome.  
>  
>>  
>  
>> Part of my concern is that the new bridleway as defined suggests that

>  
>> the only public RoW will be along this new peripheral path and there  
>  
>> may be only limited intermediate access to the bridleway from the new  
>  
>> development. This because the RoW status of the various potential  
>  
>> links (access points) is not clear. The question is partly triggered  
>  
>> because I note that two short links - notably two short footpath  
>  
>> connections G-H and K-C are defined but many other short links into the new  
> development are not defined.  
>  
>>  
>  
>> To try and make the question more specific, please see the two  
>  
>> attached maps which are marked up copies of your map. I have two questions  
> based on these maps.  
>  
>>  
>  
>> 1) (see attachment CTC\_Q1) What is the Public RoW status of the two  
>  
>> diagonal routes marked in Red. These show two possible walking and  
>  
>> cycling routes access the new development. The first route goes from  
>  
>> Point A to Point XA - this route is a short possible route that could  
>  
>> replace the extinguished footpath. The second route goes from Point B  
>  
>> to Point XB - this route replaces a current de-facto track along the  
>  
>> parish boundary (this path is not a PRoW but is well used).  
>  
>>  
>  
>> 2) (see attachment CTC\_Q2) What the Public RoW status of the several  
>  
>> potential access points into and out of the new development both to  
>  
>> the west and to the east. There are shown in orange on the map and  
>  
>> are labelled as Points YA, YB, YC, YD, YE, YF, YG, YH, YI, YJ, YK.  
>  
>> Will there be public RoW access at all of these places? Is so, why is  
>  
>> there not a short stub section of bridleway in all these locations to  
> reflect this RoW?  
>  
>>  
>  
>> Some more details.  
>  
>>  
>  
>> On (1) I assume that all of the primary and second roads in the  
>  
>> development will be adopted by the Council and hence will become

>  
>> public highways. The covers most of the red routes. Is that correct?  
>  
>> But this still leaves the issue of public rights at the XA and XB access  
> points. See 2.  
>  
>>  
>  
>> On (2) I have read some of the original Design and Access Statement  
>  
>> and I note that pedestrian access is proposed at some of these points.  
>  
>> My question is to know if this will be \*public\* access and whether is  
>  
>> will be pedestrian access only or whether cycle access will also be  
>  
>> permitted. The access points to the west (notably YH, YI and YK are  
>  
>> likely to be important to encourage cycling and walking to the local  
>  
>> schools and to the local shops and their status is also not clear. I  
>  
>> understand this issue was raised as an objection as part of the normal  
>  
>> planning process but it is not clear whether this has been reflected in  
> these plans.  
>  
>>  
>  
>> I am happy to discuss further if these questions if any of this not clear.  
>  
>>  
>  
>> Thanks in advance  
>  
>>  
>  
>> Rupert Goodings  
>  
>>  
>  
>> CTC Cambridge  
>  
>>  
>  
>> On 02/09/2022 15:25, Tom Ruzala wrote:  
>  
>>  
>  
>>>  
>  
>>  
>  
>>> Dear Consultee,  
>  
>>  
>  
>>>  
>  
>>  
>

>>> I am contacting you on behalf of the Definitive Map service at  
>  
>>  
>  
>>> Cambridgeshire County Council. We deal with the legal record of  
>  
>>  
>  
>>> public rights of way in the county of Cambridgeshire.  
>  
>>  
>  
>>>  
>  
>>  
>  
>>> Please find attached letter and plans concerning a consultation on  
>  
>>> an  
>  
>>  
>  
>>> application to divert a public footpath and replace it with a  
>  
>>  
>  
>>> bridleway and two footpath connections in Sawston, Cambridgeshire.  
>  
>>  
>  
>>> The application has been made by Redrow Homes under S.257 of the  
>  
>>> Town  
>  
>>  
>  
>>> and Country Planning Act 1990 and is associated with planning  
>  
>>  
>  
>>> permission to build 280 houses on land south of Babraham Road in Sawston.  
>  
>>  
>  
>>>  
>  
>>  
>  
>>> I would be grateful if I could receive any comments you wish to make  
>  
>>  
>  
>>> on this proposal by 30 September 2022.  
>  
>>  
>  
>>>  
>  
>>  
>  
>>> Please do not hesitate to get in touch with me should you have any

>  
>>  
>  
>>> questions or want to discuss this matter further.  
>  
>>  
>  
>>>  
>  
>>  
>  
>>> Thank you very much  
>  
>>  
>  
>>>  
>  
>>  
>  
>>> Kind regards,  
>  
>>  
>  
>>>  
>  
>>  
>  
>>> \*Tom Ruzala\*  
>  
>>  
>  
>>> \*Asset Information Definitive Map Officer\*  
>  
>>  
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>  
>>> Highways Maintenance  
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>>> T: 01223 715626  
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>>> M: 07500 101551  
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>>  
>  
>>> E: tom.ruszala@cambridgeshire.gov.uk  
> <<mailto:tom.ruszala@cambridgeshire.gov.uk>>  
>  
>>> <<mailto:tom.ruszala@cambridgeshire.gov.uk>>  
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>  
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>  
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>  
>>> Stanton Way Depot, Huntingdon, PE29 6PY  
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>  
>>> /Please note my working days are Monday, Tuesday, Wednesday and  
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>>> Friday/  
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>  
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>>> necessarily represent the opinion of Cambridgeshire County Council.

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>  
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>  
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**From:** [CTC Cambridge](#)  
**To:** [Tom Ruzala](#)  
**Subject:** Re: Consultation on an application to stop of a public footpath and replace it with a bridleway and two footpath connections in Sawston, Cambridgeshire  
**Date:** 21 September 2022 11:25:32

---

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Dear Tom,

A separate issue on this application. I didn't want to confuse the earlier thread.

The locals tell me that the southern part of the proposed new bridleway - i.e. the section D-E-F is used as a haul route by the local farmer on the years when they grow sugar beet (not this year). The beet are stored on the concrete slab close to Church Lane (just south east of point D). I've attached a google screenshot of the slab.

I note that the new bridleway is routed along the north side of the slab which is fine. But the rest of this section could still be used by the farmer for hauling sugar beet - I know that farmers often use bridleways for farm traffic, but I am not clear if they always have a legal right to use them.

Can you create the bridleway in a way that prevents the farmer from using any part of the new bridleway as a haul route? Clearly both the tarmac section and the hoggin section would likely be damaged by heavy vehicles and there could be a lot of mud so this would be a useful protection. In this case, the obvious answer is for the farmer to create a separate track in the field to the south of the new bridleway.

I give this extra importance, given that this is the only adopted/supported route for NMUs to/from the new development.

Thanks

Rupert Goodings

**From:** [Tom Ruzala](#)  
**To:** [CTC Cambridge](#)  
**Subject:** RE: Consultation on an application to stop of a public footpath and replace it with a bridleway and two footpath connections in Sawston, Cambridgeshire  
**Date:** 26 September 2022 08:28:00

---

Good morning Rupert,

I've been informed that Redrow have purchased the track and therefore the Farmer no longer has any rights to access the track which should alleviate the concern for the surface of the route in this location.

Thanks very much

Tom Ruzala  
Asset Information Definitive Map Officer  
Highways Maintenance  
T: 01223 715626  
M: 07500 101551  
E: [tom.ruzala@cambridgeshire.gov.uk](mailto:tom.ruzala@cambridgeshire.gov.uk)  
A: Highways Service, Box No. STA2101, Cambridgeshire County Council, Stanton Way Depot, Huntingdon, PE29 6PY

Please note my working days are Monday, Tuesday, Wednesday and Friday

-----Original Message-----

From: CTC Cambridge [REDACTED]  
Sent: 21 September 2022 11:25  
To: Tom Ruzala <[Tom.Ruzala@cambridgeshire.gov.uk](mailto:Tom.Ruzala@cambridgeshire.gov.uk)>  
Subject: Re: Consultation on an application to stop of a public footpath and replace it with a bridleway and two footpath connections in Sawston, Cambridgeshire

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Dear Tom,

A separate issue on this application. I didn't want to confuse the earlier thread.

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I give this extra importance, given that this is the only adopted/supported route for NMUs to/from the new development.

Thanks

Rupert Goodings

**From:** [CTC Cambridge](#)  
**To:** [Tom Ruzala](#)  
**Subject:** Re: Consultation on an application to stop of a public footpath and replace it with a bridleway and two footpath connections in Sawston, Cambridgeshire  
**Date:** 27 September 2022 09:33:05

---

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Dear Tom,

Thank you. A good result.

Rupert

On 26/09/2022 08:28, Tom Ruzala wrote:

> Good morning Rupert,

>

> I've been informed that Redrow have purchased the track and therefore the Farmer no longer has any rights to access the track which should alleviate the concern for the surface of the route in this location.

>

> Thanks very much

>

> Tom Ruzala

> Asset Information Definitive Map Officer

> Highways Maintenance

> T: 01223 715626

> M: 07500 101551

> E:tom.ruzala@cambridgeshire.gov.uk

> A: Highways Service, Box No. STA2101, Cambridgeshire County Council, Stanton Way Depot, Huntingdon, PE29 6PY

>

> Please note my working days are Monday, Tuesday, Wednesday and Friday

# Appendix Q

**From:** [REDACTED]  
**To:** [Tom.Ruszala](mailto:Tom.Ruszala@cambridgeshire.gov.uk)  
**Cc:** [REDACTED]  
**Subject:** Re: Consultation on an application to stop of a public footpath and replace it with a bridleway and two footpath connections in Sawston, Cambridgeshire  
**Date:** 07 September 2022 19:42:20  
**Attachments:** [P120 Consultation Letter.pdf](#)  
[P120 Consultation Plan with Planning Layout.pdf](#)  
[P120 Consultation Plan.pdf](#)

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Dear Mr Ruszala

I am responding on behalf of the Cambridge Group of the Ramblers.

We have no objection in principle to the proposed stopping up and creation of new footpath connections and bridleway in Sawston/Pampisford, but are very concerned about building works on this new estate effectively denying the public from access for a considerable period whilst construction takes place.

Consequently, we would request that the proposed new public rights of way shown on your illustrative map MLKC and CKJIGH are in place and open before public footpath Sawston 12 ABC is closed. We note a number of issues in South Cambridgeshire and Cambridge City where new building works threaten to close rights of way for months during construction. Consequently we request that any planning permission includes the condition that new/diverted public rights of way are available at the start of and throughout all construction works.

Yours sincerely

Jill Tuffnell  
Secretary, Cambridge Group of the Ramblers

Sent from my iPad

On 2 Sep 2022, at 15:25, Tom Ruszala  
<[Tom.Ruszala@cambridgeshire.gov.uk](mailto:Tom.Ruszala@cambridgeshire.gov.uk)> wrote:

Dear Consultee,

I am contacting you on behalf of the Definitive Map service at Cambridgeshire County Council. We deal with the legal record of public rights of way in the county of Cambridgeshire.

Please find attached letter and plans concerning a consultation on an

# Appendix R

E: [tom.ruszala@cambridgeshire.gov.uk](mailto:tom.ruszala@cambridgeshire.gov.uk)

A: Highways Service, Box No. STA2101, Cambridgeshire County Council, Stanton Way Depot, Huntingdon, PE29 6PY

*Please note my working days are Monday, Tuesday, Wednesday and Friday*

---

**From:** [REDACTED]

**Sent:** 13 September 2022 14:49

**To:** Tom Ruszala <[Tom.Ruszala@cambridgeshire.gov.uk](mailto:Tom.Ruszala@cambridgeshire.gov.uk)>

**Subject:** Consultation on an application to stop a public footpath

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Dear Tom,

Myself and my partner live at 58 Stanley Webb Close Sawston, and the proposed plans to divert the public footpath which currently runs directly behind our house is footpath 12, we strongly feel should remain where it is. The trees behind our house are maintained by Metropolitan Thames Valley Housing Association and to which we pay for this service. Metropolitan Thames Valley Housing Association will no longer be able to access these trees to maintain them. These trees and bushes act as a green space behind our home which we believe should remain and continue to be maintained. It allows a better distance between us and the new proposed homes and allows for the wildlife to continue inhabiting there.

We strongly feel that the current footpath should remain in order for us to benefit from the trees and wildlife and for Metropolitan to be able to maintain the land, that we pay for.

I look forward to hearing from you.

Kind regards,

[REDACTED]

Sent from my iPhone

From: [Tom Ruszala](#)  
To: [REDACTED]  
Subject: RE: Consultation on an application to stop a public footpath  
Date: 13 September 2022 15:06:00  
Attachments: [Plan response to Stanley Webb Court hedge concern.pdf](#)  
[image001.png](#)

Dear [REDACTED]

I've literally just contacted your neighbours at 56 and 57 about this issue as I've just heard back from Redrow who are the applicant for the stopping up order. There are no proposals to remove the trees and wildlife in this location, Redrow would not permit the removal of the hedge line in this location.

I've attached an annotated copy of a plan and also an annotated screenshot below to assist in responding to your concern.

I understand from Redrow that there are no recorded rights of access on the boundary in question to trim the hedge on the south side. Having said that, Redrow stated that they would not stop anybody from maintaining the hedge. The southern side of the hedge will be accessible from the grassland between proposed plots 55 and 56 and the access near to 74 Plantation Road. The hedging which faces the proposed plots 56 & 71 will be down to the occupiers of those plots to trim, should it overhand their boundary.



I hope that you find this information to be useful and goes some way to alleviating your concerns around the maintenance of the hedge. Please let me know your thoughts on this and whether there is anything else you'd like to discuss. The decision on whether or not to stop up the footpath will be taken by South Cambridgeshire District Council's Planning Committee. When the Planning Committee makes a decision on whether or not to make an order to stop up the footpath and replace it with an alternative bridleway, it will not be for them to question the merits of the planning permission which has already been granted. They'll need to consider whether or not the application to stop up the footpath and replace it is necessary for the development to take place. They will however have regard to any disadvantages likely to arise as a result of the stopping up to members of the public generally or to persons whose properties adjoin or are near to the existing footpath, which will need to be weighed up against the advantages of the proposed order.

Thanks very much

**Tom Ruszala**  
**Asset Information Definitive Map Officer**  
Highways Maintenance  
T: 01223 715626  
M: 07500 101551

# Appendix S

**Subject:** Footpath sawston, Redrow homes

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Dear Tom,

I'm getting in touch with you to voice my concern over the removal of a public footpath at the rear of my property. I live at 55 Stanley Webb Close, Sawston and we need access to the hedges at the side and rear of my garden and my neighbour's, so that Metropolitan can maintain them. This footpath is also a route from Babraham to Sawston and is used by many. Also I'm concerned about how close the new houses would be without the width of the path.

I look forward to your reply.

██████████



**From:** [Tom Ruzala](#)  
**To:** [REDACTED]  
**Subject:** RE: Footpath sawston, Redrow homes  
**Date:** 26 September 2022 09:57:00

---

Dear [REDACTED]

Thank you for your email.

I've received a similar response from your neighbours at 56, 57 and 58 Stanley Webb Close.

The layout of the two plots to the south of 55, 56, 57 and 58 Stanley Webb Close was approved by South Cambridgeshire District Council under planning permission 21/03955/FUL ([21/03955/FUL | Erection of 280 dwellings, including 72 affordable dwellings, two new vehicular accesses from Babraham Road, pedestrian and cycle access, publicly accessible open space, a Local Area of Play \(LAP\) and a Local Equipped Area of Play \(LEAP\), landscaping and earthworks and surface water drainage, associated amenity space and attenuation features and internal infrastructure. | Land South Of Babraham Road Sawston Cambridge South Cambridgeshire \(greatercambridgeplanning.org\)](#)). I'm sorry but because permission has already been approved for the layout of the site, there isn't anything that can be done at this stage to change the layout in terms of the proximity to your property.

I understand your concern about the hedge maintenance. I understand from Redrow that it would be down to the occupiers of the new plots which back onto the properties at Stanley Webb Close to maintain the hedge on that side. I'll speak to Redrow to see if there is anything that can be done to help alleviate your concern about maintenance of the southern part of the hedge and come back to you.

Thanks very much

**Tom Ruzala**

**Asset Information Definitive Map Officer**

Highways Maintenance

T: 01223 715626

M: 07500 101551

E: [tom.ruzala@cambridgeshire.gov.uk](mailto:tom.ruzala@cambridgeshire.gov.uk)

A: Highways Service, Box No. STA2101, Cambridgeshire County Council, Stanton Way Depot, Huntingdon, PE29 6PY

*Please note my working days are Monday, Tuesday, Wednesday and Friday*

---

**From:** [REDACTED] <[REDACTED]>  
**Sent:** 23 September 2022 18:22  
**To:** Tom Ruzala <Tom.Ruzala@cambridgeshire.gov.uk>

# Appendix T

**From:** [Tom Ruzala](#)  
**To:** [REDACTED]  
**Subject:** RE: Proposed move of public footpath no 12 (Sawston) and no 9 (Babrahan) and replacement Bridleway with 2 footpath connections  
**Date:** 13 September 2022 14:46:00  
**Attachments:** [Plan response to Stanley Webb Court hedge concern.pdf](#)  
[image001.png](#)

---

Dear [REDACTED]

I've now heard back from Redrow Homes concerning your query about the hedging. I've attached an annotated copy of a plan and also an annotated screenshot below to assist in responding to your concern.

I understand from Redrow that there are no recorded rights of access on the boundary in question to trim the hedge on the south side. Having said that, Redrow stated that they would not stop anybody from maintaining the hedge. The southern side of the hedge will be accessible from the grassland between proposed plots 55 and 56 and the access near to 74 Plantation Road. The hedging which faces the proposed plots 56 & 71 will be down to the occupiers of those plots to trim, should it overhand their boundary. No removal of the hedge by the plots would be permitted.



I hope that you find this information to be useful and goes some way to alleviating your concerns around the maintenance of the hedge. Please let me know your thoughts on this and whether there is anything else you'd like to discuss. When the Planning Committee makes a decision on whether or not to make an order to stop up the footpath and replace it with an alternative bridleway, it will not be for them to question the merits of the planning permission, but they should have regard to any disadvantages likely to arise as a result of the stopping up to members of the public generally or to persons whose properties adjoin or are near to the existing footpath, which will need to be weighed up against the advantages of the proposed order.

Thanks very much

**Tom Ruzala**  
**Asset Information Definitive Map Officer**  
Highways Maintenance  
T: 01223 715626  
M: 07500 101551  
E: [tom.ruzala@cambridgeshire.gov.uk](mailto:tom.ruzala@cambridgeshire.gov.uk)  
A: Highways Service, Box No. STA2101, Cambridgeshire County Council, Stanton Way Depot, Huntingdon, PE29 6PY

*Please note my working days are Monday, Tuesday, Wednesday and Friday*

**From:** Tom Ruzala  
**Sent:** 09 September 2022 11:26  
**To:** [REDACTED]  
**Subject:** RE: Proposed move of public footpath no 12 (Sawston) and no 9 (Babrahan) and replacement Bridleway with 2 footpath connections

Dear [REDACTED]

Thank you for your representation on the application to stop up part of Public Footpath No. 12, Sawston and replace it with a bridleway and 2 footpath connections. I have contacted the applicant regarding the issue of the maintenance of the hedge and am waiting to hear back. I will get back to you with more information on this issue as soon as I hear back.

Regarding the second objection, the legal test under S.257 of the Town and Country Planning Act 1990 that South Cambridgeshire District Council's planning committee must consider when deciding whether or not to make an order is whether they are satisfied that it is necessary to do so in order to enable the development to be carried out in accordance with the planning permission reference 21/03955/FUL.

The development layout already has planning permission granted by South Cambridgeshire District Council's Planning Committee and we do not have the power to change the layout of what has already been approved. When the Planning Committee come to decided whether or not to make the order affecting the public right of way, they can only consider whether it's necessary to make the order in order to allow approved development to take place. Any objections which seek to re-argue the merits of a development will not be considered to be relevant to the determination of the order. This is necessary to ensure the public rights of way can be dealt with, prior to completion of development, and avoid a situation where public rights of way can become permanently obstructed by development.

We're presently minded that making the order to stop up and replace the footpath is in the wider public interest as the current narrow cross-field footpath would be replaced by a much wider perimeter bridleway which can be used by all modes of non-motorised traffic including walkers (including people with limited mobility, people using buggies, cyclists and horse-riders) and provide new connections to existing public highways.

At the end of the consultation period, we will review any responses received and produce a report for the decision makers which will include a recommendation whether or not an order should be made within the criteria set by the legislation. The comments received from the consultees on this matter will be considered and I'm keeping an open mind on the matter depending on what comments we receive.

Once I hear back what the maintenance arrangements for the hedge line, I'll come back to you.

Thanks very much

**Tom Ruzala**  
**Asset Information Definitive Map Officer**  
Highways Maintenance  
T: 01223 715626  
M: 07500 101551  
E: [tom.ruzala@cambridgeshire.gov.uk](mailto:tom.ruzala@cambridgeshire.gov.uk)  
A: Highways Service, Box No. STA2101, Cambridgeshire County Council, Stanton Way Depot, Huntingdon, PE29 6PY

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---

**From:** [REDACTED]  
**Sent:** 08 September 2022 14:09  
**To:** Tom Ruzala <[tom.ruzala@cambridgeshire.gov.uk](mailto:tom.ruzala@cambridgeshire.gov.uk)>  
**Subject:** Proposed move of public footpath no 12 (Sawston) and no 9 (Babrahan) and replacement Bridleway with 2 footpath connections

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Dear Tom

I am writing regarding the proposed movement of footpath no 12 in Sawston.

I live at no 57 Stanley Webb Close and currently this footpath runs along the back of my home.

I would like to strongly object to the movement of this public footpath for 2 reasons:

1. Between my property and the footpath is a strip of land containing trees and shrubs which we pay Metropolitan Thames Valley Housing Association a monthly fee to maintain. If the footpath is moved they will be unable to access this area and it will become overgrown and impact on my property (and those of my neighbours).
2. Moving the footpath will mean that the new houses will be much closer to my home and those of my neighbours. By leaving the footpath where it is it would mean there would be a greater distance left between the existing and new properties. This would go some way to easing the "pain" of having 280 homes built on the open farmland behind us that we currently enjoy. I'm sure it would also be welcomed by the residents of the new development.

I'm not convinced there are any real benefits to the community of moving these footpaths although I'm sure there are benefits to the developer!

I hope that you are able to take these points into consideration.

Kind regards

[REDACTED]

57 Stanley Webb Close

[REDACTED]

Sent from my Huawei phone

# Appendix U

**From:** [REDACTED]  
**To:** [Tom Ruszala](mailto:Tom.Ruszala@cambridgeshire.gov.uk)  
**Cc:** [cllr.milnes@scambs.gov.uk](mailto:cllr.milnes@scambs.gov.uk)  
**Subject:** Re: Consultation on an application to stop of a public footpath and replace it with a bridleway and two footpath connections in Sawston, Cambridgeshire  
**Date:** 03 September 2022 12:19:06

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Hi Tom

First I would like to thank you for giving me the opportunity on commenting on this proposal.

I would like to make it clear that I have never objected to the development and in fact I support it.

But please Tom, do not agree to this redirection of the footpath, the developers only want to do it as it suits them commercially, there is absolutely no benefit to the community.

I live at number 56 Stanley Webb Close, currently footpath 12 runs along the rear of mine and my 5 neighbours properties.

Between our properties and the existing footpath is a narrow ribbon of trees and bushes which are maintained by our housing association (Metropolitan Thames Valley Housing Association), which we have to pay for via our monthly service charge.

If you did agree to their request, Metropolitan will no longer be able to access and therefore maintain them, which will impact on all said residents as the area will become overgrown and unkempt, which in turn will impact on our enjoyment of the said area.

Plus, if the footpath is left in place then all residents both new and existing will benefit from a greater distance between each others properties.

Please feel free to contact me if you wish me to clarify any of the above, or if you would like any further feedback.

Regards

[REDACTED]

On 02 September 2022 at 15:25 Tom Ruszala  
<Tom.Ruszala@cambridgeshire.gov.uk> wrote:

Dear Consultee,



---

**From:** Tom Ruzala  
**Sent:** 05 September 2022 11:44  
**To:** [REDACTED]  
**Cc:** cllr.milnes@scamb.gov.uk  
**Subject:** RE: Consultation on an application to stop of a public footpath and replace it with a bridleway and two footpath connections in Sawston, Cambridgeshire

Dear [REDACTED]

Thank you for your response. I can see the area where you mean on the plan. I've contacted the applicant for a response, and I will get back to you once I hear back on the matter which you have raised.

The decision on whether or not to stop up the footpath and replace it with a bridleway and two footpath connections will be taken by South Cambridgeshire District Council's Planning Committee. The legal test that they must consider when deciding whether or not to make an order is whether they are satisfied if it is necessary to do so in order to enable the development to be carried out in accordance with the planning permission reference 21/03955/FUL.

The development layout already has approved planning permission and I am presently minded that making the order to stop up and replace the footpath is in the wider public interest as the current narrow cross-field footpath would be replaced by a much wider perimeter bridleway which can be used by all modes of non-motorised traffic including walkers (including people with limited mobility, people using buggies, cyclists and horse-riders) and provide new connections to existing public highways.

At the end of the consultation period we will review any responses received and produce a report for the decision makers which will include a recommendation whether or not an order should be made within the criteria set by the legislation. The comments received from the consultees on this matter will be considered and I'm keeping an open mind on the matter depending on what comments we receive.

Once I hear back what the maintenance arrangements for the hedge line, I'll come back to you.

Thanks very much

**Tom Ruzala**  
**Asset Information Definitive Map Officer**

Highways Maintenance

T: 01223 715626

M: 07500 101551

E: [tom.ruzala@cambridgeshire.gov.uk](mailto:tom.ruzala@cambridgeshire.gov.uk)

A: Highways Service, Box No. STA2101, Cambridgeshire County Council, Stanton Way Depot, Huntingdon, PE29 6PY

*Please note my working days are Monday, Tuesday, Wednesday and Friday*

---

**From:** [REDACTED]  
**Sent:** 03 September 2022 12:19  
**To:** Tom Ruzala <[Tom.Ruzala@cambridgeshire.gov.uk](mailto:Tom.Ruzala@cambridgeshire.gov.uk)>  
**Cc:** [cllr.milnes@scamb.gov.uk](mailto:cllr.milnes@scamb.gov.uk)  
**Subject:** Re: Consultation on an application to stop of a public footpath and replace it with a bridleway and two footpath connections in Sawston, Cambridgeshire

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Hi Tom

First I would like to thank you for giving me the opportunity on commenting on this proposal.

I would like to make it clear that I have never objected to the development and in fact I support it.

But please Tom, do not agree to this redirection of the footpath, the developers only want to do it as it suits them commercially, there is absolutely no benefit to the community.

I live at number 56 Stanley Webb Close, currently footpath 12 runs along the rear of mine and my 5 neighbours properties.

Between our properties and the existing footpath is a narrow ribbon of trees and bushes which are maintained by our housing association (Metropolitan Thames Valley Housing Association), which we have to pay for via our monthly service charge.

If you did agree to their request, Metropolitan will no longer be able to access and therefore maintain them, which will impact on all said residents as the area will become overgrown and unkempt, which in turn will impact on our enjoyment of the said area.

Plus, if the footpath is left in place then all residents both new and existing will benefit from a greater distance between each others

From: [REDACTED]  
To: [Tom.Ruszala](mailto:Tom.Ruszala)  
Subject: RE: Consultation on an application to stop of a public footpath and replace it with a brideway and two footpath connections in Sawston, Cambridgeshire  
Date: 13 September 2022 15:32:33  
Attachments: [lmace001.png](#)

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Thank you for your reply Tom, I will attempt to call give you a call to discuss one aspect of the below map.

Regards

[REDACTED]

On 13 September 2022 at 14:44 Tom Ruszala <[Tom.Ruszala@cambridgeshire.gov.uk](mailto:Tom.Ruszala@cambridgeshire.gov.uk)> wrote:

Dear [REDACTED]

I've now heard back from Redrow Homes concerning your query about the hedging. I've attached an annotated copy of a plan and also an annotated screenshot below to assist in responding to your concern.

I understand from Redrow that there are no recorded rights of access on the boundary in question to trim the hedge on the south side. Having said that, Redrow stated that they would not stop anybody from maintaining the hedge. The southern side of the hedge will be accessible from the grassland between proposed plots 55 and 56 and the access near to 74 Plantation Road. The hedging which faces the proposed plots 56 & 71 will be down to the occupiers of those plots to trim, should it overhand their boundary. No removal of the hedge by the plots would be permitted.



I hope that you find this information to be useful and goes some way to alleviating your concerns around the maintenance of the hedge. Please let me know your thoughts on this and whether there is anything else you'd like to discuss. When the Planning Committee makes a decision on whether or not to make an order to stop up the footpath and replace it with an alternative brideway, it will not be for them to question the merits of the planning permission, but they should have regard to any disadvantages likely to arise as a result of the stopping up to members of the public generally or to persons whose properties



**From:** [Tom Ruzala](#)  
**To:** [REDACTED]  
**Subject:** RE: Consultation on an application to stop of a public footpath and replace it with a bridleway and two footpath connections in Sawston, Cambridgeshire  
**Date:** 23 September 2022 11:23:00  
**Attachments:** [image001.png](#)

Hello [REDACTED]

Redrow have informed me that they intend to retain the piece of land in question as a maintenance access and would not stop anybody from maintaining the hedge. If Metropolitan Housing Association wish to continue to maintain the hedge on both sides they will be able to access it to do so apart from the section which abuts plots 56 and 71 of the new development which would be down to the occupiers of those plots.



I understand that this is a concern for you, but it is also in the interests of those occupiers of plots 71 and 56 to maintain the hedge so you may find that there isn't a problem when the development is completed and the properties occupied. Do you have a contact at Metropolitan Housing Association who I could send the consultation to?

Thank you very much

**Tom Ruzala**

**Asset Information Definitive Map Officer**

Highways Maintenance

T: 01223 715626

M: 07500 101551

E: [tom.ruzala@cambridgeshire.gov.uk](mailto:tom.ruzala@cambridgeshire.gov.uk)

A: Highways Service, Box No. STA2101, Cambridgeshire County Council, Stanton Way Depot, Huntingdon, PE29 6PY

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---

**From:** [REDACTED]  
**Sent:** 21 September 2022 17:52  
**To:** Tom Ruzala <[Tom.Ruzala@cambridgeshire.gov.uk](mailto:Tom.Ruzala@cambridgeshire.gov.uk)>  
**Subject:** RE: Consultation on an application to stop of a public footpath and replace it with a bridleway and two footpath connections in Sawston, Cambridgeshire

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HiTom

If that is the case, that the developer has purchased this tiny pocket of land, then if you do stop the footpath at the rear of mine and my neighbours houses then our housing association will not be able to maintain this marooned pocket of hedges and trees.

The hedge will become over grown and unkempt and will have a serious impact on all said neighbours enjoyment of their gardens which I am sure will in turn affect their mental health.

I implore you, please do not move the footpath, this will have a long lasting detrimental affects on all the residents.

Please leave the footpath where it is.

Regards

[REDACTED]

On 21 September 2022 at 16:08 Tom Ruzala <[Tom.Ruzala@cambridgeshire.gov.uk](mailto:Tom.Ruzala@cambridgeshire.gov.uk)> wrote:

Hello [REDACTED]

I can only guess that the developer purchased the land as an access point.

The Land Registry contains the most up to date information relating to land ownership and therefore we rely on that. If you believe that the developer is proposing work on land which is not within their control, then I suggest that the matter is raised with the organisation that you believe owns the land so they can

raise it with the developer.

The land is separate from the footpath proposed to be stopped up. You are concerned about the land for access to maintain a hedge. The applicant has confirmed that access in this location will be retained. The applicant is looking to carry out some vegetation clearance on the land in line with the approved planning layout. I understand that this is a concern for you, but I believe that the applicant is within their right to do this as the landowner and because they have planning permission. I'm not sure if there is much more I can do to alleviate your concerns with this issue.

When an order is made, one of the matters which the decision maker needs to consider is any disadvantages or losses likely to arise as a result of the stopping up to members of the public generally or persons whose properties adjoin or are near to the existing path, weighed against the advantages of the proposed order. It may be that the applicant decides to carry out vegetation clearance to tidy up the area anyway, regardless of whether the public footpath is stopped up or not, so I'm not certain whether this is a matter which is relevant to the consideration of whether or not the public footpath should be stopped up and the alternative bridleway created. I will however ensure that your concerns on this issue are raised to the decision makers.

Kind regards,

**Tom Ruzala**  
**Asset Information Definitive Map Officer**

Highways Maintenance

T: 01223 715626

M: 07500 101551

E: [tom.ruzala@cambridgeshire.gov.uk](mailto:tom.ruzala@cambridgeshire.gov.uk)

A: Highways Service, Box No. STA2101, Cambridgeshire County Council, Stanton Way Depot, Huntingdon, PE29 6PY

*Please note my working days are Monday, Tuesday, Wednesday and Friday*

---

**From:** [REDACTED]  
**Sent:** 21 September 2022 14:44  
**To:** Tom Ruzala <[tom.ruzala@cambridgeshire.gov.uk](mailto:tom.ruzala@cambridgeshire.gov.uk)>  
**Subject:** RE: Consultation on an application to stop of a public footpath and replace it with a bridleway and two footpath connections in Sawston, Cambridgeshire

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Hi Tom

This would mean that the housing association have sold off this tiny piece of land... No more than 5 metres by 8 metres (approx) within the last 17 years.

Having spoken with the housing association numerous times, they have never sold of any land that surrounds Stanley Webb Close.

The land registry document map I have attached is from April 17th 2019.

And the second map is from a survey that I had commissioned when purchasing the rest of my property in 2020.

The third shows the boundary sites surrounding Stanley Webb Close.

I am more than happy for you to inspect the original documents.

Regards

[REDACTED]

On 21 September 2022 at 09:41 Tom Ruzala <[Tom.Ruzala@cambridgeshire.gov.uk](mailto:Tom.Ruzala@cambridgeshire.gov.uk)> wrote:

Good morning,

Thanks for this.

I would say that the documents you've attached are useful for me as I didn't realise that Stanley Webb Close was such a recent development but are still from some years ago so may be out of date now because parts of the land may have changed hands since then. The most up to date information relating to landownership is held by the Land Registry.

I've attached a snap shot from their online map. This indicates that the land is within the plot belonging to CB435640. This aligns with what Redrow have said to me.

Kind regards,

**Tom Ruzala**  
**Asset Information Definitive Map Officer**

Highways Maintenance

T: 01223 715626

M: 07500 101551

E: [tom.ruszala@cambridgeshire.gov.uk](mailto:tom.ruszala@cambridgeshire.gov.uk)

A: Highways Service, Box No. STA2101, Cambridgeshire County Council, Stanton Way Depot, Huntingdon, PE29 6PY

*Please note my working days are Monday, Tuesday, Wednesday and Friday*

---

**From:** [REDACTED]  
**Sent:** 20 September 2022 16:48  
**To:** Tom Ruszala <[Tom.Ruszala@cambridgeshire.gov.uk](mailto:Tom.Ruszala@cambridgeshire.gov.uk)>  
**Subject:** RE: Consultation on an application to stop of a public footpath and replace it with a bridleway and two footpath connections in Sawston, Cambridgeshire

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Hi Tom

Sorry, I sent the attachments with out the text.

As you can see the map with the red seal is from SCDC and is dated 26/8/05 and was part of the planning obligation meeting between SCDC, the original housing association and the land owner

Please take a look as I do believe they support the points I'm making.

I am more than happy to produce them for you inspection.

I would be very interested in your observations.

Regards

[REDACTED]

On 20 September 2022 at 16:39 [REDACTED] wrote:

On 20 September 2022 at 11:06 Tom Ruszala <[Tom.Ruszala@cambridgeshire.gov.uk](mailto:Tom.Ruszala@cambridgeshire.gov.uk)> wrote:

Hello [REDACTED]

I have access to Land Registry. I have double checked and can confirm that the land in question belongs to the same owners as the rest of the new development so I can confirm what Redrow told me about their ownership to be correct.

Thanks very much

**Tom Ruszala**  
**Asset Information Definitive Map Officer**

Highways Maintenance

T: 01223 715626

M: 07500 101551

E: [tom.ruszala@cambridgeshire.gov.uk](mailto:tom.ruszala@cambridgeshire.gov.uk)

A: Highways Service, Box No. STA2101, Cambridgeshire County Council, Stanton Way Depot, Huntingdon, PE29 6PY

*Please note my working days are Monday, Tuesday, Wednesday and Friday*

---

**From:** [REDACTED]  
**Sent:** 20 September 2022 10:49  
**To:** Tom Ruszala <[Tom.Ruszala@cambridgeshire.gov.uk](mailto:Tom.Ruszala@cambridgeshire.gov.uk)>  
**Subject:** RE: Consultation on an application to stop of a public footpath and replace it with a bridleway and two footpath connections in Sawston, Cambridgeshire

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Hi Tom

Please check with the original plans of when Stanley Webb Close was built between about 2005-07...this will show the correct boundary of the estate.

And if you want confirmation please check with Land registry.

Redrow are incorrect, please do not take their word, please check.

Regards [REDACTED]

On 20 September 2022 at 10:40 Tom Ruzala <[Tom.Ruzala@cambridgeshire.gov.uk](mailto:Tom.Ruzala@cambridgeshire.gov.uk)> wrote:

Good morning,

I've heard back from Redrow on the access area from Stanley Webb Close.

I've been informed that the area within the redline boundary is owned by Redrow.

Redrow have no intention of removing the ecological value of the area, but they do intend to trim back vegetation in the area in order for the maintenance access to be achieved. There is an existing tree within the area which is to be retained.

I hope that this is helpful and as the land is to be retained as a green access with the vegetation maintained.

Thanks very much

**Tom Ruzala**  
**Asset Information Definitive Map Officer**

Highways Maintenance

T: 01223 715626

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E: [tom.ruzala@cambridgeshire.gov.uk](mailto:tom.ruzala@cambridgeshire.gov.uk)

A: Highways Service, Box No. STA2101, Cambridgeshire County Council, Stanton Way Depot, Huntingdon, PE29 6PY

*Please note my working days are Monday, Tuesday, Wednesday and Friday*

---

**From:** [REDACTED]

**Sent:** 13 September 2022 15:32

**To:** Tom Ruzala <[Tom.Ruzala@cambridgeshire.gov.uk](mailto:Tom.Ruzala@cambridgeshire.gov.uk)>

**Subject:** RE: Consultation on an application to stop of a public footpath and replace it with a bridleway and two footpath connections in Sawston, Cambridgeshire

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<https://cccandpcc.sharepoint.com/sites/CCCItranet>

Thank you for your reply Tom, I will attempt to call give you a call to discuss one aspect of the below map.

Regards

[REDACTED]

On 13 September 2022 at 14:44 Tom Ruzala <[Tom.Ruzala@cambridgeshire.gov.uk](mailto:Tom.Ruzala@cambridgeshire.gov.uk)> wrote:

Dear [REDACTED]

I've now heard back from Redrow Homes concerning your query about the hedging. I've attached an annotated copy of a plan and also an annotated screenshot below to assist in responding to your concern.

I understand from Redrow that there are no recorded rights of access on the boundary in question to trim the hedge on the south side. Having said that, Redrow stated that they would not stop anybody from maintaining the hedge. The southern side of the hedge will be accessible from the grassland between proposed plots 55 and 56 and the access near to 74 Plantation Road. The hedging which faces the proposed plots 56 & 71 will be down to the occupiers of those plots to trim, should it overhand their boundary. No removal of the hedge by the plots would be permitted.

**From:** [REDACTED]  
**To:** [Tom.Ruszala](mailto:Tom.Ruszala)  
**Subject:** RE: Consultation on an application to stop of a public footpath and replace it with a bridleway and two footpath connections in Sawston, Cambridgeshire  
**Date:** 21 September 2022 17:52:28  
**Attachments:** [image001.png](#)

---

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HiTom

If that is the case, that the developer has purchased this tiny pocket of land, then if you do stop the footpath at the rear of mine and my neighbours houses then our housing association will not be able to maintain this marooned pocket of hedges and trees.

The hedge will become over grown and unkempt and will have a serious impact on all said neighbours enjoyment of their gardens which I am sure will in turn affect their mental health.

I implore you, please do not move the footpath, this will have a long lasting detrimental affects on all the residents.

Please leave the footpath where it is.

Regards

[REDACTED]

On 21 September 2022 at 16:08 Tom Ruzsala <Tom.Ruszala@cambridgeshire.gov.uk> wrote:

Hello [REDACTED]

I can only guess that the developer purchased the land as an access point.

The Land Registry contains the most up to date information relating to land ownership and therefore we rely on that. If you believe that the developer is proposing work on land which is not within their control, then I suggest that the matter is raised with the organisation that you believe owns the land so they can raise it with the developer.

The land is separate from the footpath proposed to be stopped up. You are concerned about the land for access to maintain a hedge. The applicant has confirmed that access in this location will be retained. The applicant is looking to carry out some vegetation clearance on the land in line with the approved planning layout. I understand that this is a concern for you, but I believe that the applicant is within their right to do this as the landowner and because they have planning permission. I'm not sure if there is much more I can do to alleviate your concerns with this issue.

When an order is made, one of the matter's which the decision maker needs to consider is any disadvantages or losses likely to arise as a result of the stopping up to members of the public generally or persons whose properties adjoin or are near to the existing path, weighed against the advantages of the proposed order. It may be that the applicant decides to carry out vegetation clearance to tidy up the area anyway, regardless of whether the public footpath is stopped up or not, so I'm not certain whether this is a matter which is relevant to the consideration of whether or not the public footpath should be stopped up and the alternative bridleway created. I will however ensure that your concerns on this issue are raised to the decision makers.

Kind regards,

**Tom Ruzsala**  
**Asset Information Definitive Map Officer**

Highways Maintenance

T: 01223 715626

M: 07500 101551

E: [tom.ruszala@cambridgeshire.gov.uk](mailto:tom.ruszala@cambridgeshire.gov.uk)

A: Highways Service, Box No. STA2101, Cambridgeshire County Council, Stanton Way Depot, Huntingdon, PE29 6PY

*Please note my working days are Monday, Tuesday, Wednesday and Friday*

---

**From:** [REDACTED]  
**Sent:** 21 September 2022 14:44  
**To:** Tom Ruzsala <tom.ruszala@cambridgeshire.gov.uk>  
**Subject:** RE: Consultation on an application to stop of a public footpath and replace it with a bridleway and two footpath connections in Sawston, Cambridgeshire

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Hi Tom

This would mean that the housing association have sold off this tiny piece of land... No more than 5 metres by 8 metres (approx) within the last 17 years.

Having spoken with the housing association numerous times, they have never sold of any land that surrounds Stanley Webb Close.

The land registry document map I have attached is from April 17th 2019.

And the second map is from a survey that I had commissioned when purchasing the rest of my property in 2020.

**From:** [REDACTED]  
**To:** [tom.ruszala](mailto:tom.ruszala@cambridgeshire.gov.uk)  
**Subject:** RE: Consultation on an application to stop of a public footpath and replace it with a bridleway and two footpath connections in Sawston, Cambridgeshire  
**Date:** 27 September 2022 13:52:36  
**Attachments:** [image001.png](#)

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Hi Tom

Therefore there will be no access for my housing association to maintain the hedge that abounds the estate behind 56 Stanley Webb Close and my neighbours at 57 and 58.

This will have a detrimental affect on all of us neighbours, and all you are offering is that when the development is complete "you may find there isn't a problem" As you can appreciate that is no comfort at all.

Please I ask again, leave the footpath where it is.

My contact at the Housing association is [REDACTED] who holds the position of Housing operations manager.

Her email is [REDACTED]

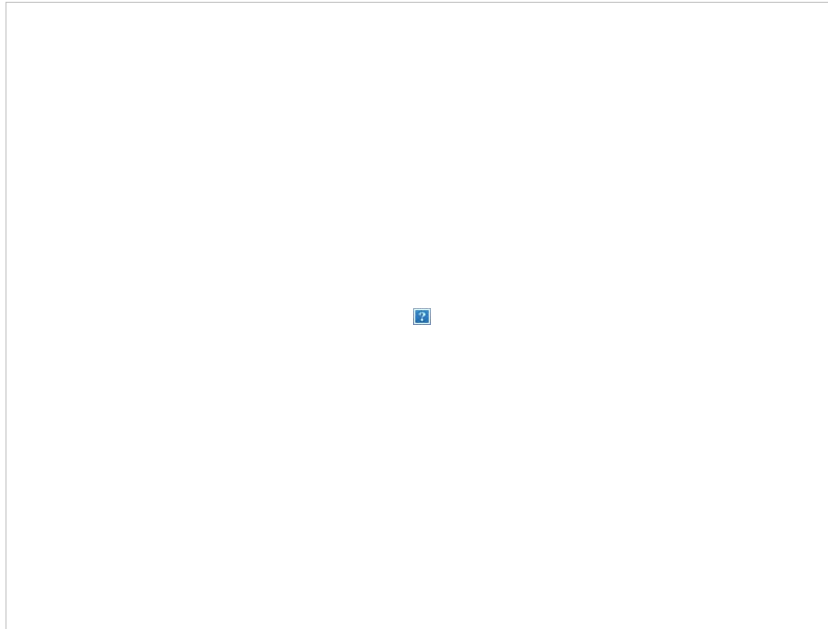
Regards

[REDACTED]

On 23 September 2022 at 11:23 Tom Ruszala <Tom.Ruszala@cambridgeshire.gov.uk> wrote:

Hello [REDACTED]

Redrow have informed me that they intend to retain the piece of land in question as a maintenance access and would not stop anybody from maintaining the hedge. If Metropolitan Housing Association wish to continue to maintain the hedge on both sides they will be able to access it to do so apart from the section which abuts plots 56 and 71 of the new development which would be down to the occupiers of those plots.



I understand that this is a concern for you, but it is also in the interests of those occupiers of plots 71 and 56 to maintain the hedge so you may find that there isn't a problem when the development is completed and the properties occupied. Do you have a contact at Metropolitan Housing Association who I could send the consultation to?

Thank you very much

**Tom Ruszala**  
**Asset Information Definitive Map Officer**

Highways Maintenance

T: 01223 715626

M: 07500 101551

E: [tom.ruszala@cambridgeshire.gov.uk](mailto:tom.ruszala@cambridgeshire.gov.uk)

A: Highways Service, Box No. STA2101, Cambridgeshire County Council, Stanton Way Depot, Huntingdon, PE29 6PY

*Please note my working days are Monday, Tuesday, Wednesday and Friday*

**From:** [REDACTED]  
**Sent:** 21 September 2022 17:52  
**To:** Tom Ruzala <Tom.Ruzala@cambridgeshire.gov.uk>  
**Subject:** RE: Consultation on an application to stop of a public footpath and replace it with a bridleway and two footpath connections in Sawston, Cambridgeshire

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The hedge will become over grown and unkempt and will have a serious impact on all said neighbours enjoyment of their gardens which I am sure will in turn affect their mental health.

I implore you, please do not move the footpath, this will have a long lasting detrimental affects on all the residents.

Please leave the footpath where it is.

Regards

[REDACTED]

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The land is separate from the footpath proposed to be stopped up. You are concerned about the land for access to maintain a hedge. The applicant has confirmed that access in this location will be retained. The applicant is looking to carry out some vegetation clearance on the land in line with the approved planning layout. I understand that this is a concern for you, but I believe that the applicant is within their right to do this as the landowner and because they have planning permission. I'm not sure if there is much more I can do to alleviate your concerns with this issue.

When an order is made, one of the matter's which the decision maker needs to consider is any disadvantages or losses likely to arise as a result of the stopping up to members of the public generally or persons whose properties adjoin or are near to the existing path, weighed against the advantages of the proposed order. It may be that the applicant decides to carry out vegetation clearance to tidy up the area anyway, regardless of whether the public footpath is stopped up or not, so I'm not certain whether this is a matter which is relevant to the consideration of whether or not the public footpath should be stopped up and the alternative bridleway created. I will however ensure that your concerns on this issue are raised to the decision makers.

Kind regards,

**Tom Ruzala**  
**Asset Information Definitive Map Officer**

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**From:** [REDACTED]  
**Sent:** 21 September 2022 14:44  
**To:** Tom Ruzala <[tom.ruzala@cambridgeshire.gov.uk](mailto:tom.ruzala@cambridgeshire.gov.uk)>  
**Subject:** RE: Consultation on an application to stop of a public footpath and replace it with a bridleway and two footpath connections in Sawston, Cambridgeshire

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Hi Tom

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Having spoken with the housing association numerous times, they have never sold of any land that surrounds Stanley Webb Close.

The land registry document map I have attached is from April 17th 2019.

And the second map is from a survey that I had commissioned when purchasing the rest of my property in 2020.

The third shows the boundary sites surrounding Stanley Webb Close.

I am more than happy for you to inspect the original documents.

Regards

██████████

On 21 September 2022 at 09:41 Tom Ruzala <[Tom.Ruzala@cambridgeshire.gov.uk](mailto:Tom.Ruzala@cambridgeshire.gov.uk)> wrote:

Good morning,

Thanks for this.

I would say that the documents you've attached are useful for me as I didn't realise that Stanley Webb Close was such a recent development but are still from some years ago so may be out of date now because parts of the land may have changed hands since then. The most up to date information relating to landownership is held by the Land Registry.

I've attached a snap shot from their online map. This indicates that the land is within the plot belonging to CB435640. This aligns with what Redrow have said to me.

Kind regards,

**Tom Ruzala**  
**Asset Information Definitive Map Officer**

Highways Maintenance

T: 01223 715626

M: 07500 101551

E: [tom.ruzala@cambridgeshire.gov.uk](mailto:tom.ruzala@cambridgeshire.gov.uk)

A: Highways Service, Box No. STA2101, Cambridgeshire County Council, Stanton Way Depot, Huntingdon, PE29 6PY

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---

**From:** ██████████  
**Sent:** 20 September 2022 16:48  
**To:** Tom Ruzala <[Tom.Ruzala@cambridgeshire.gov.uk](mailto:Tom.Ruzala@cambridgeshire.gov.uk)>  
**Subject:** RE: Consultation on an application to stop of a public footpath and replace it with a bridleway and two footpath connections in Sawston, Cambridgeshire

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Hi Tom

Sorry, I sent the attachments with out the text.

As you can see the map with the red seal is from SCDC and is dated 26/8/05 and was part of the planning obligation meeting between SCDC, the original housing association and the land owner

Please take a look as I do believe they support the points I'm making.

I am more than happy to produce them for you inspection.

I would be very interested in your observations.

Regards

██████████

On 20 September 2022 at 16:39 ██████████ wrote:

On 20 September 2022 at 11:06 Tom Ruzala <[Tom.Ruzala@cambridgeshire.gov.uk](mailto:Tom.Ruzala@cambridgeshire.gov.uk)> wrote:

Hello ██████████

I have access to Land Registry. I have double checked and can confirm that the land in question belongs to the same owners as the rest of the new development so I can confirm what Redrow told me about their ownership to be correct.

Thanks very much

**Tom Ruzala**  
**Asset Information Definitive Map Officer**

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**From:** [REDACTED]

**Sent:** 20 September 2022 10:49

**To:** Tom Ruszala <[Tom.Ruszala@cambridgeshire.gov.uk](mailto:Tom.Ruszala@cambridgeshire.gov.uk)>

**Subject:** RE: Consultation on an application to stop of a public footpath and replace it with a bridleway and two footpath connections in Sawston, Cambridgeshire

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Regards [REDACTED]

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Good morning,

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I've been informed that the area within the redline boundary is owned by Redrow.

Redrow have no intention of removing the ecological value of the area, but they do intend to trim back vegetation in the area in order for the maintenance access to be achieved. There is an existing tree within the area which is to be retained.

I hope that this is helpful and as the land is to be retained as a green access with the vegetation maintained.

Thanks very much

**Tom Ruszala**  
**Asset Information Definitive Map Officer**

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**From:** [REDACTED]

**Sent:** 13 September 2022 15:32

**To:** Tom Ruszala <[Tom.Ruszala@cambridgeshire.gov.uk](mailto:Tom.Ruszala@cambridgeshire.gov.uk)>

**Subject:** RE: Consultation on an application to stop of a public footpath and replace it with a bridleway and two footpath connections in Sawston, Cambridgeshire

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Thank you for your reply Tom, I will attempt to call give you a call to discuss one aspect of the below map.

Regards

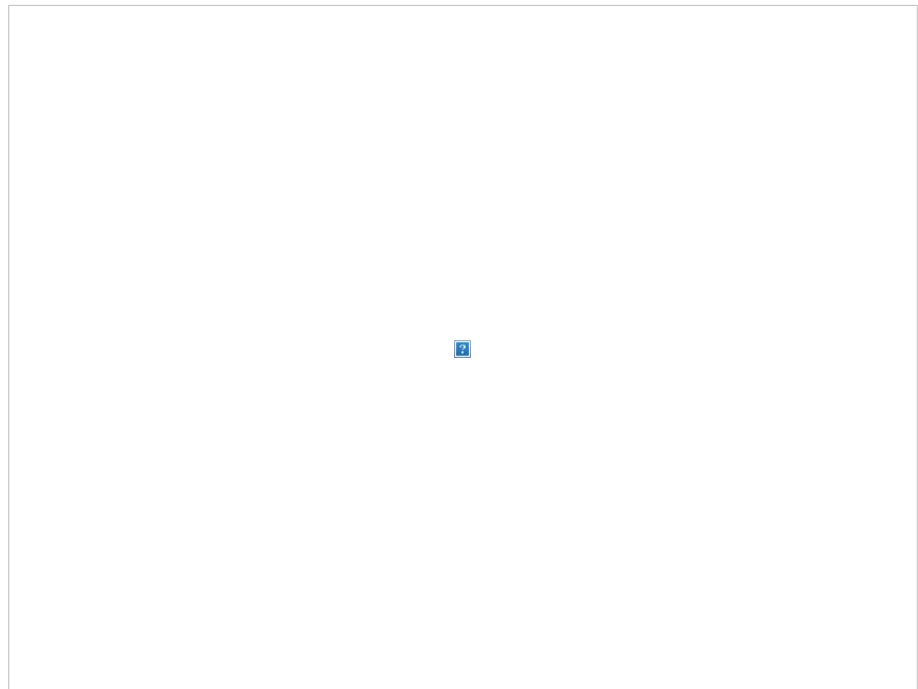
■

On 13 September 2022 at 14:44 Tom Ruzala <[Tom.Ruzala@cambridgeshire.gov.uk](mailto:Tom.Ruzala@cambridgeshire.gov.uk)> wrote:

Dear ■

I've now heard back from Redrow Homes concerning your query about the hedging. I've attached an annotated copy of a plan and also an annotated screenshot below to assist in responding to your concern.

I understand from Redrow that there are no recorded rights of access on the boundary in question to trim the hedge on the south side. Having said that, Redrow stated that they would not stop anybody from maintaining the hedge. The southern side of the hedge will be accessible from the grassland between proposed plots 55 and 56 and the access near to 74 Plantation Road. The hedging which faces the proposed plots 56 & 71 will be down to the occupiers of those plots to trim, should it overhand their boundary. No removal of the hedge by the plots would be permitted.



I hope that you find this information to be useful and goes some way to alleviating your concerns around the maintenance of the hedge. Please let me know your thoughts on this and whether there is anything else you'd like to discuss. When the Planning Committee makes a decision on whether or not to make an order to stop up the footpath and replace it with an alternative bridleway, it will not be for them to question the merits of the planning permission, but they should have regard to any disadvantages likely to arise as a result of the stopping up to members of the public generally or to persons whose properties adjoin or are near to the existing footpath, which will need to be weighed up against the advantages of the proposed order.

Thanks very much

**Tom Ruzala**  
**Asset Information Definitive Map Officer**

Highways Maintenance

T: 01223 715626

M: 07500 101551

E: [tom.ruzala@cambridgeshire.gov.uk](mailto:tom.ruzala@cambridgeshire.gov.uk)

A: Highways Service, Box No. STA2101, Cambridgeshire County Council, Stanton Way Depot, Huntingdon, PE29 6PY

*Please note my working days are Monday, Tuesday, Wednesday and Friday*

**From:** Tom Ruszala  
**Sent:** 05 September 2022 11:44  
**To:** [REDACTED]  
**Cc:** [clr.milnes@scams.gov.uk](mailto:clr.milnes@scams.gov.uk)  
**Subject:** RE: Consultation on an application to stop of a public footpath and replace it with a bridleway and two footpath connections in Sawston, Cambridgeshire

Dear [REDACTED]

Thank you for your response. I can see the area where you mean on the plan. I've contacted the applicant for a response, and I will get back to you once I hear back on the matter which you have raised.

The decision on whether or not to stop up the footpath and replace it with a bridleway and two footpath connections will be taken by South Cambridgeshire District Council's Planning Committee. The legal test that they must consider when deciding whether or not to make an order is whether they are satisfied if it is necessary to do so in order to enable the development to be carried out in accordance with the planning permission reference 21/03955/FUL.

The development layout already has approved planning permission and I am presently minded that making the order to stop up and replace the footpath is in the wider public interest as the current narrow cross-field footpath would be replaced by a much wider perimeter bridleway which can be used by all modes of non-motorised traffic including walkers (including people with limited mobility, people using buggies, cyclists and horse-riders) and provide new connections to existing public highways.

At the end of the consultation period we will review any responses received and produce a report for the decision makers which will include a recommendation whether or not an order should be made within the criteria set by the legislation. The comments received from the consultees on this matter will be considered and I'm keeping an open mind on the matter depending on what comments we receive.

Once I hear back what the maintenance arrangements for the hedge line, I'll come back to you.

Thanks very much

**Tom Ruszala**  
**Asset Information Definitive Map Officer**

Highways Maintenance

T: 01223 715626

M: 07500 101551

E: [tom.ruszala@cambridgeshire.gov.uk](mailto:tom.ruszala@cambridgeshire.gov.uk)

A: Highways Service, Box No. STA2101, Cambridgeshire County Council, Stanton Way Depot, Huntingdon, PE29 6PY

*Please note my working days are Monday, Tuesday, Wednesday and Friday*

---

**From:** [REDACTED]  
**Sent:** 03 September 2022 12:19  
**To:** Tom Ruszala <[Tom.Ruszala@cambridgeshire.gov.uk](mailto:Tom.Ruszala@cambridgeshire.gov.uk)>  
**Cc:** [clr.milnes@scams.gov.uk](mailto:clr.milnes@scams.gov.uk)  
**Subject:** Re: Consultation on an application to stop of a public footpath and replace it with a bridleway and two footpath connections in Sawston, Cambridgeshire

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Hi Tom

First I would like to thank you for giving me the opportunity on commenting on this proposal.

I would like to make it clear that I have never objected to the development and in fact I support it.

But please Tom, do not agree to this redirection of the footpath, the developers only want to do it as it suits them commercially, there is absolutely no benefit to the community.

I live at number 56 Stanley Webb Close, currently footpath 12 runs along the rear of mine and my 5 neighbours properties.

Between our properties and the existing footpath is a narrow ribbon of trees and bushes which are maintained by our housing association (Metropolitan Thames Valley Housing Association), which we have to pay for via our monthly service charge.

If you did agree to their request, Metropolitan will no longer be able to access and therefore maintain them, which will impact on all said residents as the area will become overgrown and unkempt, which in turn will impact on our enjoyment of the said area.

Plus, if the footpath is left in place then all residents both new and existing will benefit from a greater distance between each others properties.

Please feel free to contact me if you wish me to clarify any of the above, or if you would like any further feedback.

Regards

[REDACTED]

On 02 September 2022 at 15:25 Tom Ruzala  
<[Tom.Ruzala@cambridgeshire.gov.uk](mailto:Tom.Ruzala@cambridgeshire.gov.uk)> wrote:

Dear Consultee,

I am contacting you on behalf of the Definitive Map service at Cambridgeshire County Council. We deal with the legal record of public rights of way in the county of Cambridgeshire.

Please find attached letter and plans concerning a consultation on an application to divert a public footpath and replace it with a bridleway and two footpath connections in Sawston, Cambridgeshire. The application has been made by Redrow Homes under S.257 of the Town and Country Planning Act 1990 and is associated with planning permission to build 280 houses on land south of Babraham Road in Sawston.

I would be grateful if I could receive any comments you wish to make on this proposal by 30 September 2022.

Please do not hesitate to get in touch with me should you have any questions or want to discuss this matter further.

Thank you very much

Kind regards,

**Tom Ruzala**  
**Asset Information Definitive Map Officer**

Highways Maintenance

T: 01223 715626

M: 07500 101551

E: [tom.ruzala@cambridgeshire.gov.uk](mailto:tom.ruzala@cambridgeshire.gov.uk)

A: Highways Service, Box No. STA2101, Cambridgeshire County Council,  
Stanton Way Depot, Huntingdon, PE29 6PY

*Please note my working days are Monday, Tuesday, Wednesday and Friday*

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From: Tom Ruzala  
To: [REDACTED]  
Subject: RE: Consultation on an application to stop of a public footpath and replace it with a bridleway and two footpath connections in Sawston, Cambridgeshire  
Date: 27 September 2022 14:11:00  
Attachments: [image001.png](#)

Thank you very much for the contact information.

It's not my decision to make on whether or not the footpath is diverted to where it is proposed to go. The decision will be taken by the members of South Cambridgeshire District Council's Planning committee. The layout of the development has already been approved by the District Council Planning Committee (reference 21/03955/FUL). As the footpath goes across the middle of the site, the scope for making changes is limited and under this process we can't seek to reargue the merits of the planning permission. I do however understand your concerns regarding the impact on the maintenance of the hedge that the proposed stopping up of the footpath would have and I've therefore raised the matter with Redrow again to see if anything can be done to help with this.

**Tom Ruzala**

**Asset Information Definitive Map Officer**

Highways Maintenance

T: 01223 715626

M: 07500 101551

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Sent: 27 September 2022 13:53  
To: Tom Ruzala <[Tom.Ruzala@cambridgeshire.gov.uk](mailto:Tom.Ruzala@cambridgeshire.gov.uk)>  
Subject: RE: Consultation on an application to stop of a public footpath and replace it with a bridleway and two footpath connections in Sawston, Cambridgeshire

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<https://cccandpcc.sharepoint.com/sites/CCCIntranet>

Hi Tom

Therefore there will be no access for my housing association to maintain the hedge that abounds the estate behind 56 Stanley Webb Close and my neighbours at 57 and 58.

This will have a detrimental affect on all of us neighbours, and all you are offering is that when the development is complete "you may find there isn't a problem" As you can appreciate that is no comfort at all.

Please I ask again, leave the footpath where it is.

My contact at the Housing association is [REDACTED] who holds the position of Housing operations manager.

Her email is [REDACTED]

Regards

[REDACTED]

On 23 September 2022 at 11:23 Tom Ruzala <[Tom.Ruzala@cambridgeshire.gov.uk](mailto:Tom.Ruzala@cambridgeshire.gov.uk)> wrote:

Hello [REDACTED]

Redrow have informed me that they intend to retain the piece of land in question as a maintenance access and would not stop anybody from maintaining the hedge. If Metropolitan Housing Association wish to continue to maintain the hedge on both sides they will be able to access it to do so apart from the section which abuts plots 56 and 71 of the new development which would be down to the occupiers of those plots.



I understand that this is a concern for you, but it is also in the interests of those occupiers of plots 71 and 56 to maintain the hedge so you may find that there isn't a problem when the development is completed and the properties occupied. Do you have a contact at Metropolitan Housing Association who I could send the consultation to?

**From:** [REDACTED]  
**To:** [tom.ruszala](mailto:tom.ruszala@cambridgeshire.gov.uk)  
**Subject:** RE: Consultation on an application to stop of a public footpath and replace it with a bridleway and two footpath connections in Sawston, Cambridgeshire  
**Date:** 27 September 2022 15:33:29  
**Attachments:** [lmaq001.png](#)

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Her email is [REDACTED]

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**To:** [REDACTED]  
**Subject:** RE: Consultation on an application to stop of a public footpath and replace it with a bridleway and two footpath connections in Sawston, Cambridgeshire  
**Date:** 28 September 2022 10:23:00  
**Attachments:** imaa001.png

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Good morning,

Town and Country Planning Act Public Path Orders do have a more limited scope for making changes following consultation feedback than the standard Highways Act orders that we do. This is because often when we receive them, planning permission has already been granted and so it becomes a lot trickier to make major changes to alignment of routes to be stopped up. In this case, as the existing footpath goes right across the middle of the site where buildings are to be built any changes to the layout would need to go back for a change in the approved Planning Permission. The proposed stopping up of the Footpath and creation of an alternative highway was a matter which was consulted on with the Planning Permission (21/03955/FUL) which was approved. The present consultation is building on that consultation and approval. I've received feedback on a number of issues from interested parties which will make a difference to the proposed scheme in terms of the surfacing of the new routes and which ones will become public rights of way which is being worked through with the developer.

Having said that, just because the developer has planning permission it doesn't give them the right to build on a public right of way until such time that the right of way has been legally stopped up. The point of the consultation is to gather feedback from the public on the right of way proposals. Your objection will of course be considered by the councillors on the Planning Committee when they make their decision, so they will be fully aware of the various opinions on the proposals. The elected Councillor's will then need to make a decision on whether or not the order should be made. When they make their decision, they need to weight up whether the objection is relevant under the terms of the legislation and, if it is, whether the public benefit of the proposals outweighs any negative effects of the proposals. The matter isn't already decided, it will be considered by South Cambridgeshire District Council's Planning Committee where they will decide whether or not to make the order having sight of any objections and supporters of the proposals before making a decision.

I've contacted the developer again about the concerns with the hedge maintenance. Let's see if there is anything that they can do which will help alleviate the concerns about maintenance of the hedge. I'll come back to you when I hear back.

Thanks very much

**Tom Ruzala**  
**Asset Information Definitive Map Officer**  
Highways Maintenance  
T: 01223 715626  
M: 07500 101551  
E: [tom.ruzala@cambridgeshire.gov.uk](mailto:tom.ruzala@cambridgeshire.gov.uk)  
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Hi Tom



THIS MAP FORMS PART OF THE SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL (PUBLIC FOOTPATH NO. 12, SAWSTON) PUBLIC PATH STOPPING UP ORDER 2022

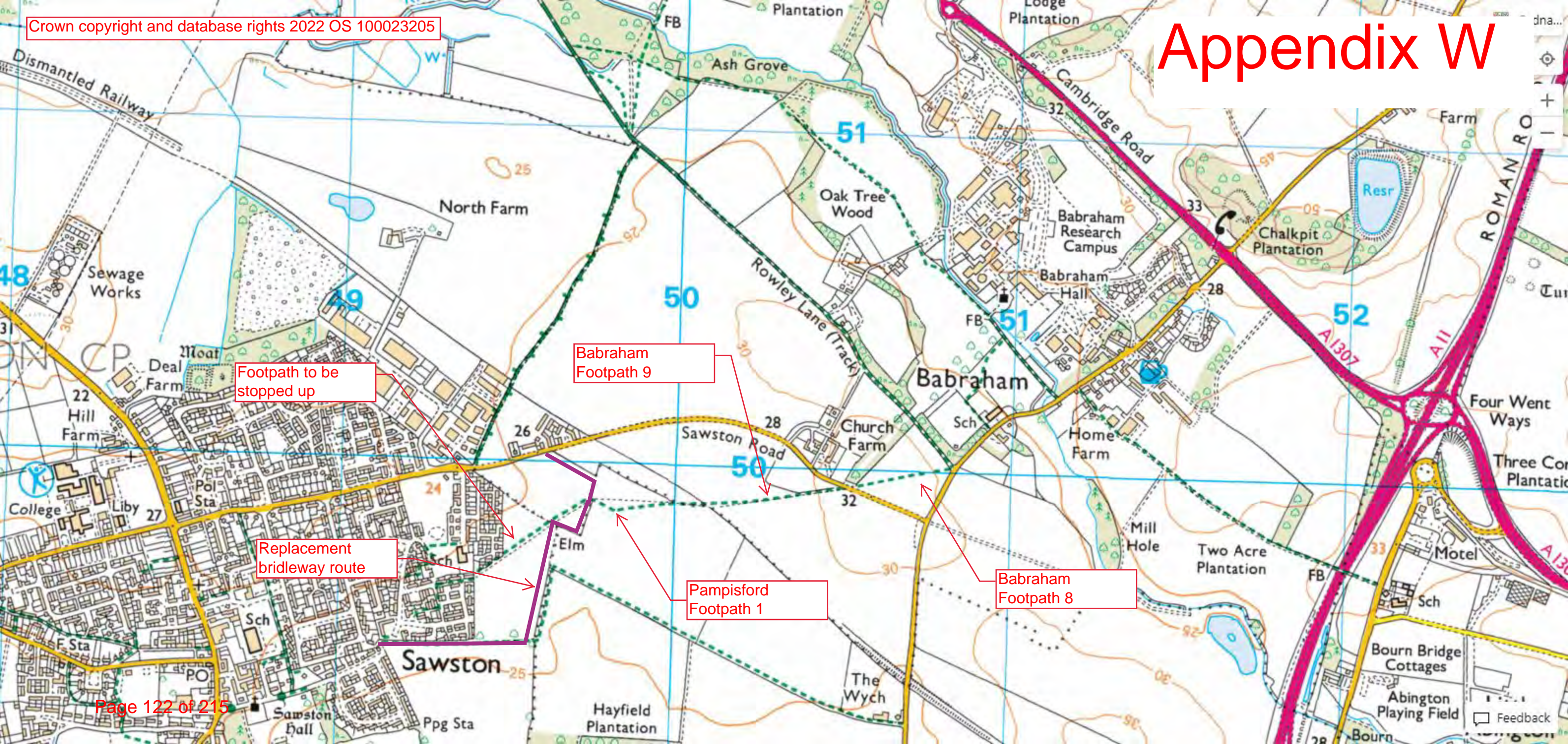
Unaffected Public Footpath		Public Footpath to be stopped up (A-B-C)		Public Bridleway to be created (F-G-I-J-K-L-M)		Parish boundary	
Unaffected Restricted Byway		Public Footpath to be created (K-C & G-H)		Public Footpath to be upgraded to a Public Bridleway (D-E-F)			





Hedge and Trees

# Appendix W



Footpath to be stopped up

Babraham Footpath 9

Replacement bridleway route

Pampisford Footpath 1

Babraham Footpath 8

Date: 11 January 2023  
Contact: Tom Ruzala  
Telephone: 01223 715626  
E Mail: Tom.Ruzala@cambridgeshire.gov.uk

Name  
First Line of Address  
Second Line of Address  
Third Line of Address  
Postcode

**Steve Cox**  
**Executive Director**  
**Place and Sustainability**  
**Highways Maintenance**

**Box STA2101**  
**Huntingdon Highways Depot**  
**Stanton Way**  
**Huntingdon**  
**PE29 6PY**

Dear M

**Proposal to stop up of part of Public Footpath No. 12, Sawston and Public Footpath No. 9 Babraham and replace it with a Public Bridleway with two Public Footpath connections**

I write to you with reference to your response to the consultation undertaken in September 2022 which outlined proposals to stop up part of Public Footpath No. 12, Sawston and Public Footpath No. 9, Babraham and replace them with a bridleway running around the perimeter of a development to build 280 dwellings on land south of Babraham Road in Sawston.

You have raised concerns that the proposed stopping up of the public footpath may lead to a situation where the hedge, which runs to the south of the properties 55-58 Stanley Webb Close, may become overgrown which would lead to loss of enjoyment of your home.

In response to the concerns which you have raised, the developer Redrow have held discussions with Metropolitan Thames Valley Housing Association ('MTVH') who presently maintain the hedge. Redrow have agreed jointly with MTVH to alter their designs for the new plots which run to the south of 55-58 Stanley Webb Close (new plots 71 and 56) to leave a 1-metre-wide maintenance strip between the gardens of the new plots and the hedge to the south of 55-58 Stanley Webb Close. The maintenance strip shall be regularly maintained by Redrow's appointed estate management company, Trinity. MTVH will be provided with a permanent right of access to the maintenance strip so they may maintain the hedge as and when this is required.

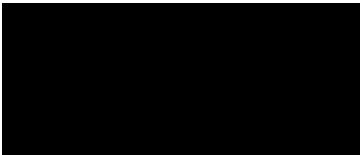
In the short-term MTVH's contractor Pinnacle are to reduce the height of the hedgerow to 6 feet (approx. 1.8 metres), whilst retaining the mature trees along the hedge row (although some may be cut back or reduced). This work is to take place in the week beginning 6<sup>th</sup> February 2023.

I hope that the contents of this letter ease your concerns regarding the effects of the proposal to stop up the public footpath. If however you still have concerns about the proposed stopping up of the footpath and creation of the bridleway, please do let me know.

I hope to take the proposals, along with the responses received to the consultation, to the Assistant Director of Highways Maintenance at the County Council for a decision on the matter at the end of February. Should the Assistant Director be content that an order can be made, I will then take the proposal to the Planning Committee for South Cambridgeshire District Council where committee members will make the final decision on whether or not an order should be made. If the decision is to make an order to stop up the public footpath, this will be required to be advertised for a period of 28 days where an opportunity will be provided to make representations on the order. If an order is made and objections are received, the order will be required to be sent to the Planning Inspectorate for the Department of the Environment, Food and Rural Affairs where the matter will be determined either by a written process or a public inquiry.

I will write to you again to inform you of the outcome of the decision meeting with the Assistant Director. Please let me know if you have any questions or would like any further information on this process.

Yours sincerely



**Tom Ruzala**  
**Asset Information Definitive Map Officer**

**Adoption of Non-Motorised User Routes Criteria - New Highways (All applications and Proactive)**

Subject area	Criteria		Maximum available score	Scheme	Notes
	No.	Item (SOA = Statement of Action in ROWIP)			
CCC Estate Road Specification	1	Project design complies with requirements of CCC Housing Estate Road Construction Specification (PASS or FAIL only)	Pass or Fail		
Maintenance & Financial	2	Viability and Affordability (PASS or FAIL only)	Pass or Fail		
Safety	3	Mitigates conflict between potential users and different modes on an existing route, e.g. by splitting/removing one or more modes of user	3		Would take some cyclists off part of the road towards Babraham
Connectivity & Safety	4	Provides safer road crossing and/or off-road link not currently provided for (SOA2)	6		Takes Cyclists & Equestrians off estate roads
Connectivity	5	Provides a missing link to a wider network, supporting physical and mental well being (SOA2, SOA5)	2		Provides wider link to Babraham RB 10 & BR 12
Connectivity	6	Enables a new circular route (Whole or in part) supporting physical and mental well being (SOA2, SOA5)	3		Part of a circular route which connects with a FP so benefit to walkers only
Connectivity	7	Provides convenient access to work, education centres, health facilities and/or transport hubs	4		Link to Dales Manor Buisness Park - could be used as link to Primary School
Connectivity; convenience	8	Provides a sustainable transport connection (Walking, Cycling or Equestrian) with an existing or new development (SOA3)	4		Development 21/03955/FUL
Connectivity	9	Provides convenient access for users to other local amenities (e.g. community facilities, shopping, religious centres)	3		Could be used as a cycle link from development to centre of village
Equalities Impact	10	Project will benefit pedestrians	3		Existing FP - upgrade to surface
Equalities Impact	11	Project will benefit equestrians	3	3	New BR rights
Equalities Impact	12	Project will benefit cyclists	3	3	New cycling rights
Equalities Impact	13	Significant negative impact on accessibility - Equalities Act	-3	0	
Equalities Impact	14	Proposal allows/enhances access for disadvantaged groups under Equalities Act and/or Cambridgeshire Health & Well Being Strategy; JSNA	3	0	
Equalities Impact; health & well-being	15	Increases access to green space and opportunities for physical and mental wellbeing	3	3	Improved links to Pampisford FP 2 & 1.
Consultation	16	Support from local communities	3	1	
Biodiversity Duty	17	Significant negative impact on biodiversity	-2	-1	Replacement of grass field edges with tarmac & hoggin
Land management including Biodiversity Duty	18	Proposal has no negative or a positive effect on land management	2	2	Land is to be developed
Promoted route	19	Route will be on a promoted way eg. National Cycle Network, Ouse Valley Way	1	0	
Limited time	20	Limited window of opportunity E.g. landowner goodwill or S106 Agreement	3	3	Development 21/03955/FUL
Features of Interest	21	A route leading to, through or past (200m radius) a site of historic, cultural or wildlife interest. (1 point for each)	3	0	
<b>TOTAL</b>			47	35	Pass
<b>Total as % (Threshold is 75% i.e. 35)</b>			75		

**Explanatory Notes:**

These criteria are only to be used for proposals that involve the creation of completely new routes.

Scoring will be applied to each proposal separately. If a number of competing proposals are being offered, schemes will be ranked according to score, with higher scores being prioritised.

Where a criterion is deemed to be of higher importance and so has a higher possible maximum score, the reasoning behind this should be clearly recorded so any disputes can be addressed.

Criterion 1 applies to schemes where it is proposed to metal the surface of a path. If a proposal passes Criterion 1, the whole scheme passes overall and all other criteria are overridden. If it fails this question, this does NOT mean the whole scheme fails, but it will still need to pass Criterion 2 and meet the 75% pass threshold. For example, schemes with unbound surfaces are not built to the County Council's Housing Estate Road Construction Specification but may still meet the other criteria.

**Criterion 2 Viability and Affordability:**

Viability means the cost of delivering the scheme. Is this being funded, or will it need to be funded from existing CCC revenue? Funding must be evidenced in writing. If a scheme cannot be funded at no or limited cost to CCC, it will not pass.

Affordability means the cost of ongoing maintenance. If the maintenance liability incurred would be significantly greater than the existing, an application may still pass if a solution is agreed, such as a commuted sum, an agreement for a third party to maintain the route instead, or if it is vital to the deliverability of a wider development scheme.

If a proposal fails Criterion 2, then the whole scheme will fail and all other criteria are overridden.

SOA numbers in brackets refer to the Statement of Action in the County Council's adopted Rights of Way Improvement Plan  
[http://www.cambridgeshire.gov.uk/info/20006/travel\\_roads\\_and\\_parking/66/transport\\_plans\\_and\\_policies](http://www.cambridgeshire.gov.uk/info/20006/travel_roads_and_parking/66/transport_plans_and_policies)

**Threshold:** A scheme must reach the threshold of 75% of maximum score in order to be considered for adoption. However, schemes will still have to undergo their relevant legal process e.g. Public Path Orders through the formal consultation process, and may later be abandoned in accordance with the Council's Public Path Order Policy. Similarly, CCC highway initiatives will still need to be passed through the TDP or LHI process, with appropriate asset records certification at the end of the process.

**Non-Motorised User Routes Adoption Policy Matrix**

**Public Path Order Applications and Proactive Cases under the Highways Act 1980 (except s118A and 119A), the Town and County Planning Act 1990, and other Acts as appropriate**

Subject area	Criteria		Maximum available score	Scheme	Notes
	No.	Item (SOA = Statement of Action in ROWIP)			
Maintenance & Financial	1	Viability (cost of implementation) and Affordability (cost of ongoing maintenance) (PASS or FAIL only) see notes below	Pass or Fail	Pass	All costs covered by developer
Consultations	2	Pre-application consultations have been carried out with the prescribed bodies.	Pass or Fail	Pass	Pass
Consultations	3	The existing route is available for use and any 'temporary' obstructions have been removed, in order to allow a comparison to be made. Any request for exemption will be decided by the Director Highways & Access as to whether or not that is appropriate.	Pass or Fail	Pass	
Consultations	4	No objections are received to the proposals during the statutory consultation period prior to making an order. However, the County Council will review this criterion in individual cases in light of objections and potential public benefit of the proposal. If the County Council consider the objection to be irrelevant, this will class as a pass.	Pass or Fail		
Width	5	A minimum width of 2m is provided for a diverted footpath, and a minimum width of 4m for a diverted bridleway. In exceptional cases, e.g. cross-field paths, the County Council may, taking into account all the available facts, require such a width as it considers reasonable and appropriate.	Pass or Fail	Fail	Part of Footpath 14 to be upgraded to a bridleway may only be 3 metres due to limitations on available width
Equalities impact - Gaps & Gates	6	The proposed route would have no stiles or gates, or allows for access for people with mobility issues.	Pass or Fail	Pass	
Equalities impact	7	Significant negative impact on a class of user - Equalities Act	-2	0	No significant impacts identified
Equalities impact	8	Significant increase in accessibility - Equalities Act	2	2	Alternative route will be significantly wider and easier to use than the existing cross-field route
Maintenance & Financial	9	Proposal would enable financial savings for Authority, e.g. obviates need for new bridge, resolves long-standing maintenance problems	4	2	Alleviates need to chase up cross-field reinstatements
Maintenance & Financial	10	The proposed alternative route or routes are not less convenient for maintenance than the original route(s).	2	2	Wide field edge paths
Use of Land	11	The effect the order would have on the land served by the existing path and the land across which the alternative path would run, or on the land across which the new path will run if a package involving a creation.	2	2	Land is currently a field but will be developed into housing
Connectivity	12	The proposed alternative route or routes are substantially as convenient to the public as the original.	3	1	Proposed alternative is substantially longer but fits in with the development
Connectivity	13	User enjoyment	3	2	Enhances user enjoyment for Equestrians and cyclists as replacing a FP with a bridleway
Connectivity	14	There are no other reasonable or viable alternatives	2	2	Plans approved by Planning Authority
Connectivity & Enjoyment	15	A suitable alternative path is provided or is available for every path that is to be diverted or entirely stopped up, which maintains or improves the usefulness of the Rights of Way network	2	2	An enhanced path is provided as a replacement for FP 12

Consultation	16	Support from local communities	3	1	Some negative feedback received from residents at Stanley Webb Close but will provide enhanced connections for new residents and existing ones
Biodiversity Duty	17	Significant negative impact on biodiversity	-2	-1	Replacing grass surface field edge paths with tarmac & hoggin
Promoted route	18	Route will be on a promoted way eg. National Cycle Network, Ouse Valley Way	1	0	
Consolidation of data	19	Proposal would enable consolidation of records to provide accurate asset data and facilitate enhanced service delivery e.g. connectivity with other highways	1	1	Planning application has approval and so FP needs diverting to avoid permanent obstruction
Determination of widths	20	Proposal will enable the definition and recording of path widths, particularly where there is currently no recorded width	3	3	FPs 12 & 14 have no recorded width
Limited time	21	Limited window of opportunity E.g. landowner goodwill or S106 Agreement	3	3	Development consent reference 21/03955/FUL
Route at risk of development on urban fringe	22	Route is on fringe of a built-up area and therefore at risk from development, e.g. being used as an access way.	3	3	Route on edge of Sawston. Land has planning permission for development
<b>Total Score /30 (Pass mark 70% ie 21)</b>			<b>30</b>	25	Pass

**Explanatory notes:** A scheme must reach the threshold of 70% of maximum score in order to be adopted. However, schemes will still have to undergo their relevant legal process e.g. Public Path Orders through the formal consultation process, and may later be abandoned if it becomes clear that they will not meet the Council's Public Path Order Policy or the legal tests.

There are six Pass/Fail criteria relating to County Council requirements that must be met in order for an application to be considered. If an application fails one of these criteria, it fails regardless of its numerical score. Officers will then revert to the applicant to discuss their options.

Criterion 1, Viability and Affordability:

Viability means the cost of delivering the scheme. Is this being funded, or will it need to be funded from existing CCC revenue? Funding must be evidenced in writing. If a scheme cannot be funded at no or limited cost to CCC, it will not pass.

Affordability means the cost of ongoing maintenance. If the maintenance liability incurred would be significantly greater than the existing, an application may still pass if a solution is agreed, such as a commuted sum, an agreement for a third party to maintain the route instead, or if it is vital to the deliverability of a wider development scheme.

For the numerically scored criteria, a 70% threshold must be met in order for an application to be taken forward. If an application passes the Pass/Fail criteria but fails the 70% numerical threshold, it will not proceed and officers will revert to the applicant to discuss their options.



**PUBLIC PATH ORDERS AND PATH CREATION AGREEMENTS/DEDICATIONS**

**- AUTHORISATION TO PROCEED TO FORMAL CONSULTATION-**

Notes to officers:

1. This form is for both formal applications and pro-active cases which the case officer considers are ready to proceed to formal consultation.
2. The form should be completed by the relevant Rights of Way Officer and Definitive Map Officer **at the latest** at the beginning of Stage 2 of the Public Path Order Application Flow Chart, i.e. when it comes in as a formal application. The officers will need to decide as to whether they have all the necessary information available to complete the form or if a further site visit is required.
3. **Funding: No proposals that would result in additional maintenance will be approved unless clear evidence of funding is provided. Do not complete form until this is in place and agreed with your manager.**

Parish: Sawston and Babraham

Path no(s) (if any) 196/12, 196/14 & 12/9

Proposal:

1. To stop up part of Sawston Footpath 12 and all of Babraham Footpath 9 and replace with a bridleway and two footpaths under S.257 of the Town and Country Planning Act 1990.
2. To upgrade part of Sawston Footpath 14 to a bridleway under S.257 of the Town and Country Planning Act 1990 to provide a continuous bridleway connection between Church Lane and Sawston Road.

See plan of proposal at **Appendix A**.

Legal mechanism: S.257 TCPA 90 Order

NMU adoption score: PASS                      Score: 35 (part of Sawston FP 14)  
 NMU diversion score: PASS                      Score: 25 (Sawston FP 12 & Babraham FP 9)

If more paths/parishes are involved, please copy template and attach

<b>Description of Existing Path [if any]</b>	
Route (e.g. 'Starts at...')	<p><u>Public Footpath No. 12, Sawston (Sawston Footpath 12)</u></p> <p>Public Footpath No. 12, Sawston commencing at a bollard on a point at the edge of a field at OSGR TL 4941 4964 (point A) and proceeding along a field edge track, then a cross-field path, generally north-east for approximately 291 metres to the Babraham parish boundary at a field edge at OSGR TL 4964 4982 (point B). Total length 291 metres.</p>

	<p><u>Public Footpath No. 9, Babraham (Babraham Footpath 9)</u></p> <p>Public Footpath No. 9, Babraham commencing from the parish boundary with Sawston at a field edge at OSGR TL 4964 4982 (point B) and proceeding generally north-east across a field for approximately 132 metres to a junction with Public Footpath No. 1, Pampisford at OSGR TL 4975 4989 (point C). Total length 132 metres.</p>
	<p><u>Public Footpath No. 14, Sawston (Sawston Footpath 14)</u></p> <p>A public footpath commencing at a junction with Church Lane at OSGR TL 4913 4945 (Point D) and proceeding along a field edge path generally east for approximately 354 metres to OSGR TL 4948 4946 (Point E). Then continuing along the field edge path generally east for approximately 106 metres to a junction with part of the bridleway to be created at OSGR TL 4959 4947 (Point F). Total length 460 metres.</p> <p><u>Note:</u> The upgraded bridleway stops short of the parish boundary. The existing public footpath continues for a further 5 metres east to the parish boundary where it becomes Pampisford Footpath 2. The upgraded bridleway therefore should be renumbered when a LEMO is made.</p>
Structures (bridges, culverts, steps, boardwalks etc) including those missing and ownership (e.g. landowner or CCC)	None
Other furniture (gaps, gates, stiles)	Concrete bollard located at point A on Sawston Footpath 12.
Signage / waymarking	None
Boundaries and Width(s)	<p><u>Sawston Footpath 12</u></p> <p>Definitive Statement 2016 indicates that the part of the footpath to be stopped up is a 'grass path 4 feet wide'.</p> <p><u>Babraham Footpath 9</u></p> <p>Definitive Statement 2016 indicates that the footpath is a grass path 4ft wide.</p> <p><u>Sawston Footpath 14</u></p> <p>No width in Definitive Statement. Footpath currently should have a minimum available width of 5 feet as a field edge path.</p>
Gradients if steeper than 5%	None

<p>Maintenance liability e.g. grass cutting</p>	<p><u>Sawston Footpath 12:</u> 122m of field edge path on grass cutting contract which is cut to a width of 1.5m. Remaining section of Footpath 12 and Babraham Footpath 9 is cross-field.</p> <p><u>Babraham Footpath 9:</u> None – cross field footpath.</p> <p><u>Sawston Footpath 14:</u> 467m of field edge path on grass cutting contract which is cut to a width of 2m.</p>
<p>Other factors e.g. SSSI, protected species</p>	<p>None</p>
<p>Egress onto vehicular highway considerations (Road safety etc <a href="http://www.cambridgeshire.gov.uk/transport/safety/methodologies/safety_audit.htm">http://www.cambridgeshire.gov.uk/transport/safety/methodologies/safety_audit.htm</a>)</p>	<p><u>Sawston Footpath 12:</u> None</p> <p><u>Babraham Footpath 9:</u> None</p> <p><u>Sawston Footpath 14:</u> Meets Church Lane (public road) at a turning head which contains a field access for agricultural traffic.</p>

<b>Description of New Paths</b>		Meets reqt Y/N
<p><b>Ongoing Funding</b> No proposal that would result in additional maintenance will be approved unless clear evidence of funding is provided</p>	<p><u>Total existing length of network</u> 429m (Sawston Footpath 12 and Babraham Footpath 9) + 460m (Sawston Footpath 14) = <b>889m</b></p> <p><u>Total proposed length of network</u> 724m (length of replacement bridleway) + 14m (length of replacement footpath points K to C) + 13m (length of replacement footpath points G to H) + 460m (length of upgraded Sawston Footpath 14 to a bridleway) = <b>1211m</b></p> <p><b><u>The overall proposal would result in 322m of additional public right of way maintainable at public expense although a large proportion of this would be a new connection to Sawston Road.</u></b></p> <p>Part of the upgraded section of Sawston Footpath 14 between points D and E (approx. 365m) is to be constructed to Highways Estate Road specification as asphalt and therefore would fall under the general highways maintenance budget. The remaining 846m of the total length of new right of way would continue to be maintained under the Rights of Way budget as the surface is to be hoggin.</p> <p>With the exception of the asphalt section of the bridleway between points D and E, the proposed replacement bridleways and footpath will be managed and maintained as part of the landscape management and general repairs and maintenance of the estate which is to be undertaken by the developer's management company.</p>	Yes
<p><b>NMU adoption/diversion – score and comment</b></p>	<p><u>Replacement of Sawston Footpath 12/Babraham Footpath 9 = 25 out of 30 (pass mark 21)</u></p> <p>The proposed replacement route, including two the short footpath connections to Pampisford Footpaths 1 and 2 between points K and C and G and H, is 322 metres longer.</p> <p>207 metres of the additional length is a new connection to Sawston Road not previously available to the public (points K to M).</p> <p>The replacement bridleway provides additional access opportunities for more NMUs and is linked to a new development of 280 dwellings.</p> <p><u>Upgrade of part of Sawston Footpath 14 to a bridleway = 35 out of 47 (pass mark 35).</u></p> <p>This will provide a part off-road connection to the</p>	Yes

	new development for NMUs and the wider ROW network. The upgrade of Sawston Footpath 14 is essential in order to create a through-route between Church Lane and Sawston Road and forms part of the replacement route for the stopped-up section of public footpath.	
<b>Equality Impact Assessment (EqIA) and the Equality Act 2010</b> – Consider whether a EqIA is required – this is unlikely to be the case for single routes however if a package affecting more than a single route is this must be considered. See the form and guidance available here: <a href="#">Equality Impact Assessments (EqIA) (office.com)</a>	EqIA screening form undertaken 19.7.2022 – full impact assessment not required.	Yes
<b>Application Costs</b> (please detail how the application and implementation costs will be met – separate from ongoing maintenance)	Costs for administering the application are to be met in full by the applicant (2021/22 fees – S.257 TCPA order).  Costs for works to upgrade the surface of the routes are to be undertaken by the applicant and the costs met in full.	Yes
Route (e.g. 'Starts at...')	<p><u>Replacement bridleway for Sawston Footpath 12/Babraham Footpath 9</u></p> <p>Commences at OSGR TL 4959 4947 (Point F) at a gap in a hedgerow generally north north-east, along a hoggin path through a green corridor, for approximately 213 metres to a gap in a hedge at OSGR TL 4962 4968 (point G). Then continuing generally north north-east, along a hoggin path for approximately 138 metres to the Babraham parish boundary at OSGR TL 4965 4981 (point I). Then continuing generally east south-east along a hoggin path for approximately 56 metres to OSGR TL 4970 4979 (point J). Then continuing generally north north-east along a hoggin path through a green corridor to the east of a residential street for approximately 110 metres to a point adjacent to a road at OSGR TL 4974 4990 (point K). Then continuing generally north north-east along a hoggin path for approximately 63 metres to OSGR TL 4975 4996 (point L). Then continuing generally north-west along a hoggin path for approximately 144 metres to a junction with Sawston Road (public road) at OSGR TL 4962 5003 (point M).</p> <p><u>Footpath connection between replacement bridleway for Sawston 12/Babraham Footpath 9 and Pamisford Footpath 1</u></p> <p>A footpath commencing at a hoggin path, to the east of a road, at OSGR TL 4974 4990 (point K) and continuing generally east south east for approximately 14 metres to a junction with Public Footpath No. 1, Pamisford at OSGR TL 4975 4989 (point C).</p>	

	<p><u>Footpath connection between replacement bridleway for Sawston 12/Babraham Footpath 9 and Pamisford Footpath 2</u></p> <p>A footpath commencing at a gap in the hedge at OSGR TL 4962 4968 (point G) generally east for approximately 13 metres to a junction with Public Footpath No. 2, Pampisford at OSGR TL 4963 4968 (point H).</p> <p><u>Part upgrade of Sawston Footpath 14 to a bridleway</u></p> <p>Commences at a junction with Church Lane at OSGR TL 4913 4945 (Point D) and proceeding along a field edge tarmac path generally east for approximately 354 metres to OSGR TL 4948 4946 (Point E). Then continuing along a field edge hoggin path generally east for approximately 106 metres to a junction with the bridleway to be created at a gap in the hedgerow at OSGR TL 4959 4947 (Point F).</p>	
Structures required (bridges, culverts, steps, boardwalks etc) and ownership (e.g. landowner or CCC)	None	Yes
Internal CCC approval required (eg. Flood and Water and/or bridges team)	Not applicable	Yes
Other furniture required (gaps, gates, stiles)	None	Yes
Signage required	New waymarks to be installed by the applicant. Agreed locations are outlined on the attached sign locations plan ( <b>Appendix B</b> ).	Yes
Any other work required e.g. surfacing, drainage, vegetation	<p><u>Replacement bridleway for Sawston Footpath 12/Babraham Footpath 9</u></p> <p>Applicant to construct a 4m wide Hoggin path with timber edgings (see <b>Appendix C</b>).</p> <p><u>Footpath connections between replacement bridleway for Sawston 12/Babraham Footpath 9 and Pamisford Footpaths 1 and 2</u></p> <p>Applicant to construct a 4m wide Hoggin path with timber edgings (see <b>Appendix C</b>).</p> <p><u>Part upgrade of Sawston Footpath 14 to a bridleway</u></p> <p>Points D to E = applicant to construct a bridleway to CCC Housing Estate Road Construction Specification (see <b>Appendix D</b>). AC 10 type asphalt to be used which is the same type used on the new NMU routes on the A1307. This provides a better experience for equestrians as the material</p>	Yes

	<p>has more give than the standard asphalt used on roads. The specification for points D to E has been approved by Highways Development Management.</p> <p>Points E to F = applicant to construct a hoggin bridleway with timber edgings (see <b>Appendix C</b>).</p>	
Boundaries and Width(s)	<p>The proposed width of all of the routes to be constructed and created is 4 metres throughout.</p> <p><u>Replacement bridleway for Sawston Footpath 12/Babraham Footpath 9</u></p> <p>The constructed width is to be 4 metres of hoggin between timber edgings throughout. The legal width is intended to extend fully over the 4 metres between the timber edges. Due to the width constraints within the site and design it has been agreed with the Rights of Way Officer that it is preferable to have a full 4m surfaced route rather than two parallel narrow strips part surfaced and part grass.</p> <p><u>Footpath connections between replacement bridleway for Sawston 12/Babraham Footpath 9 and Pamisford Footpaths 1 and 2</u></p> <p>The constructed width is to be 4 metres of hoggin between timber edgings throughout. The legal width is intended to extend fully over the 4 metres between the timber edges to provide a consistent approach across the development.</p> <p><u>Part upgrade of Sawston Footpath 14 to a bridleway</u></p> <p>Between points D and E the constructed width is to be 4 metres of AC10 asphalt between concrete edgings. The legal width is intended to extend fully between the concrete edgings.</p> <p>Between E and F the constructed width is to be 4 metres of hoggin between timber edgings throughout. The legal width is intended to extend fully over the 4 metres between the timber edges.</p>	Yes
Gradients if steeper than 5%	None	Yes
Egress onto vehicular highway considerations e.g. road safety audit reqs <a href="http://www.cambridgeshire.gov.uk/transport/safety/methodologies/safety_audit.htm">http://www.cambridgeshire.gov.uk/transport/safety/methodologies/safety_audit.htm</a>	<p><u>Replacement bridleway for Sawston Footpath 12/Babraham Footpath 9</u></p> <p>Meets the shared foot/cycle way at Sawston Road at point M. The shared foot/cycle way along the southern side of the main road is not considered to be wide enough to safely accommodate all NMU traffic. Any equestrian users at point M therefore would legally be required to continue their journey along the main road using the dropped kerb. An alternative permissive equestrian connection to the nearby restricted byway is currently under</p>	Yes

	<p>consideration, see further details in this section below.</p> <p><u>Part upgrade of Sawston Footpath 14 to a bridleway</u></p> <p>The bridleway meets the highway at Church Lane (point D). The section of Church Lane at point D is a turning head which sees little traffic.</p> <p><u>Proposed Permissive Equestrian Route</u></p> <p>A possible permissive equestrian route connecting the replacement bridleway and Sawston/Babraham Road, opposite Restricted Byway No. 10, Babraham, is currently under discussion with the developer (see route coloured in pink on the Plan at <b>Appendix E</b>). This would provide a connection for equestrians between the replacement bridleway and the main road away from the traffic of the main road between Sawston and Babraham.</p> <p>The majority of the proposed permissive equestrian route would run along estate roads. This however is considered to be a safer and more enjoyable alternative to using the main road. The shared foot/cycle way along the southern side of the main road is not considered to be wide enough to safely accommodate all NMU traffic.</p> <p>The proposed permissive connection has been offered up by the developer, who have agreed to signpost the route, but is subject to further technical discussions within the highway service before the route can be confirmed. It is considered that these discussions should not however delay the pre-order consultation which should be commenced as soon as possible due to the time limited nature of the proposals being made under the Town and Country Planning Act 1990.</p>	
Constraints e.g. SSSI / SAM / conservation area / protected species	None	Yes



<p>Additional CCC maintenance liability e.g. grass cutting, new bridge</p>	<p><u>Replacement bridleway for Sawston Footpath 12/Babraham Footpath 9 and footpath connections to Pampisford Footpaths 1 and 2</u></p> <p>The proposal would mean an additional 322m of network maintainable at public expense than existing. The proposed bridleway and footpaths will have a 4m wide hoggin surface and therefore will not be on the grass cutting contract. 122m of grassing cutting currently undertaken on Sawston 12 can therefore be removed from the current contract.</p> <p><u>Part upgrade of Sawston Footpath 14 to a bridleway</u></p> <p>467m of field edge path on currently grass cutting contract can be removed as a result of the upgrade as the replacement will be comprised of a 4m wide asphalt or hoggin surface. The width of the bridleway will not extend beyond the timber edgings.</p> <p>The management of the vegetation on either side of the bridleways including grass, hedges and trees is to be maintained by the developer during construction and then by the developer's selected estate management company on completion.</p>	<p>Yes</p>
<p>Other factors</p>	<p>Access to the development from the walkway adjacent to 37 Henry Morris Road (point A) is to be retained following completion of the development. <u>Note:</u> This should be communicated during the consultation.</p> <p>James Stringer consulted Lynda Warth of the BHS in November 2021 on the proposals for surfacing. At the time Lynda confirmed in a telephone conversation that she understood the constraints on the site and was satisfied with the surfacing and width proposals.</p> <p>Two short footpath connections to Pampisford Footpaths 1 and 2 between points K and C and G and H forms part of the highways replacing the stopped-up section of Sawston Footpath 12 and Babraham Footpath 9. In order to future-proof the site it was initially considered that these connections would be of a bridleway status. It has since been established however that the field to the east of the site sits within the Cambridge Green Belt. Future development of the field is unlikely and therefore it is considered that the connections should remain as footpaths in order to avoid a dead-end bridleway at points C and H.</p>	<p>Yes</p>
<p>Significant differences e.g. length, accessibility, public enjoyment</p>	<p>Proposal would result in an additional 322m of network to maintain at public expense but this would provide an upgraded surface, new access opportunities for cyclists and equestrians, and a new public right of way connection to Sawston Road.</p>	<p>Yes</p>

Date surveyed:	27 May 2022	10 June 2022
Surveyed by:	Tom Ruzsala - AIDMO	Peter Gaskin PRowO

### **OFFICER RECOMMENDATION:**

The overall proposal would simultaneously enhance the NMU accessibility of the development of 280 dwellings at land south of Babraham Road in Sawston and enhance rights of way connectivity in the Sawston, Babraham and Pamisford area. The proposal would enhance access opportunities for equestrians and cyclists and create a much more convenient missing link from the rights of way network to Sawston Road, near to Restricted Byway No. 10, Babraham via the foot/cycleway.

The proposal would create an additional liability of 322m of rights of way network for the County Council to maintain but this is necessary to ensure that the new development is sustainable and enhances the wider rights of way network in accordance with the National Planning Policy Framework paragraph 100. Furthermore, the maintenance of the majority of the routes will generally be undertaken by the developer's estate management company and therefore maintenance costs to the County Council are likely to be kept to a minimum.

The proposed routes would be much more accessible for the public to use than the existing cross-field path of Sawston Footpath 12 with greater width and improved surfacing.

The delivery of the proposal would advance several of CCC's Rights of Way Improvement Plan statements of actions as below:

- SOA1 Making the countryside more accessible
- SOA2 A safer and health-enhancing activity
- SOA3 72,500 new homes
- SOA5 Filling in the Gaps

The delivery of the proposal fits into the Cambridgeshire Health and Wellbeing and emerging Active Travel Strategies as the proposed delivery of the new routes would enhance the public's opportunities for active travel and encourage people to make healthy and sustainable lifestyle choices.

The officer recommendation is to proceed to consultation.

**APPROVAL TO CONSULT**

**YES (Please give any advisory comments necessary)**

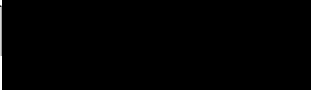
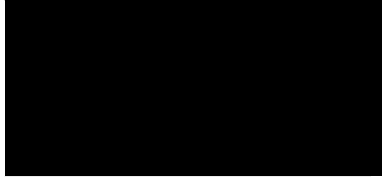
This scheme appears to accommodate and enhance the existing PROW network well, providing new opportunities and much better accessibility for residents and NMUs. It would also support the County Council's aims of providing more active travel opportunities, and will assist in engendering improved health and wellbeing of local communities.

I consider that s257 TCPA is the most appropriate and efficient mechanism to deliver the changes to the network, as they are necessary to deliver the proposed development. The order will include a certification clause giving the LHA control over the works being delivered to CCC's reasonable satisfaction.

Should there be objections, the alternative mechanism could be employed whereby the s257 order is varied or re-made extracting out the bridleway to be created separately under s25 HA.

The proposed permissive bridleway would be a positive addition. However I agree that work should proceed with the proposed order consultation with the negotiations over the permissive bridleway being held in parallel and not to hold up the PPO.

**NO (Please give reasons)**

District Highway Maintenance Manager	Signature: 	Date: 31.8.22
Asset Manager - Information	Signature: Camilla Rhodes 	Date: 26.8.22

# Appendix A1

**The law and management of public access rights vary widely between the four countries of the United Kingdom. Practical elements of the following advice apply in all countries but the legal requirements in Scotland and Northern Ireland may differ from those in England and Wales.**

More advice is available on [www.bhs.org.uk/accessadvice](http://www.bhs.org.uk/accessadvice).

**IMPORTANT** This guidance is general and does not aim to cover every variation in circumstances. Where it is being relied upon, The Society recommends seeking advice specific to the site.

In providing specifications for equestrian ways and facilities, the British Horse Society considers all equestrian users, which may result in a specification which might not be appropriate in all circumstances. The recommendations should be read with this in mind. **If the specification seems inappropriate in a situation, the Society strongly advises consultation with its local access volunteers or staff to establish what may be acceptable at a particular site.**

Riders and carriage drivers, like walkers and cyclists, come in all sizes, with considerable variety in their interests, skills, needs and preferences and this should be considered in providing or improving ways used by equestrians.

## Width for new routes

The intention of the widths recommended here is to provide a *useable* width of minimum 3 metres for a bridleway or 4 metres for a byway at all seasons, irrespective of whether a way is bounded by a hedge or fences, or may be fenced in future. A useable width is likely to require at least an additional half a metre to each side giving an overall width of 4 metres (bridleway) or 5 metres (byway) to avoid such as overgrowth reducing the useable width between cuts, particularly adjacent to barbed wire or thorny plants, or a horsedrawn vehicle having to avoid ruts. More than half a metre may be required where hedge growth must be accommodated for fast-growing hedge species or where the hedge is not cut each year.

A common difficult situation is where an unenclosed bridleway or byway with a recorded width of 2 metres becomes fenced as a 2 metre wide corridor, resulting in a useable width of only 1 metre in the middle because vegetation and debris may occur close to the boundaries and users naturally avoid passing close to a fence, wall or hedge.

Observing users pass one another on an unenclosed bridleway or byway makes it clear that 2 metres is rarely the actual used width, most people will choose to give one another more space. Two pedestrians may pass each other within a 2 metre width, but two riders, or any combination of riders,

cyclists, carriage-drivers and pedestrians may prefer not to pass so close to one another. Passing is feasible where users are prepared to stop to allow others to pass.

The Society recognises that the circumstances for all new bridleways and byways (including diversions) vary and on occasion, particularly to gain a route away from motor vehicles, a width less than the recommended standard may be accepted as better than using a motor vehicular road. For situations where a lesser width is considered because the standard is not possible, advice and agreement should be sought from the BHS.

## **In Diversion Orders**

The Society encourages Order Making Authorities to adopt a recommended standard width of 5 metres for diverted bridleways and byways.

The Society will usually object to bridleway or byway diversion proposals where the width of the replacement way is less than 4 metres unless exceptional circumstances apply.

## **In Creation Agreements and Orders**

The Society encourages Order Making Authorities to adopt a recommended standard of 5 metres m width for new bridleways and restricted byways whenever possible but recognises that a lesser width may be necessary in order to create any way in some cases.

For greenways and those considered to be of strategic importance, more than 5 metres allows comfortable space for different types of user, particularly if used by cyclists at speed. If segregation is thought necessary in a particular circumstance then the greater width makes this possible. Where available, a width greater than 5 metres also allows for the provision of trees and hedges and benches for resting to increase the attraction and health benefits of the route for all users.

## **For general maintenance or enforcement purposes**

Where there is no substantive evidence of a right of way's width, the Society will request that a width of no less than 3 metres is cleared. If the Definitive Statement includes a width, then a minimum of that width should be reinstated so long as it is wide enough to be practical (minimum 3 metres if bounded on one or both sides, 2 metres if open, based on the provisions of the Rights of Way Act 1990 for arable field bridleways, 4 metres for a byway).

The Highways Act 1980 Section 164 provides that the presence of barbed wire by a right of way can constitute a public nuisance. Users of the way should be protected from the barbs by a flat rail on the side of the right of way. A greater width may be required to provide sufficient passing space clear of the barbed wire. Electrified fencing should be treated as for barbed wire and avoided along or across bridleways and byways.

The width between gateposts (Highways Act 1980 Section 145) should be 1.5 metres on a bridleway, 3 metres on all byways and roads.

Where bollards are considered to restrict vehicular access, the minimum width should be 1.5 metres on a bridleway, 1.8 metres on a byway (see BHS Advice on Vehicle Barriers)..

## **In Modification Orders**

The Society will object if the width stated is less than that for which there is substantive evidence, or if a single whole route width is stated where there is evidence that the right of way is wider in places.

If evidence relies on an inclosure awarded width of more than sixteen feet, the Society may, depending on local circumstances, be open to subsequent extinguishment of width in excess of 5 metres provided that the remaining width is of a surface and nature which is resilient to use.

## **Area**

Where it is necessary to turn a ridden horse (in order to close a gate, for example), the area of manoeuvring space should ideally be no less than 4 metres by 4 metres; large horses may require more than 4 metres to turn easily. The absolute minimum space required is a diameter of 3 metres on clear, flat ground with no protrusions or overhanging vegetation. A greater area is preferred to avoid potential of injury on fencing, gates or other structures and if ground is uneven or there is overhanging vegetation.

The more that area is restricted, the more important it is that the surface is firm, level and even and kept clear of overgrowth.

Horse-drawn vehicles are likely to need to turn only if there is an obstruction which prevents them continuing, which could present a problem if an area less than 5 metres (depending on size of turnout) is available although, if absolutely necessary, a horse can be unhitched and the vehicle turned separately, but this is not a task to be considered normal or 'convenient' for a highway user.

## **Space and Safety at Gates for Ridden Horses**

See BHS Advice on Gates. The recommended area for manoeuvring a ridden horse at a gate is 4 metres by 4 metres, incorporating 1.2 metres in line with the gate beyond the clapper post. Manoeuvring a horse through a gate is particularly hazardous for riders and any obstacle or impediment within or close to the manoeuvring space and gateway greatly increases the difficulty of operating the gate safely. The manoeuvring space must be on firm, level and even ground without trip hazards or overgrowth.

Electric fencing near gates can present a particularly serious hazard if it is possible for the horse, rider or gate to contact the electrified wire. Please see BHS Advice on Electric Fencing.

Drivers of horse-drawn vehicles are likely to be accompanied by another person who will open and close a gate. Additional space is not required but a gate at roadside which is not set back by at least 5 metres may put the horse and vehicle at risk from road traffic while waiting for the groom to close the gate and remount the vehicle.

## **Fenced enclosures for waiting areas or separation pens**

There is sometimes a need for enclosed areas, perhaps at road crossings, or at the end of a bridge where stock security is required but a gate should never be installed on the end of the bridge which is less than 3 metres wide. For any enclosed area it is recommended that:

- Clear manoeuvring space of at least 4 metres by 4 metres is required within the pen.
- All fencing should be post and rail wooden fencing, no wire, wire netting or barbed wire. If barbed wire is required for stock control, it should be shielded on the bridleway side by a plain rail.
- The ground throughout the structure should be firm, level and free from deep mud or vegetation that would reduce the useable area.

All other recommendations for gates, catches and surroundings apply (free of protrusions, barbed wire and so on, see BHS Advice on Gates).

If an area is likely to need to accommodate more than one ridden horse, such as a waiting area to cross a road, then more than 4 metres length or width will be required. For driven horses, a minimum of 6 metres length will be required.

## **Fencing**

As a general guide the following types of fencing are suitable for horses and can be used safely alongside rights of way, in order of preference:

1. Post and rail wooden fencing
2. Posts with impact resistant plastic rails
3. Posts with flexi-rails (PVC or rubber-coated webbing)
4. Vertical close board fencing has been used at roadside locations in waiting pens for light controlled crossings but while it may help horses feel safer while waiting, it will limit sightlines for equestrians

Wire fencing (both straight and barbed) is less desirable and potentially injurious. This is more likely if it is not well installed and maintained with firm upright posts and fully tensioned wire. If barbed wire is proved to be a nuisance it is illegal (Section 164 Highways Act 1980).

Metal palisade security fencing with spikes on top, commonly seen by railways, should be avoided alongside bridleways and byways as the injuries that could be incurred by a rider falling onto the fence if thrown from a horse could easily be fatal.

Electric fencing should never be used alongside or across bridleways or byways except where proper provision has been made at gates and the way is wide enough between the fencing (see BHS Advice on Electric Fencing).

Standard stock fencing is generally between 1,100 and 1,200mm high.

## Height

### Overgrowth

The average height of a mounted rider is 2.5 metres above ground level, tall riders on large horses could be close to 3 metres. Overhanging branches, overgrowth from the sides and any other obstructions should be cleared to a height of 3.4 metres on all routes.

Horse-drawn vehicles vary in height but clearance to accommodate riders will also give clearance for drivers as those vehicles higher than a rider are very unlikely to be used as exercise vehicles.

### Underpasses and Tunnels

Where underpasses are constructed to enable equestrians to cross below a road or railway, the ideal height is more than 3.4 metres, and a width of 5 metres. Generally, the longer the underpass, the more desirable it will be to meet the ideal height or width, however, all situations should be judged individually as there are many factors to take into account.

While the Society seeks the desirable height and width for underpasses, in exceptional circumstances a lower height or width may be tolerated for a crossing of a road or railway which would be unsafe to cross at grade and where there is no option to increase the height, such as where the water table is high.

When a lower height for an underpass is locally agreed as acceptable, equestrians would be expected to dismount although those with smaller horses and low horsedrawn vehicles may choose not to if they are comfortable with the clearance. It should be left to the rider's discretion as they are unlikely to risk themselves or their horse and are the best to judge what is appropriate for them. When a lower height has been locally accepted as unavoidable, a mounting block should be provided at either end (see BHS Advice on Mounting Blocks) for those who are forced to dismount.

Where a compromise has been reached that a low or narrow underpass is the best solution available, equestrians must not be prevented from using it as many will be capable of doing so once the horse has accepted the environment.



There are many examples through the country of equestrian using disused railway tunnels and long underpasses, such as under motorways; there is no reason to exclude horses from them. Examples include several on the Monsal Trail in Derbyshire and the Denstone Trail in Staffordshire, both disused railway lines, and the Trans Pennine Trail at Thurgoland. Some tunnels/underpasses are quite narrow but it is not an issue so long as all users know to expect others and to pass with care and consideration. Signs are important on shared use trails to make clear to all users to expect horses.

**Lighting** in underpasses or tunnels depends very much on the site. Horses can generally see better in the dark than humans, but have greater difficulty with sudden changes in light, such as moving from bright light into an underpass, their eyes adjust more slowly, which may cause a horse to be reluctant to move forward, however, the light level needed to mitigate is not great and certainly no more than would be normal for a pedestrian route.

British Standard BS 5489-1:2020 section 7.4.7. gives requirements for lighting 'subways'. BS 5489-1 suggests that daytime lighting should be double that required during darkness hours, however, where an underpass is part of a rural route that is unlit, this is likely to be excessive.

Standards do not refer to requirements for horses but it may be assumed that provision for pedestrians is likely to be acceptable.

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Please see [www.bhs.org.uk/accessadvice](http://www.bhs.org.uk/accessadvice) for all BHS Advice referred to above.

# Rights of Way Circular (1/09)

## Guidance for Local Authorities

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## **1. Introduction**

1.1 The information contained in this circular is applicable only within England.

1.2 This circular gives advice to local authorities on recording, managing and maintaining, protecting and changing public rights of way. It replaces previous advice and guidance in circulars: 1/08, 2/93, 3/93, 17/90, 18/90, 32/81, which are now no longer valid.

1.3 At all points in the delivery of the rights of way service within the area for which they are responsible, authorities should be aware of the obligations placed upon them by the Disability Discrimination Act 1995 (as amended by the Disability Discrimination Act 2005).

1.4 England's extensive network of public rights of way is a unique and valuable resource, which provides the opportunity to experience the immense variety of English landscape and the settlements within it. Rights of way are both a significant part of our heritage and a major recreational and transport resource. They enable people to get away from roads used mainly by motor vehicles and enjoy the beauty and tranquillity of large parts of the countryside to which they would not otherwise have access. Rights of way provide for various forms of sustainable transport and can play a significant part in reducing traffic congestion and harmful emissions. They are becoming more important as increases in the volume and speed of traffic are turning many once-quiet country roads into unpleasant and sometimes dangerous places for cyclists, equestrians, walkers and carriage drivers.

1.5 In many areas, rights of way help to boost tourism and contribute to rural economies. They can also provide a convenient means of travelling, particularly for short journeys, in both rural and urban areas. They are important in the daily lives of many people who use them for fresh air and exercise on bicycle, on foot, on horseback or in a horse-drawn vehicle, to walk the dog, to improve their fitness, or to visit local shops and other facilities. Local authorities should regard public rights of way as an integral part of the complex of recreational and transport facilities within their area.

1.6 This advice and guidance sets out Defra's policy on public rights of way and its view of the law. It does not take the place of the legislation, but seeks to give an overview of it within a policy context.

### ***Further information***

1.7 Throughout this guidance, references are made to other guidance and publications and, where these are available online, hyperlinks are provided. A list of additional sources of information is set out in Annex C.

## ***Local authority resourcing***

1.8 The content of this circular does not place any extra obligations on local authorities and therefore in itself has no further implications for additional manpower or increased expenditure. Funding for rights of way functions, including additional burdens imposed through the Countryside and Rights of Way Act 2000, is provided through the revenue support grant. Authorities should ensure that sufficient resources are devoted to meeting their statutory duties with regard to the protection and recording of public rights of way, and that the rights of way network is in a fit condition for those who wish to use it.

## **Acts**

1.9 The relevant Acts are referenced in the remainder of this document as follows:

- The 1949 Act means the National Parks and Access to the Countryside Act 1949
- The 1968 Act means the Countryside Act 1968
- The 1980 Act means the Highways Act 1980
- The 1981 Act means the Wildlife and Countryside Act 1981
- The 1990 Act means the Town and Country Planning Act 1990
- The 2000 Act means the Countryside and Rights of Way Act 2000
- The 2004 Act means the Highways (Obstruction by Body Corporate) Act 2004
- The 2006 Act means the Natural Environment and Rural Communities Act 2006
- DDA means the Disability Discrimination Act 1995 as amended by the Disability Discrimination Act 2005

## ***Responsible bodies***

1.10 The responsibilities of relevant bodies are defined as follows:

- Surveying authority: Where there are two tiers of authority, the county council is the surveying authority. Unitary authorities are the surveying authorities for their areas. Surveying authorities are responsible for the definitive map and statement.
- Local highway authority: Where there are two tiers of authority, the county council is the local highway authority. Unitary authorities are the local highway authorities for their areas. Broadly, local highway authorities are responsible for the management and maintenance of the rights of way network. A national park authority or a district council may take over the rights of way functions from highway authorities by agreement.

- Local planning authority: In National Parks, the national park authority is the local planning authority. Where there are two tiers of authority, the district council is the local planning authority, although for some matters, such as mineral working, the county council is the planning authority. Unitary authorities are the local planning authorities for their areas. Local planning authorities are responsible, amongst other things, for development control.

Parish council includes town council and parish meeting.

- The Secretary of State for Environment, Food and Rural Affairs: The Government Minister responsible for all matters relating to public rights of way.

## **2. Information about the network**

2.1 Local authorities should aim to provide the public with information on the full range of choices available for enjoying the rights of way network itself and the many other publicly accessible routes, such as permissive paths, and public open space such as commons, woodlands and parks. Information should be accessible, comprehensive and well promoted and it should be a key element in rights of way improvement plans. Authorities will tailor their publicity planning to local needs, opportunities and constraints but imaginative schemes already in place in the country include production of walking, riding and cycling leaflets, offering guided walks and rides, organising or participating in festivals and making information available on a website that shows the availability of public rights of way and their relationship to other areas of publicly accessible land. Publicity also provides an opportunity to promote understanding of the countryside and of environmental concerns.

### ***Definitive maps and statements***

2.2 Definitive maps and statements are documentary records of public rights of way. They indicate where the public may lawfully walk, ride or drive. Section 56 of the 1981 Act makes it explicit that the definitive map and statement, taken together, are legally conclusive evidence of the existence of the highways of the description shown and of the rights and limitations existing over those highways at the relevant date assigned to each definitive map, unless there is a subsequently confirmed legal order amending those rights. Any such legal order will, in turn, duly be reflected in the subsequent amendment of the definitive map and statement. The relevant date is the specified point in time at which definitive maps and statements, following their original production, review or consolidation, represent the legally established rights of way unless they have been amended by order. If they have been amended by order then the relevant date applicable to the particular way(s) affected by the order is defined within that order. Because there may be other public rights of way which are not recorded on the definitive map and statement, or higher rights which are not recorded over ways which are currently recorded on the definitive map and statement with lower rights, the evidential effect of the map is without prejudice as to whether the public has, at the relevant date, any right of way other than the rights recorded. This proviso protects other rights, where they exist, against the conclusive evidential effect of the definitive map.

2.3 Authorities must make copies of their definitive map and statement and modification orders available for public inspection at one or more places within each district in their area, usually at the offices of the district council or county council, and within each parish where there are offices or other places where the public can inspect them. The copies deposited with a parish or district need only cover the area relevant to that parish or district. Authorities are required to keep at least one copy of previous maps and statements together with the orders modifying them available for public inspection. Authorities may also make working copies of their definitive map available for public inspection. Authorities are also required to bring



to the attention of the public the fact that copies of definitive maps and statements and orders are available for inspection.

2.4 [Guidance](#)<sup>1</sup> and advice on providing copies of Ordnance Survey mapping for public rights of way purposes has been provided by the Ordnance Survey and the Improvement and Development Agency.

### **Registers**

2.5 Local authorities are required to establish and maintain two public registers. In each case the register must be published on the authority's website and a paper copy must be made freely available to the public at the authority's principal office free of charge.

2.6 Section 53B of the 1981 Act requires surveying authorities to keep a register of applications for definitive map modification orders. The statutory requirements for registers are set out in regulations, but authorities need not be constrained by the regulations and if they wish to record additional information they are encouraged to do so. Further information and guidance from Defra is [available](#)<sup>2</sup>

2.7 Section 31A of the 1980 Act requires authorities (the relevant county, metropolitan or London borough council) to set up a register containing information with respect to declarations lodged and maps and statements deposited under section 31(6) of the 1980 Act. Such declarations and deposits enable landowners formally to acknowledge the rights of way across their land and, in doing so, create a presumption that they have no intention to dedicate any further routes across their land. Further information and guidance is [available](#)<sup>3</sup>

### **Finding the way on the ground**

2.8 Ordnance Survey maps include public rights of way and so are important tools for the public in using the network. It is in everyone's interest that these maps accurately reflect the public's rights and on completion of any orders the surveying authority are required to submit the relevant information to the Ordnance Survey as described in paragraphs 4.29 and 5.59.

2.9 Local highway authorities are responsible for erecting and maintaining way marks, fingerposts and other signs. Signs should conform to the Department for Transport [regulations](#)<sup>4</sup> except that the use of the colour Victoria Plum (dark purple) should be used on waymarks indicating the route on restricted byways as described in Natural England's [guidance](#)<sup>5</sup>.

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<sup>1</sup> Access to Public Rights of Way Information in England and Wales : OS & IDEA 2008

<sup>2</sup> Register of definitive map modification order applications. Guidance for English surveying authorities to accompany Statutory Instrument 2005 no 2461 : Defra 2005

<sup>3</sup> Register of Highway Act Declarations, Statement and Maps. Guidance for English local authorities to accompany Statutory Instrument 2007/2334 : Defra 2007

<sup>4</sup> Traffic Signs Regulations and General Directions (S.I. 2002/3113)

<sup>5</sup> Waymarking public rights of way : Natural England 2008

2.10 Section 27 of the 1968 Act (as amended) requires authorities to signpost footpaths, bridleways, restricted byways and byways open to all traffic where they leave metalled roads and, where it is considered necessary, to assist anyone unfamiliar with the locality to follow the line of the path or way. A (metalled) road is taken to be any highway and any other road to which the public has access and therefore includes (metalled) rights of way. Authorities need not erect signposts at the junction of a way with a metalled road where the parish council agrees that it is not necessary.

2.11 The term “signpost” also includes other signs such as a painted waymark. Signposting and waymarking of public rights of way are of considerable benefit to path users and also assist landowners by helping to prevent trespass. Authorities should ensure that members of the public are provided with sufficient information, by means of appropriate signs or notices, particularly at path junctions, to enable them to use the local rights of way network. This is especially important where paths have been altered by means of statutory orders since the most recent version of publicly available maps, such as Ordnance Survey, was published.

2.12 The owner or occupier of the land crossed by a right of way must always be consulted before any sign is erected and their consent must be obtained if the sign is to be placed on his or her property. In the majority of cases a signpost at the point where a right of way leaves a metalled road will be installed in a roadside verge or footway that is in the ownership of the highway authority and therefore most of the cases where the duty to obtain consent will apply are those where waymarks are installed to guide the public along the correct route.

### **3. Liaising with the public**

#### ***Local Access Forums***

3.1 Section 94 of the 2000 Act places a duty on local highway authorities and national park authorities to establish Local Access Forums to advise on public access to land for any lawful purpose and outdoor recreation, including public rights of way and the right of access to open country. London borough councils are not required to establish Local Access Forums but may resolve to do so.

3.2 Membership of Local Access Forums includes users of rights of way and the right of access to open country, landowners and occupiers, together with any other interests especially relevant to the area. Local Access Forums should focus on those issues that are most relevant to their own area, considering issues at the strategic level, taking care to direct advice to the most appropriate recipients and adopting a proactive approach. Authorities must have regard to Forums' views in reaching decisions on access and public rights of way issues. Further information on Local Access Forums is [available](#)<sup>6</sup>

3.3 Natural England has published a handbook for all Local Access Forum members in England. In addition to including guidance about the general practicalities of running a Local Access Forum, it contains key facts and useful information about all aspects of access. Further information is available in [the LAF handbook](#).<sup>7</sup>

#### ***Informing individuals and other groups***

3.4 To complement Local Access Forums' strategic rôle, authorities may wish to establish, or maintain, liaison groups that, like Local Access Forums, draw together the representatives of all interests in the rights of way network. In those areas where changes to the network are needed to ensure that it is better suited to the needs of users, or to help the efficient use of land for agriculture or protect wildlife, liaison groups can also play a valuable rôle in helping to define proposals and in ensuring that they represent the best possible balance between, and confer the greatest mutual benefit to, all interests. The more detailed scrutiny that liaison groups can give to rights of way proposals is a valuable adjunct to the work of Local Access Forums and many Local Access Forums have sub-groups to perform this type of function.

3.5 Authorities must also notify any person or groups who require them to do so of orders made over a given period proposing to add to or amend the definitive map and statement or to change the network. This requirement may apply to every order made by the authority or orders of a particular description and may relate to the whole or any part of their area. Authorities may make a reasonable charge for doing so.

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<sup>6</sup> Guidance on Local Access Forums in England : Defra 2007

<sup>7</sup> Handbook for LAF members : Natural England 2008

## **Wardens**

3.6 The countryside serves many purposes, as workplace and home as well as a place for recreation. Local authorities have powers to appoint wardens, both within the countryside generally and, by virtue of section 62 of the 1981 Act, to act on public rights of way. Wardens can help, advise and assist members of the public on the use of rights of way. They can also guard against thoughtless and irresponsible behaviour which can sour relationships between landowners and rights of way users.

## 4. Recording the network

### *The definitive map and statement*

4.1 Surveying authorities are responsible for definitive maps and statements. They have a duty to keep them as up to date as possible, referring to all of the available evidence in order to maintain an authoritative map and statement of the highest attainable accuracy. Authorities should give priority to producing an up to date map and statement on which all public rights of way are recorded and which covers all of the area for which they are currently responsible.

4.2 Section 53 of the 1981 Act requires authorities to keep their definitive maps and statements under continuous review and to modify them by way of orders where they are shown to be wrong or incomplete. The starting point is the definitive map and statement for a particular area as defined in section 53(1) and may be:

- the latest definitive map and statement following the completion of a review carried out under section 33 of the 1949 Act as originally enacted or as amended by the 1968 Act; or
- where no review took place, or the first review was abandoned under the provisions of section 55 of the 1981 Act, the original definitive map and statement prepared under section 32 of the 1949 Act; or
- for those former county boroughs and other excluded areas for which the survey provisions were never adopted or for areas where a survey was begun, but abandoned, the map and statement prepared under section 55(3) of the 1981 Act.

until replaced by a modified map and statement prepared in accordance with the provisions of section 57(3). Section 57(3) of the 1981 Act enables authorities to consolidate modification orders into a new map and statement. Section 57A enables authorities to prepare a consolidated map for the whole of the area for which they are currently responsible. The relevant date of a new map and statement should be not more than six months before the date on which it is prepared, and should be later than the relevant date of the last modification order consolidated into it.

4.3 Section 53(2) of the 1981 Act requires surveying authorities to modify their definitive maps and statements by order as soon as reasonably practicable after the occurrence of any of the events specified in section 53(3). Section 53(2) distinguishes between events which occurred before and those which occurred on or after 28 February 1983. The second part also includes the requirement for definitive maps and statements to be kept under continuous review. However, authorities were not required to complete the modification of their maps and statements for events which preceded the commencement of the new procedure before embarking on modifications relating to subsequent events: the process is simultaneous. Moreover, in making orders there is no need for authorities to differentiate between events which preceded and those which succeeded the

commencement of the new procedure. It is possible for both to feature in the same order.

### ***Modifying the definitive map and statement***

4.4 The events to be taken into consideration in connection with the modification of definitive maps and statements are set out in section 53(3) of the 1981 Act.

- Subsection 3(a) concerns necessary changes to the definitive map and statement consequent upon the confirmation of orders under highways and other legislation and magistrates' court orders under s.116 of the Highways Act 1980.
- Subsection 3(b) concerns the presumed dedication of footpaths, bridleways and restricted byways at common law or by virtue of section 31 of the Highways Act 1980. It can apply to ways shown on the definitive map and statement but over which higher rights are now presumed to have been dedicated.
- Subsection 3(c) relates to the discovery by authorities of evidence which shows that a right of way not shown on the map and statement subsists, or is reasonably alleged to subsist, and should be shown; or that a right of way already shown ought to be shown as a right of way of a different description; or that a right of way does not exist and should be removed, or that the particulars contained in the map and statement require modification.

4.5 Surveying authorities should not make an order to update the definitive map and statement under subsection 3(a) until, where they are required to do so, certification or notification has been issued that the effect of the relevant public path order or magistrates' court order has taken place on the ground. These subsection 3(a) definitive map modification orders take effect on being made. [Regulations](#)<sup>8</sup> made under section 53A of the 1981 Act enable authorities to include in the same order both a substantive change to a right of way and a direction to modify the definitive map and statement in line with that change, thus eliminating the need to deal with each in a separate order (paragraph 5.56). Separate orders can still be made if required.

### ***Applications for definitive map modification orders***

4.6 Section 53(5) of the 1981 Act enables any person to apply to the authority for an order to be made modifying a definitive map and statement as respects any of the events specified in section 53(3)(b) or (c) of the 1981 Act. The procedure for making and determining applications is set out in Schedule 14 to the 1981 Act. Persons are not entitled to apply for a legal event definitive map modification order under section 53(3)(a) of the 1981 Act.

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<sup>8</sup> The Public Rights of Way (Combined Orders) (England) Regulations 2008 (S.I. 2008/442)

4.7 The form of application is prescribed in regulation 8 of the [Wildlife and Countryside \(Definitive Maps and Statements\) Regulations 1993](#)<sup>9</sup> and set out in Schedule 7 to those regulations. Submitted applications must be accompanied by a map to a scale of not less than 1:25000 showing the rights of way which are the subject of the application, copies of any supporting evidence, including statements of witnesses. While a surveying authority may waive some of the requirements of Schedule 14 of the 1981 Act in deciding whether or not to accept an application, case law has made it clear that in the case of an application to recognise byway open to all traffic status (whether by upgrading an existing way or by the first recording of any public rights on a way) the claimed mechanically propelled vehicle rights, otherwise automatically extinguished, are preserved under section 67(3) and (6) of the 2006 Act only if the full stated requirements of Schedule 14 to the 1981 Act are met.

4.8 Notice that an application for an order has been made must be served by the applicant on every owner and occupier of the land involved. Applicants who cannot find out the name or address of the owner or occupier of the land may apply to the surveying authority for exemption from the requirement to serve a personal notice, and for its direction that notice be served instead by addressing it to the owner or occupier of the land (as described in the notice) and affixing it to a conspicuous object on the land. Such a direction should not normally be withheld if the applicant can show that he or she has made every reasonable effort to identify the owner or occupier of the land. Finally, a certificate must be supplied to the authority, by the applicant, to inform it that notice of the application has been served on all of the landowners and occupiers concerned, subject to the provisions made for instances where land ownership cannot be determined. The forms of the notice and certificate are prescribed by regulation 8 of, and Schedules 8 and 9 to the Wildlife and Countryside (Definitive Maps and Statements) Regulations 1993.

4.9 Authorities are required to investigate applications as soon as reasonably practicable and, after consulting the relevant district and parish councils, decide whether to make an order on the basis of the evidence discovered. Applicants have the right to ask the Secretary of State to direct a surveying authority to reach a decision on an application if no decision has been reached within twelve months of the authority's receipt of certification that the applicant has served notice of the application on affected landowners and occupiers. The Secretary of State in considering whether, in response to such a request, to direct an authority to determine an application for an order within a specified period, will take into account any statement made by the authority setting out its priorities for bringing and keeping the definitive map up to date, the reasonableness of such priorities, any actions already taken by the authority or expressed intentions of further action on the application in question, the circumstances of the case and any views expressed by the applicant.

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<sup>9</sup> The Wildlife and Countryside (Definitive Maps and Statements) Regulations 1993 (S.I. 1993/12)

4.10 Decisions on applications must be served on the applicant and on the owner and occupier of the land involved. Reasons should be given where an application is refused.

4.11 In the event of an authority refusing to make an order, the applicant has a right of appeal to the Secretary of State against that decision. Appeals must be lodged with Defra's National Rights of Way Casework Team within 28 days from the date on which the authority serves notice on the applicant of its decision. Appeals should be made in writing, giving grounds for the appeal, and be accompanied by copies of the application, the map showing the way concerned, the supporting documentation and the authority's decision. A copy of the notice of appeal must also be served on the surveying authority but without the accompaniments. The Secretary of State, in considering an appeal, is required to decide, following review of the available information, whether an order should be made and if so direct the authority accordingly. He is not empowered to authorise the modification of the definitive map and statement or to make an order himself.

4.12 Authorities must record all applications for definitive map modification orders and the outcomes of those applications in a register that is available to the public – see paragraph 2.6.

### ***Order making***

4.13 Before making an order, authorities must consult other local authorities (including parish councils) in whose area the way is located but, in accordance with section 53(2)(b) of the 1981 Act, authorities should make the order as soon as reasonably practicable after they have concluded that one should be made or after having been directed by the Secretary of State to do so following a successful appeal under schedule 14 of the 1981 Act.

4.14 Orders made under the 1981 Act reflect specified rights which are already claimed to exist (or not to exist in the case of downgrading or deletions as described in paragraphs 4.30 to 4.35) based on evidence gathered and therefore there is no wider statutory duty to consult beyond other local authorities. Nevertheless, seeking information more widely about a proposed 1981 Act order could produce additional material relating to its existence or true status and may pre-empt misunderstandings, resolve objections and reduce conflict. The prescribed organisations (see Annex A) are a starting point for the organisations to be consulted, but authorities should not regard these as the only organisations that they should consult.

4.15 The forms of the various orders provided for by the 1981 Act are prescribed in the Wildlife and Countryside (Definitive Maps and Statements) Regulations 1993 (S.I. 1993/12) (as amended). Where appropriate, the prescribed form makes provision for alternative entries in the schedule to the order for the different modifications that can be made to definitive maps and statements i.e. additions, deletions, changes in status and the modification of written statements as the circumstances of each case may require.



4.16 Authorities should include sufficient, accurate information to allow the way to be unambiguously identified. They should include in orders information about the width of ways to be added to the definitive map and statement. Defra [guidance](#)<sup>10</sup> on recording widths is available. Authorities should also record limitations and conditions, for example: gates and stiles along the way, and any other specification information which is appropriate. This provision is only applicable where the dedication of the route was subject to such limitations. For example it would be inappropriate to include a gate as a limitation where the gate was installed after a period of use giving rise to a statutory dedication. Under this circumstance the gate, or any other structure, would be regarded as an obstruction unless its installation fulfilled certain conditions and was formally authorised by the highway authority (see paragraph 6.7).

4.17 The scale of the map referred to in the order is prescribed in the 1993 Regulations and must be not less than 1:25,000 although larger scale maps should be used wherever practicable. The scale, orientation and grid references should be clearly shown on the map. Apart from deletions, the notation used to depict the various classes of right of way is prescribed in the Regulations for definitive maps and statements. For deletions a continuous bold black line is recommended.

4.18 Since there is no procedure for the correction of errors once an order has been confirmed (paragraph 10.9 describes limited powers of an Inspector to modify orders prior to confirmation), other than the result of the discovery of evidence, particular attention should be paid to the preparation of orders to ensure that the order map and schedule do not conflict. Moreover since orders effectively modify the definitive map and statement on confirmation and are therefore subject to the provisions of section 56(1) of the 1981 Act regarding the conclusive evidential effect of definitive maps and statements, the order map and schedule serve effectively the same function respectively as the definitive map and statement.

4.19 The procedure for making and determining whether or not to confirm definitive map modification orders under section 3(b) and (c) is set out in Schedule 15 to the 1981 Act. The Schedule provides for the publication of notices announcing the making of orders, the consideration of representations and objections and the modification of orders.

### ***Publicity for orders***

4.20 The content of notices announcing the making of orders and the publicity to be given to them are set out in paragraph 3 of Schedule 15 to the 1981 Act. The notice must be published in at least one local newspaper circulating in the area in which the land to which the order relates is situated and a copy, together with a copy of the order or relevant extract from the order, served on every owner and occupier of that land; the relevant district and parish council; the prescribed organisations; and such other persons as the authority considers appropriate, such

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<sup>10</sup> Non statutory guidance on the recording of widths on public path, rail crossing and definitive map modification orders : Defra letter to Order Making Authorities in England February 2007

as a national park authority and other local organisations which are recognised as being representative of user interests.

4.21 The description in the notice of the general effect of the order should be sufficient to enable the public to understand its fundamental purpose and to identify the rights of way involved. The notice published in the local newspaper will not be accompanied by a plan and therefore key points of the route should be referenced to features on the ground as well as being specified by grid references.

4.22 A copy of the notice must be displayed in a prominent position at both ends of the way. The notice must be accompanied by a plan illustrating the effect of the order. The notice must also be displayed at council offices in the locality and any other places considered by the authority to be appropriate. The places should be reasonably accessible to local people.

### ***Representations and objections***

4.23 Authorities should seek to forestall representations and objections by prior discussion with landowners, users and representative organisations. Authorities should have regard to the code of practice on consultation in the Rights of Way Review Committee's Practice Guidance [Note 1](#)<sup>11</sup>. They should also try to resolve representations and objections when they have been made as described in the Rights of Way Review Committee's Practice Guidance [Note 3](#)<sup>12</sup>.

4.24 The period for making representations and objections must be not less than 42 days from the date of publication of the notice that an order has been made and at least 42 days after service and display of the notice has taken place. Authorities should publish the notice in a newspaper that circulates widely and reliably within the area. They should serve and display notices of the making of an order at the same time as the notice is published. Authorities should ensure that a copy of the order and accompanying map are available for inspection at all reasonable hours during the period.

4.25 Paragraph 3(8) of Schedule 15 to the 1981 Act permits any person, at any time before the objection period expires, to require the authority to provide, within 14 days of the receipt of the request, details of any documents it took into account in making the order. There is also provision for people to inspect and take copies of relevant documents in the possession of the authority and to be informed by the authority of the whereabouts of such documents not in its possession.

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<sup>11</sup> Practice Guidance Note 1 : Consultation on changes to public rights of way and definitive maps : Rights of Way Review Committee December 2007

<sup>12</sup> Practice Guidance Note 3 : Minimising representations and objections to definitive map modification orders : Rights of Way Review Committee December 2007

### **Confirmation of orders**

4.26 Authorities may confirm orders that are unopposed or to which all the representations and objections have been withdrawn. Authorities must submit orders to which there are representations or objections and orders which are unopposed but require modification to the Secretary of State. The Planning Inspectorate, which administers the submission on behalf of the Secretary of State, has a [checklist](#)<sup>13</sup> of documents which must accompany orders submitted for a decision on whether or not they should be confirmed. Paragraph 10.8 describes in outline the process that is followed once an order is submitted to the Secretary of State.

4.27 Paragraph 5 of Schedule 15 to the 1981 Act provides that where one order contains one or more modifications to the definitive map or statement to which there are representations or objections and other modifications to which there are none, the authority can confirm the unopposed part of the order, which has the effect of modifying the definitive map and statement to the extent of the confirmed part. The authority must then submit that part of the order to which there are representations or objections, to the Secretary of State to consider whether or not to confirm it. Authorities must notify the Planning Inspectorate, which administers the process on behalf of the Secretary of State, where they intend to do this. Any element of an order that is subdivided for partial confirmation in this way must appear to be capable of confirmation in its own right.

### **Publicising decisions on orders**

4.28 The requirements for publicising confirmed orders and the non-confirmation of orders are specified in paragraph 11 of Schedule 15 to the 1981 Act. Confirmed orders are given the same publicity as that given to made orders. A copy of the decision not to confirm an order must be served on the same persons on whom notice of the making of the order was served.

4.29 Copies of all confirmed orders made under section 53 (including orders made under section 53A which have the effect of modifying the definitive map and statement) and section 54 (where outstanding orders to reclassify Roads Used as Public Paths (RUPP) are being determined to a conclusion) must be sent to the Ordnance Survey at the time of confirmation.

### **Deletion or downgrading of ways shown on the definitive map and statement**

4.30 The procedures for identifying and recording public rights of way are comprehensive and thorough. Authorities will be aware of the need to maintain a map and statement of the highest attainable accuracy. Whilst the procedures do not preclude the possibility that rights of way may need to be downgraded or deleted, particularly where recent research has uncovered previously unknown evidence or where the review procedures have never been implemented, it is unlikely that such

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<sup>13</sup> Document required by the Planning Inspectorate – Checklist for Order Making Authorities : The Planning Inspectorate June 2008

a situation would have lain undiscovered over, what is in most cases, many decades without having been previously brought to light.

4.31 Once prepared, and until subsequently revised, the definitive map and statement is conclusive evidence in rights of way disputes. Authorities are under a duty to make an order modifying the definitive map and statement where they have evidence that a public right of way should be downgraded or deleted. They may discover evidence themselves or evidence may be presented with an application to modify the map and statement.

4.32 Notwithstanding the clear starting point in relation to the possible deletion or downgrading of ways described in paragraphs 4.30 and 4.31, the powers in section 53(3) of the 1981 Act include the making of orders to delete or downgrade rights of way shown on the definitive map and statement in cases where evidence shows that rights did not exist at the time when they were first shown on the map. In making an order the authority must be able to say, in accordance with Section 53(3) (c) (ii) or (iii), that a highway of a particular description ought to be shown on the map and statement as a highway of a different description; or that there is no public right of way over land shown in the map and statement as a highway of any description.

4.33 The evidence needed to remove what is shown as a public right from such an authoritative record as the definitive map and statement – and this would equally apply to the downgrading of a way with “higher” rights to a way with “lower” rights, as well as complete deletion – will need to fulfil certain stringent requirements. These are that:

- the evidence must be new – an order to remove a right of way cannot be founded simply on the re-examination of evidence known at the time the definitive map was surveyed and made.
- the evidence must be of sufficient substance to displace the presumption that the definitive map is correct;
- the evidence must be cogent.

While all three conditions must be met they will be assessed in the order listed. Before deciding to make an order, authorities must take into consideration all other relevant evidence available to them concerning the status of the right of way and they must be satisfied that the evidence shows on the balance of probability that the map or statement should be modified.

4.34 Applications may be made to an authority under section 53(5) of the 1981 Act to make an order to delete or downgrade a right of way. Where there is such an application, it will be for those who contend that there is no right of way or that a right of way is of a lower status than that shown, to prove that the map requires amendment due to the discovery of evidence, which when considered with all other relevant evidence clearly shows that the right of way should be downgraded or deleted. The authority is required, by paragraph 3 of Schedule 14 to the Act, to investigate the matters stated in the application; however it is not for the authority to

demonstrate that the map reflects the true rights, but for the applicant to show that the definitive map and statement should be revised to delete or downgrade the way.

4.35 In the case of deletions, earlier guidance indicated that a case for presumed dedication could be established on a way that had previously been recorded on the definitive map but which was found, subsequently, to have been recorded in error. This was based on the belief that user, between the time of the first recording of the way on the definitive map and statement and the time when it was determined that an error had been made could give rise to presumed dedication. The date of first recording means either the date of the original publication of the first definitive map; the date of publication of a review; or the relevant date of an order adding the path to the definitive map, whichever was appropriate. The date of first recording would have been the first point in time at which it could have been legally recognised that rights over the way were recorded in the form being challenged. Defra believes that this advice was wrong. Defra's view is that use of the way in such circumstances cannot be seen to be as of right, as rights that cannot be prevented cannot be acquired. It not possible for a right of way to be dedicated for the purposes of section 31 of the Highways Act 1980 when use of the way is by virtue of it having been shown on the definitive map but subsequently removed.

#### ***Preparation of definitive maps and statements for excluded areas***

4.36 Only the area of the former London County Council, i.e. broadly the area of the present Inner London Boroughs, is now excluded from the survey provisions of the 1949 Act. Under section 58(2) of the 1981 Act, the London borough councils may by resolution adopt the provisions of sections 53-57 for the whole or any part of their area.

4.37 The provisions enable an authority to prepare a definitive map and statement by building up from nothing a comprehensive record of the rights of way within its area through adding rights of way to a blank map and statement by means of orders made under section 53 of the 1981 Act. Once modified, that map and statement becomes the definitive map and statement for the area.

#### ***Definition of byway open to all traffic***

4.38 A byway open to all traffic (BOAT) is a vehicular right of way carrying rights for users of mechanically propelled vehicles which is used by the public mainly for the purposes for which footpaths and bridleways are used. When deciding whether a way ought to be shown on the definitive map and statements as a BOAT, authorities should examine the characteristics of the way. Relevant case law suggests that, for a carriageway to be a BOAT, it is not a necessary precondition for there to be equestrian or pedestrian use or that such use is greater than vehicular use. The test also relates to its character or type and whether it is more suitable for use by walkers and horse riders than vehicles. Further information is available in the Planning Inspectorate's rights of way [Advice Note 8](#)<sup>14</sup>. Where a way presumed

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<sup>14</sup> Advice note 8 – Advice on the definition of byway open to all traffic – the effect of *Masters v Secretary of State for the Environment, Transport and the Regions* : February 2001

to have been dedicated as a highway for all purposes under section 31 of the Highways Act 1980 also satisfies the definition of a byway open to all traffic, authorities may make an order to add the way to the definitive map and statement under section 53(3)(c)(i) of the Act subject to the provisions described in paragraph 4.39.

### ***Extinguishment of certain rights under part 6 of the 2006 Act***

4.39 Section 67(1) of the 2006 Act extinguished, with effect from 2nd May 2006, all unrecorded public rights of way for mechanically propelled vehicles, with certain exceptions. The exceptions were, broadly, for highways that were part of the 'ordinary roads' network or highways that had been expressly created or dedicated as a public right of way for mechanically propelled vehicles. The Act provided for additional exceptions where, in certain cases, there were long standing applications, under section 53(5) of the 1981 Act, to have a BOAT added to the definitive map and statement. The Act also curtailed the scope for the future creation of public rights of way for mechanically propelled vehicles by providing that they could only come into existence where they were expressly created for such vehicles. Further [guidance](#)<sup>15</sup> is available.

### ***Restricted byways***

4.40 The 2000 Act created a new category of highway - restricted byways - carrying a public right of way on foot, on horseback or leading a horse, and for vehicles other than mechanically propelled vehicles. From 2nd May 2006, ways which were shown in definitive maps and statements as roads used as public paths (RUPPs) were reclassified as restricted byways. The restricted byways implementing legislation provides that restricted byways may also be created. The 2006 Act amended the 1980 Act to permit the addition of restricted byways, by means of an order made under the 1981 Act, to the definitive map and statement on the basis of user or documentary evidence. Part 6, section 68 of the 2006 Act also amends the 1980 Act so as to clarify that a qualifying period of use by pedal cycles may give rise to a restricted byway.

4.41 Where, with regard to former RUPPs, a way is shown in the map with the restricted byway notation but is described in the statement as a highway of another description, authorities should establish the correct status of the way and, in accordance with their duty under section 53 of the 1981 Act, modify the map and statement appropriately. Any orders or applications for orders modifying the status of a road used as public path which were made before 2nd May 2006 are to be processed to a final determination under the 1981 Act subject to the provisions of section 67 of the 2006 Act.

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<sup>15</sup> Part 6 of the Natural Environment and Rural Communities Act 2006 and Restricted Byways – a guide for local authorities, enforcement agencies, rights of way users and practitioners version 5 : Defra May 2008

### ***Unclassified roads on the list of streets***

4.42 In relation to an application under the 1981 Act to add a route to a definitive map of rights of way, the inclusion of an unclassified road on the 1980 Act list of highways maintained at public expense may provide evidence of vehicular rights. However, this must be considered with all other relevant evidence in order to determine the nature and extent of those rights. It would be possible for a way described as an unclassified road on a list prepared under the 1980 Act, or elsewhere, to be added to a definitive map of public rights of way provided the route fulfils the criteria set out in Part III of the 1981 Act. However, authorities will need to examine the history of such routes and the rights that may exist over them on a case by case basis in order to determine their status.

## 5. Changing the network

5.1 Improved management, combined with better information and the creation of new routes in carefully chosen locations would make a significant difference to people who use, or who would like to use, footpaths, bridleways, restricted byways and BOATs. In areas where rights of way are fragmented, new links between existing routes would provide a more extensive and useful local network than exists at present. Local highway authorities also need to improve the management and maintenance of the existing network. In order to meet the Government's aim of better provision for cyclists, equestrians, walkers and people with mobility problems, highway authorities need to understand the use and demand for rights of way. They will, thereby, be able to meet the spectrum of needs and expectations of people with all levels of interest and ability.

### ***Rights of Way Improvement Plans***

5.2 Rights of way improvement plans, which are being progressively integrated into Local Transport Plans, are intended to be the prime means by which local highway authorities will identify the changes to be made, in respect of management and improvement, to their local rights of way network in order to meet the Government's aim of better provision for cyclists, equestrians, walkers and people with mobility problems. Authorities should follow the [guidance](#)<sup>16</sup> on implementing the 2000 Act provisions on rights of way improvement plans.

### ***Consulting the public before making orders***

5.3 Local authorities should consult widely on proposals which could result in orders affecting public rights of way. This applies especially to proposed orders to be made under the 1980 Act or the 1990 Act, where there may be alternative options. The Rights of Way Review Committee has made recommendations in its [Practice Guidance Note 4: Securing Agreement to Public Path Orders](#)<sup>17</sup> about publishing accompanying statements to the orders in so that it is made clear to the public why the order has been made and why it is believed that the order meets the necessary legal tests. The prescribed organisations (see Annex A) are a starting point for the organisations to be consulted, but authorities should not regard these as the only organisations that they should consult.

### ***Disability Discrimination Act***

5.4 Note that all aspects of the specification of Public Path Orders (unlike Definitive Map Modification Orders which represent what is believed to have been the route, width and structures existing when a way was dedicated) will be affected by the DDA, particularly in relation to the limitations and conditions to be defined in the statement.

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<sup>16</sup> Rights of Way Improvement Plans – Statutory Guidance to Local Highway Authorities in England : Defra November 2002

<sup>17</sup> Practice Guidance Note 4 : Securing Agreement to Public Path Orders : Rights of Way Review Committee December 2007



## ***Highways Act 1980: creating, diverting and extinguishing rights of way***

5.5 The statutory provisions for creating, diverting and extinguishing public rights of way in the 1980 Act have been framed to protect both the public's rights and the interests of owners and occupiers. They also protect the interests of bodies such as statutory undertakers. The requirements for making, confirming and publicising orders are set out in Schedule 6 to the 1980 Act. The provisions also apply to rail crossing orders and special orders.

### ***Consents and consultations***

5.6 Every other council (county, district, unitary or parish) or national park in whose area the way or proposed way is situated must be consulted before a council makes an order. If a way to be extinguished or diverted lies partly within the area of an adjoining council that authority's consent must be obtained. Natural England must be consulted about any way or proposed way which lies within a national park or affects a National Trail (Long Distance Route).

5.7 In addition to the statutory requirements, authorities should consider wider publicity through prescribed organisations (Annex A), other user groups, local access forums, and liaison groups. This approach should help authorities to forestall representations and objections before they make orders, by means of discussion and negotiation with landowners, users and representative organisations. Authorities should have regard to the code of practice on consultation in the Rights of Way Review Committee's Practice Guidance [Note 1](#)<sup>18</sup>.

5.8 Statutory undertakers should be consulted before an order is made and where necessary their consent obtained. Section 121(4) of the 1980 Act provides that they may refuse to consent to the confirmation of extinguishment and diversion orders. Section 24(2) of the 1980 Act requires the Secretary of State for Transport to give his approval if a proposed right of way is to connect with a trunk road. Where notices are required to be served on owners of land and the land belongs to an ecclesiastical benefice, paragraph 1(4) of schedule 6 to the 1980 Act specifies that notice must also be served on the Church Commissioners. The consent of the appropriate authority as defined in section 327 of the 1980 Act is required in respect of the Act's application to Crown land.

### ***Protection for agriculture and forestry and other environmental concerns***

5.9 In making creation agreements and creation, diversion and extinguishment orders under the 1980 Act, authorities are required under sections 29 and 121(3) of the Act to have due regard to the needs of agriculture and forestry and the desirability of conserving flora, fauna and geological and physiographical features. Section 40 of the 2006 Act places a general duty on every public authority in

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<sup>18</sup> Practice Guidance Note 1 : Consultation on changes to public rights of way and definitive maps : Rights of Way Review Committee December 2007

exercising its functions to have regard to the conservation of biodiversity. General guidance on the wider biodiversity responsibilities of authorities is [available](#)<sup>19</sup>.

5.10 In respect of land designated as a national park or an area of outstanding natural beauty, the relevant legislation, respectively section 11A(2) of the 1949 Act and section 85 of the 2000 Act, requires an authority, in carrying out its functions (which will include the making of orders and agreements to create, divert or extinguish public rights of way), to have regard to the purposes for which the national park or area of outstanding national beauty was created.

### **Forms of orders**

5.11 The forms of the various orders and notices provided for by the 1980 Act are prescribed in the Public Path Orders Regulations 1993 (S.I. 1993/11) (as amended).

5.12 The limitations and conditions set out in the schedule to a form of order should only be limitations and conditions affecting the actual exercise of the public right of user e.g. design, position, number of gates, conditions for removal of structure or minimisation of its effect on users.

5.13 There are no standard widths for ways which are created or diverted under the 1980 Act. Local circumstances affecting the widths that are appropriate or achievable will vary, however authorities should specify widths in every 1980 Act order. Defra [guidance](#)<sup>20</sup> on recording widths is available.

5.14 The maps contained in an order should be on a scale of not less than 1:2,500 or, if no such map is available, on the largest scale readily available. Extracts from a current edition of an Ordnance Survey map should be used and it should be endorsed with the copyright conditions required by the Ordnance Survey. The scale and orientation should be clearly shown as well as the grid references to enable the public to identify the rights of way concerned. The map should also contain sufficient detail to show the effect, not just on the path or way to be stopped up or diverted, but on those highways connected to it. In the case of diversion orders made under the 1980 Act, the order map must show whether part of the new route to be followed comprises an existing path or way and, if so, define that part.

### **Publicity for orders**

5.15 The notice must be published in at least one local newspaper circulating widely and reliably in the area in which the land to which the order relates is situated. At the same time that the notice is published, a copy of the same notice together with a copy of the draft order or relevant extract from the draft order and a copy of the accompanying map must also be served on every owner and occupier of that land; the relevant county, district and parish council; the prescribed

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<sup>19</sup> Guidance for Public Authorities on implementing Biodiversity Duty : Defra 2007

<sup>20</sup> Non statutory guidance on the recording of widths on public path, rail crossing and definitive map modification orders : Defra letter to Order Making Authorities in England February 2007

organisations (Annex A); and, where required, other persons or bodies such as a national park authority and Natural England.

5.16 The description in the notice of the general effect of the order should be sufficient to enable the public to understand its fundamental purpose and to identify the rights of way involved. The notice published in the local newspaper will not be accompanied by a plan and therefore key points of the route should be referenced to features on the ground as well as being specified by grid references.

5.17 A copy of the notice must be displayed in a prominent position at both ends of the section of the way to be created, diverted or stopped up by the order. The notice must be accompanied by a plan illustrating the effect of the order. The notice must also be displayed at council offices in the locality and any other places considered by the authority to be appropriate. The places should be reasonably accessible to local people.

### ***Representations and objections***

5.18 The period for making representations and objections must be not less than 28 days from the date of publication of the notice that an order has been made. Authorities should ensure that a copy of the order and accompanying map are available for inspection at all reasonable hours for the period.

5.19 Authorities should try to resolve any representations and objections which are duly made.

### ***Public path creation agreements***

5.20 Section 25 of the 1980 Act provides for the creation of a footpath, bridleway or restricted byway by agreement. Notice of the agreement must be given in at least one local newspaper circulating in the area. While an authority must consult other local authorities if the land affected lies within the adjoining authority's area, there is no requirement to consult users before entering into an agreement. Authorities should, however, notify parish councils and user organisations about the ways thus created. In making an agreement under section 25 of the 1980 Act the authority should give consideration to any necessary works that will be required to bring the way into a fit condition for public use. If necessary the agreement should state that it does not take effect until any conditions specified have been complied with.

### ***Public path creation orders***

5.21 Under section 26 of the 1980 Act authorities can make orders creating footpaths, bridleways and restricted byways where it appears to the authority that there is a need for them. Before making an order, an authority must be satisfied that it is expedient that a way should be created, having regard to the extent to which it would add to the convenience or enjoyment of a substantial section of the public, or to the convenience of persons resident in the area, and the effect that the creation would have on the rights of persons interested in the land, account being taken of

the Act's provisions as to compensation. In making an order under section 26 of the 1980 Act the authority should give consideration to any necessary works that will be required to bring the way in to a fit condition for public use. If necessary the order should state that it does not take effect for a stated number of days following confirmation in order that works can be undertaken.

### ***Public path extinguishment orders***

5.22 Section 118 of the 1980 Act enables authorities to make orders extinguishing footpaths, bridleways and restricted byways. Ways need not be shown on the definitive map and statement before they can be extinguished but authorities must be satisfied as to the status of ways before making an order and take care to ensure that no unrecorded or unacknowledged rights are overlooked in the order-making process.

5.23 An extinguishment order can be made only if the authority considers it expedient that the way should be stopped-up because it is not needed for public use. Authorities must disregard temporary circumstances, including any buildings or other structures preventing or diminishing the use of the way. Further information is available in the Planning Inspectorate [Advice Note 9](#)<sup>21</sup> (s18).

### ***Public path diversion orders***

5.24 Section 119 of the 1980 Act enables authorities to make orders diverting footpaths, bridleways and restricted byways. Ways need not be shown on the definitive map and statement before they can be diverted but, as with section 118 orders, authorities must be satisfied as to the status of ways before making an order and take care to ensure that no unrecorded or unacknowledged rights are overlooked in the order-making process.

5.25 Section 119 of the 1980 Act does not specifically entitle an authority to disregard temporary circumstances, including any buildings or structures preventing or diminishing the use of the existing way in considering whether or not to make an order and the consideration is equally not available to the body confirming the order. The Planning Inspectorate [Advice Note 9](#)<sup>22</sup> (s28) indicates that in forming an opinion on whether the replacement route is not substantially less convenient to the public, a fair determination can only be made on the assumption that the existing route is available to the public to its full legal extent.

5.26 A public path diversion order may not propose the alteration of the terminating point of a way if that point is not on a highway or, if it is on a highway, it must be to another point on the same highway or a highway connected with it and which is substantially as convenient to the public. Where appropriate, authorities

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<sup>21</sup> Advice note no9. General guidance to Inspectors on public rights of way matters : The Planning Inspectorate February 2008

<sup>22</sup> Advice note no9. General guidance to Inspectors on public rights of way matters : The Planning Inspectorate February 2008

may consider a concurrent order (paragraph 5.54) if these exclusions apply to a proposed diversion order.

5.27 Section 119(1) of the 1980 Act provides that a diversion order can be made in the interests of the owner, lessee or occupier or of the public. A diversion order may therefore be made as long as it is expedient to divert all or part of a way in the interests of at least one of the parties.

5.28 In making an order under section 119 of the 1980 Act, subsection (3) requires that the authority should give consideration to any necessary works that will be required to bring the way in to a fit condition for public use. If necessary the order should state that, firstly, the public rights across the replacement section of the diversion do not take effect for a specified number of days following confirmation to allow for the necessary physical implementation of the way and, secondly, that the extinguishment element of the diversion does not come in to force until the highway authority certifies that the physical implementation has been carried out.

### ***Confirming orders***

5.29 Authorities may confirm orders which are unopposed or to which all duly made representations and objections have been withdrawn. Authorities have the discretion not to proceed with orders to which there are representations or objections or may withdraw an order for other reasons, such as external factors making a scheme no longer appropriate. In order to bring the procedure to an end, the authority must make a formal resolution not to proceed, and should notify the applicant and those who have made representations or objections of the passing of the resolution.

5.30 In the case of an order to which there are duly made representations or objections, or which require modification, an Inspector appointed by the Secretary of State will determine whether or not to confirm it. Once an order is submitted to the Secretary of State the power of decision passes to him, or his appointed Inspector, however if all the representations and objections to a 1980 Act order are subsequently withdrawn, the authority will be asked whether it wants to confirm the order itself. The Planning Inspectorate, which administers the submission on behalf of the Secretary of State, has a [checklist](#)<sup>23</sup> of documents which must accompany an order submitted for a decision on whether or not it should be confirmed. Paragraph 10.8 describes in outline the process that is followed once an order is submitted to the Secretary of State.

5.31 When considering whether to confirm a creation, extinguishment or diversion order, the Secretary of State or the order making authority, must give consideration to any material provision within a right of way improvement plan for the relevant area.

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<sup>23</sup> Document required by the Planning Inspectorate – Checklist for Order Making Authorities : The Planning Inspectorate June 2008

5.32 Section 119(6) of the 1980 Act provides - with direct reference to section 119(1) - that in deciding whether or not to confirm a diversion order, the Secretary of State (or the order making authority if the order is unopposed) must be satisfied that, in the interests of the owner, lessee or occupier or the public, it is expedient to divert the way. In the case of an opposed order, this does not mean that the Inspector's rôle is confined to auditing the reasons for which the order making authority made the order. The Inspector is entitled to take his or her own view, on the basis of the evidence submitted by interested parties, and may confirm an order, even where the reasons, under section 119(1), for doing so do not align with those of the order-making authority, provided that the Inspector is satisfied that in the interests of the owner, lessee or occupier or the public, it is expedient to divert the way.

5.33 In deciding whether or not it is expedient to confirm a diversion order under section 119 of the 1981 Act the Secretary of State, or the order making authority if there are no outstanding objections, must have regard to the effect that

- the diversion would have on the public enjoyment of the path as a whole
- the coming into operation of the order would have as respects other land served by the existing right of way
- any new public right of way created by the order would have with respect to any land held with it.

given that there are rights to compensation for those affected under the second and third of these considerations.

### ***Charges for making orders***

5.34 An application may be made to an authority requesting that it exercises its powers to make a Public Path Order to divert or extinguish a right of way in the interests of a landowner, lessee or occupier. Should the authority decide to proceed with the application, then the Local Authorities (Recovery of Costs for Public Path Orders) Regulations 1993 (S.I. 1993/407), amended by regulation 3 of the Local Authorities (Charges for Overseas Assistance and Public Path Orders) Regulations 1996 (S.I. 1996/1978), permit authorities to charge applicants the costs of making orders under: sections 26, 118, 118A, 119 and 119A of the 1980 Act. There is no provision for authorities to impose charges for SSSI diversion orders under sections 119D and 119E of the 1980 Act.

5.35 Authorities should publish their scales of charges and should inform applicants in advance of the maximum charge for their application. Authorities must not charge more than the costs they have incurred.

5.36 Examples of the costs which authorities may incur in making an order are:

- notifications to landowners, statutory undertakers, prescribed organisations, other local authorities and other persons;
- posting notices on site and elsewhere;
- an advertisement in one local newspaper for each of the stages of the order; namely making the order, confirming the order and coming in to force of the order (where the final stage is separately required). The newspaper must circulate widely and reliably in the area covering the order and under the requirement to obtain best value less conventional publications such as free sheets may satisfy the requirement.
- site inspections;
- research into the status and previous history of the way;
- negotiations with applicants and other interested parties before making the order;
- preparing reports for Committee; and
- preparing orders and notices.

Authorities can recover from applicants the costs of informal consultations (such as negotiations between authorities, applicants, landowners, user groups and any other interested parties) where they lead to orders being made. It is for the authorities themselves to decide what services are necessary to the making of a particular order and applicants should be made aware that these may vary according to the circumstances of the particular case.

5.37 Objections to an order, and the decision taken by the Secretary of State on whether or not the order should be confirmed, fall within the public domain and, as such, are outside the applicant's control. It is considered unreasonable to expect the applicant to bear the extra expense incurred by the local authority in pursuing opposed orders through to confirmation. All costs relating to the submission of an order to the Secretary of State and the subsequent decision on whether or not it should be confirmed have therefore been excluded from the power to charge. The authority will nevertheless wish to ensure that the applicant is afforded every opportunity to participate in any public inquiry or hearing. Although objectors have the right to be heard by the Secretary of State, such matters can also be considered on the basis of written representations if, for instance, there are only 2 or 3 objectors. Such arrangements have proved to be cost effective and all parties should consider this procedure wherever possible.

5.38 Applicants are not entitled to a refund other than under the following conditions:

- where the authority fails to confirm an unopposed order
- in the case of unopposed orders the authority fails to submit the order for confirmation to the Secretary of State without the agreement of the person who requested the order
- where proceedings preliminary to the confirmation of a public path creation order are not taken concurrently with proceedings for a public path extinguishment order.
- where the order cannot be confirmed because it has been invalidly made.

5.39 Authorities may not seek payment in advance of the incurring of costs. Payment should therefore be sought after the advertisement of the making of the order has been placed with the local newspaper. Payment for subsequent advertisements in relation to the confirmation of the order, or certification of the new path, should similarly only be sought after these have been placed with the newspaper. Authorities may defer confirmation or, in the case of opposed orders, referral to the Secretary of State, until payment has been made.

5.40 The power to charge is discretionary and local authorities may choose not to charge for this service at all. It is expected that authorities will normally seek to use this power to recover their costs incurred in making these orders, but it is accepted that in some circumstances it may not be cost effective to do so. Applicants should therefore normally expect to bear the cost of making an order. Authorities, however, have discretion not to charge, or to charge part of the cost, and may choose to take account of factors such as financial hardship or potential benefit to rights of way users and waive part or all of the charge where this is considered appropriate. Proposals which may be of benefit to rights of way users might include the creation of additional paths as part of a wider improvement of the rights of way network or improvement of access for the disabled. There is no standard definition of hardship against which authorities can assess the personal circumstances of the applicant, nor are there any rules for determining what may or may not be of benefit to the public, and authorities will need to judge each case on its merits.

5.41 Before making an order proposing to divert a right of way under section 119 of the 1980 Act, authorities can require the owner, lessee or occupier of the land to enter into an agreement under section 119(5) to defray or contribute towards expenses incurred by the authority in bringing a new way into a fit condition for use by the public.

### ***Claims for compensation***

5.42 Claims for compensation under section 28 of the 1980 Act (or as applied by section 121(2) as amended) from persons with an interest in the land affected by an order must be made in writing to the authority and served on it within six months from the date on which the order comes into operation.



### ***Crime prevention special orders***

5.43 Sections 118B and 119B of the 1980 Act enable highway authorities to close or divert rights of way on the grounds of crime prevention in areas designated for this purpose by Defra. The first stage of the process is for the relevant highway authority to apply to Defra to have an area designated. If successful, they can then make special extinguishment or diversion orders in much the same way as they are currently able to close or divert rights of way for other reasons. Further [guidance](#)<sup>24</sup> is available. Note that the provisions making the extinguishment element of the order subject to the satisfactory physical implementation the replacement section of the way, as described in paragraph 5.28, also apply under section 119B(8). The powers laid out in sections 118B and 119B of the 1980 Act are not available to national park authorities. Gating orders (paragraph 6.31) may be a more appropriate approach to problems of crime and antisocial behaviour if it desired to preserve the public rights for possible physical reinstatement of a route at a later date.

### ***Schools protection special orders***

5.44 Sections 118B and 119B of the 1980 Act as read, respectively, with sections 118C and 119C of the Act, also enable highway authorities to close or divert a right of way that crosses school land, if necessary, for the purpose of protecting pupils or staff from violence or the threat of violence, harassment, alarm or distress arising from unlawful activity or any other risk to their health or safety arising from such activity. Prior to the confirmation of an order made under sections 118B and 119B the Secretary of State or, in the case of uncontested orders, the authority must consider the expediency of doing so with regard to other measures that could have been taken to securing the school and the likelihood of substantial improvement to security as well as the effects on the land served by the extinguished right of way or the diversion. The powers are not available to national park authorities.

### ***SSSI diversions***

5.45 Sections 119D and 119E of the 1980 Act enable a local highway authority, at the request of Natural England, to make an order to divert a public right of way where the public use of the highway is causing, or continued public use is likely to cause, significant damage to a site of special scientific interest (SSSI). Further information and [guidance](#)<sup>25</sup> is available

### ***Rail crossing orders***

5.46 Rail operators have the right to apply, under section 118A or 119A of the 1980 Act, as appropriate, to an authority for rail crossing orders, which extinguish or divert footpaths, bridleways or restricted byways that cross railways by means of

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<sup>24</sup> Defra Circular 1/2003 Guidance for Local Authorities: On crime prevention on public rights of way – designation of areas. Sections 118B and 119B Highways Act 1980 : Defra February 2003

<sup>25</sup> Non-statutory advice on new provisions relating to diversions of rights of way for the protection of sites of special scientific interest (SSSIs) : Defra 2007

level crossings. The Rail Crossing Extinguishment and Diversion Orders Regulations 1993 (S.I. 1993/9) prescribe the information the rail operator must supply when applying for a rail crossing order, and the form of orders and notices. It will usually be for the operator to justify the need for the order and, while some information relating to the use of the path may be available from the highway authority or other sources, the operator is expected to make the best assessment on the information available. Applications which are not in the appropriate form (i.e. as prescribed in these regulations or in a form substantially to the like effect), or which fail to supply the required information, cannot be accepted as validly made.

5.47 Since rail crossing orders are intended primarily to address the question of public safety, it is essential that authorities deal with all such applications promptly. Where a valid application has been made and an authority has neither confirmed the order, nor submitted it to the Secretary of State for confirmation within 6 months of receipt, section 120(3A) of the 1980 Act provides that the Secretary of State may make the order without consulting the authority, although he will normally only do so in response to a written request from the operator.

### ***Rail crossing extinguishment orders (section 118A of the 1980 Act)***

5.48 Section 118A(1) provides for the extinguishment of a footpath, bridleway or restricted byway that crosses a railway otherwise than by a tunnel or bridge where it appears to the council expedient in the interests of the safety of members of the public using it or likely to use it. Care should be taken to avoid the creation of a cul-de-sac that would encourage trespass on to the railway. Section 118A(2) provides that the order may extinguish the right of way on the crossing itself and for so much of its length as the authority deems expedient from the crossing to its intersection with another highway over which there subsists a like right of way.

5.49 Before confirming the order, the Secretary of State, or the local authority in the case of unopposed orders, must be satisfied in accordance with section 118(4) that it is expedient to do so having regard to all the circumstances. This provision enables all the relevant factors to be taken in to consideration, which may include the use currently made of the existing path, the risk to the public of continuing such use, the effect that the loss of the path would have on users of the public rights of way network as a whole, the opportunity for taking alternative measures to deal with the problem, such as a diversion order or a bridge or tunnel and the relative cost of such alternative measures.

5.50 Where an order is confirmed, signs should be erected at both ends of the extinguished way informing users that of the extinguishment and advising them of the nearest alternative route. Authorities should also consider whether to provide a map or to erect signposts and waymarks showing the alternative route. Section 118A(5) provides that authorities may require the operator to enter into an agreement to defray, or contribute towards, any expenses incurred in connection with the erection or maintenance of any barriers or signs.

### ***Rail crossing diversion orders (section 119A of the 1980 Act)***

5.51 Section 119A(1) provides for the diversion of a footpath, bridleway or restricted byway that crosses a railway otherwise than by a tunnel or bridge where it appears to the council expedient in the interests of the safety of members of the public using it or likely to use it. While other criteria are not specified in section 119A, the new way should be reasonably convenient to the public and authorities should have regard to the effect that the proposal will have on the land served by the existing path or way and on the land over which the new path or way is to be created. Consideration should also be given to the effect that the diverted way will have on the rights of way network as a whole and the safety of the diversion, particularly where it passes along or across a vehicular highway.

5.52 Under section 119A (6) the diversion order may require the operator to maintain all or part of the way created by the order and under section 119A(8) the authority may require the operator to enter into an agreement to defray part or all of any compensation that may be payable together with any expenses reasonably incurred in connection with the erection and maintenance of barriers and signs or in making up the new way. As with rail crossing extinguishment orders, the operator must ensure that suitable fencing is erected to bar access to the railway and that appropriate signs are provided advising potential users that the path has been diverted. Authorities should consider whether it is necessary to provide a map showing the alternative route, or to erect signposts and waymarks for this purpose.

5.53 The provisions making the extinguishment element of a rail crossing diversion order subject to the satisfactory physical implementation of the replacement section of the way, as described in section 5.28, also applies under section 119A(7).

### ***Concurrent orders***

5.54 The extent to which a creation or diversion order (but not a public path creation agreement) or rail crossing diversion order, made in association with an extinguishment order would, if confirmed, provide an alternative way to that proposed for extinguishment may be taken into consideration in determining whether or not to confirm the extinguishment order. Account should be taken of the convenience of the alternative path compared to that which is to be extinguished and if this is significantly less than that enjoyed by users of the existing path, authorities will need to consider whether the criteria set out in section 118(1) of the 1980 Act have been met. Care should also be taken to ensure that full consideration is given to all of the matters set out in both section 26 (or 119 or 119A in the case of diversion orders) and section 118.

5.55 Where related extinguishment and creation or diversion orders have been made concurrently and representations or objections have been made to one but not the other, authorities are advised to submit both orders to the Secretary of State for confirmation. There is no provision for combining both creation and extinguishment in one order. Concurrent creation and extinguishment orders should

only be made to effect a diversion of a public right of way in circumstances where section 119 cannot be used, for example where the new route is of a different status, or where one end is not on a public highway. Otherwise section 119 should be used in every case. Further information is available in the Planning Inspectorate's [Advice Note 9](#) (s31&32)<sup>26</sup>

### ***Joint/Combined orders***

5.56 The Public Rights of Way (Combined Orders) (England) Regulations 2008 (S.I. 2008/442), made under section 53A of the 1981 Act enable surveying authorities to include directions to modify the definitive map and statement in certain of the same orders as make changes made to the rights of way network by creation, diversion and extinguishment under the 1980 and 1990 (and associated) Acts. The provision eliminates the previous requirement for two separate orders (substantive change followed by directions to modify the map and statement), although separate orders can still be made if required. Copies of the [regulations](#)<sup>27</sup> and associated [guidance](#)<sup>28</sup> are available.

### ***Extinguishment or diversion of rights through application to a magistrates' court***

5.57 Section 116 of the 1980 Act enables authorities to apply to a magistrates' court for an order to extinguish or divert a highway of any description other than a trunk or special road. These provisions apply therefore to footpaths, bridleways, restricted byways and byways open to all traffic, even though there are powers available in sections 118 and 119 of the 1980 Act and other legislation to extinguish and divert all of these rights of way, other than byways open to all traffic.

5.58 There may be specific circumstances where it is appropriate to use the magistrates' court procedure under section 116 of the 1980 Act. It is considered, however, that authorities should make use of the other powers available to extinguish or divert rights of way unless there are good reasons for not doing so. For example, section 116 could be used to extinguish or divert a footpath or bridleway (or retain such rights) and simultaneously extinguish a vehicular right of way. It could also be used to extinguish vehicular rights and preserve footpath, bridleway or restricted byway rights over byways open to all traffic - although authorities should be aware that this could expose a resulting footpath or bridleway to ploughing with the result that its character and appearance as a landscape feature is destroyed. Paragraph 9.9 describes the costs regime that applies to orders determined at a magistrates' court.

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<sup>26</sup> Advice note no9. General guidance to Inspectors on public rights of way matters : The Planning Inspectorate February 2008

<sup>27</sup> Statutory Instrument 2008/442 The Public Rights of Way (Combined Orders)(England) Regulations 2008

<sup>28</sup> Combined orders and the power to include modifications in other orders. Guidance for English Surveying Authorities to accompany Statutory Instrument no 442 : Defra 2008

## Cycle Tracks Act 1984

5.59 The Cycle Tracks Act 1984 gives highway authorities powers to convert footpaths into cycle tracks, thus adding a right to use the way on a pedal cycle to the right to use it on foot. The process for carrying out the conversion is very similar to that for Public Path Orders other than absence of a requirement to notify prescribed bodies. A cycle track may not be shown on the definitive map and statement and a legal event order may be required to remove a converted footpath from the record following the confirmation of an order.

### Informing the Ordnance Survey of changes

5.60 Authorities must send copies of confirmed orders to Ordnance Survey. Authorities should send copies of orders which involve the authority certifying that a change has come into effect to Ordnance Survey after the authority has so certified. This is so that Ordnance Survey maps show, as far as possible, the ways that are available on the ground. Other orders should be sent after they have been confirmed.

**Table 1: when authorities should send copies of orders<sup>1</sup> to Ordnance Survey**

Provision	Ordnance Survey
<i>Highways Act 1980</i>	
s.26 Compulsory powers for creation of footpaths, bridleways and restricted byways	Order on confirmation
s.116 Power of magistrates' court to authorise stopping up or diversion of highway	On decision of the magistrate
s.118 Stopping up of footpaths, bridleways and restricted byways	Order on confirmation
s.118A Stopping up of footpaths, bridleways and restricted byways crossing railways	Order on confirmation
s.118B Stopping up of certain highways for purposes of crime prevention, etc	Order on confirmation
s.119 Diversion of footpaths, bridleways and restricted byways	Order on certification
s.119A Diversion of footpaths, bridleways and restricted byways crossing railways	Order on certification
s.119B Diversion of certain highways for purposes of crime prevention, etc	Order on certification
s.119D Diversion of certain highways for protection of sites of special scientific interest	Order on certification
<i>Wildlife and Countryside Act 1981</i>	
s.53(2) definitive map modification order	Order on confirmation
<i>Town and Country Planning Act 1990</i>	
s.257 Footpaths, bridleways and restricted byways affected by development : orders by other [than Secretary of State] authorities	Order on certification
s.258 Extinguishment of public rights of way over land held for planning purposes	Order on confirmation
<i>Acquisition of Land Act 1981</i>	
s.32 Power to extinguish certain public rights of way	Order on confirmation

1. Including orders which also have the effect of modifying the definitive map and statement (s.53A of the Wildlife and Countryside Act 1981).

5.61 Authorities are also asked to send to Ordnance Survey copies of other orders which affect the network of public rights of way, for example under section 3

of the Cycle Tracks Act 1984 or under section 294 of the Housing Act 1985, and copies of notices of dedication of public rights of way under section 25 of the 1980 Act.

## 6. Managing and maintaining the network

6.1 Most public rights of way are maintainable at public expense. The duty to maintain highways rests with local highway authorities. Authorities may also maintain public rights of way that are not publicly maintainable.

6.2 Non-metropolitan district councils can assume responsibility for the maintenance of footpaths, bridleways and restricted byways in their area in accordance with section 42 of the 1980 Act. They can also undertake the work on behalf of the authority under section 101 of the Local Government Act 1972.

6.3 Under section 43 of the 1980 Act parish councils can maintain footpaths, bridleways and restricted byways in their area without the prior consent or agreement of the authority, but maintenance by parish councils does not absolve local highway authorities from discharging their own responsibilities. Under section 50 of the 1980 Act, non-metropolitan district and parish councils can maintain those footpaths and bridleways not maintainable at public expense without prejudice to the responsible owners' rights and duties.

6.4 By agreement with the highway authority a national park authority may take over rights of way duties within the park.

6.5 Maintenance should be such that ways are capable of meeting the use that is made of them by ordinary traffic at all times of the year. Under appropriate circumstances this might require the importation and application of suitable hard materials. Maintenance need not conform to an arbitrary standard of construction or appearance, but it should harmonise with the general appearance and character of the surroundings. Guidance has been issued on best practice in the maintenance of [byways](#)<sup>29</sup>

6.6 Authorities should make use of available help from landowners and voluntary groups in carrying out their duties towards maintaining public rights of way.

### ***Gates and stiles***

6.7 Stiles, gates and other structures on a public right of way are unlawful obstructions on a public right of way unless they are recorded on the definitive statement as a limitation or it can be shown that the way was dedicated with such a structure despite not being recorded on the definitive statement (i.e. the statement requires updating) or have been authorised by the highway authority under section 147 of the 1980 Act. Authorisation to install a structure may only be granted in relation to footpaths or bridleways (but not restricted byways or byways open to all traffic) where the owner or occupier of agricultural land, or land being brought into such use, makes an application showing that the structures are necessary for preventing the ingress or egress of animals. Section 145 of the 1980 Act specifies

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<sup>29</sup> Making the best of byways. A practical guide for local authorities managing and maintaining byways which carry motor vehicles : Defra December 2005

that a minimum width of 5 feet must be provided for gate across a bridleway. On granting consent for a structure an authority may impose conditions for maintenance or ease of use by members of the public. A highway authority is required to keep a record of any authorisations granted and it is considered good practice to make such records publicly available. It is known that some authorities have poor records of structure authorisations and it would clarify matters if any shortcomings were addressed by reassessment of the validity of structures erected under claimed section 147 agreements.

6.8 The requirements of the Disability Discrimination Act 1995 (as amended by the Disability Discrimination Act 2005) will be particularly relevant in specifying limitations or authorised structures. In authorising a structure, section 147 of the 1980 Act requires the authority to have regard to the needs of persons with mobility problems. Whilst there are no mandatory standards laid down for structures which, if met, will satisfy the requirements of the Disability Discrimination Acts, the British Standards Institute has developed a comprehensive standard, the current version of which has been published as BS5709:2006. The Pittecroft Trust has produced an explanatory [document](#)<sup>30</sup> to describe BS5709:2006. Authorities may develop their own comprehensive standards for the purpose of meeting the requirements of the Acts.

6.9 Unless a way is dedicated with a limitation of a gate, restricted byways and byways open to all traffic may not have such a structure placed across them. Section 145 of the 1980 Act specifies that a byway gate must have a minimum width of 10 feet in circumstances where such a gate may be installed.

6.10 Under section 146(1) of the 1980 Act, landowners are responsible for maintaining gates, stiles and similar structures across footpaths, bridleways or restricted byways, whether or not they are shown on the definitive map. Authorities must contribute not less than a quarter of the expenses reasonably incurred by landowners in doing so. Where it appears to an authority that the landowner is not complying with his statutory duty, the authority may give notice to the landowner of their intention to take the necessary steps for repairing and making good the stile, gate or other works. The authority may recover the expenses reasonably incurred on doing so from the landowner.

6.11 Under the provisions of section 147ZA of the 1980 Act a highway authority may enter in to an agreement with a landowner, lessee or occupier for the replacement or improvement of a structure which will make the structure safer or more convenient for members of the public with mobility problems. The agreement may include any temporary or permanent conditions that the authority thinks fit.

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<sup>30</sup> Understanding the British Standard for Gaps, Gates and Stiles. BS5709:2006 explained : The Pittecroft Trust 2007



### ***Keeping ways clear of overhanging vegetation***

6.12 Section 154(1) of the 1980 Act enables local highway authorities and non-metropolitan district councils to require owners and occupiers of land whose trees, shrubs or hedges overhang highways to the extent of endangering or obstructing the passage of vehicles, pedestrians or horse-riders, to cut the vegetation back. These provisions also apply to permissive paths (section 154(1)(c)). Authorities may serve notice on land owners or occupiers to remove hedges, trees or shrubs likely to cause danger by falling. Where the authority cuts back vegetation or removes dangerous trees, shrubs or other vegetation, it may recover the expenses reasonably incurred on doing so from the person in default.

### ***Cattle on land crossed by public rights of way***

6.13 It is an offence under section 59 of the 1981 Act for an occupier to permit a bull to be at large in a field or enclosure crossed by a public right of way except where the bull either does not exceed 10 months of age or is not of a recognised dairy breed and is accompanied by cows or heifers. These provisions do not affect the obligations that employers and others have under the Health and Safety at Work Act 1974 not to put at risk the health and safety of third parties. In addition, under certain circumstances, the keeper of any animal may be liable, under section 2(2) of the Animals Act 1971, for any damage caused by that animal.

6.14 A Health and Safety Executive (HSE) study reports that most of the incidents on rights of way involving cattle arise when cows and suckler calves are at large in fields. The HSE have summarised their findings and provided guidance for the public and for farmers in an [information sheet](#)<sup>31</sup>.

### ***Obstructions***

6.15 Under section 130(1) of the 1980 Act highway authorities are under a duty to assert and protect the rights of the public to use and enjoy those public rights of way for which they are responsible. They are also under a duty under section 130(3) of the 1980 Act to prevent, as far as possible, the stopping-up or obstruction of those public rights of way for which they are responsible. Authorities are also empowered to safeguard public enjoyment of those highways for which they are not responsible, and to prevent the obstruction or stopping up of such highways where this is considered to be prejudicial to the interests of their area. In addition authorities are required under section 130(6) of the 1980 Act to take proper proceedings whenever they receive representations from a parish council or parish meeting that a way has been obstructed or stopped-up, or that unlawful encroachment on to roadside waste has taken place. The Act empowers highway and other authorities to institute legal proceedings or take whatever steps they deem expedient in discharging these duties.

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<sup>31</sup> Agricultural Information Sheet no 17EW Cattle and Public Access in England and Wales Health and Safety Executive 2006

6.16 The public are entitled to expect that all rights of way will be kept open and available for use. It is important that authorities act quickly to investigate any complaint made to them. Authorities should ensure that any obstructions they discover or have reported to them are removed as soon as is reasonably practicable. Section 143 of the 1980 Act enables authorities to secure the removal of structures on the highway by serving notice on the person responsible and by removing the obstruction themselves at the person's expense should that person fail to comply with the notice. Section 149 of the 1980 Act also enables an authority to have any 'thing' deposited on a highway so as to constitute a nuisance or danger to users removed forthwith. Where voluntary means do not work, authorities should give preference to using the powers which enable them to carry out works and recover the costs of doing so from the person responsible.

6.17 In dealing with obstructions, authorities should be aware that information recorded in the definitive statement about position or width or the limitations or conditions affecting a public right of way is conclusive evidence of the position, width, limitations or conditions. Where there are legitimate limitations, information should be recorded in the definitive statement describing the effect that they have in restricting the use of the way by those who are lawfully entitled to travel it. Where the information recorded is not about position or width or is not relevant to limitations or conditions, authorities should examine the evidence in each instance in order to resolve the inconsistencies and improve the accuracy of the definitive map and statement in line with the duties imposed by section 53(2) of the 1981 Act.

6.18 Sections 130A-130D of the 1980 Act enable any person to serve a notice on a local highway authority, requesting it to secure the removal of an obstruction on a public right of way. Should the authority refuse or fail to take action, the applicant can seek a magistrates' court order compelling the authority to act. Further information is [available](#)<sup>32</sup>

### ***Wilful obstruction of a highway***

6.19 Under section 137ZA of the 1980 Act, when convicting a person under section 137 of that Act of wilfully obstructing a highway, the magistrates' court can order that person to remove the obstruction. A person who has been ordered to remove an obstruction cannot be prosecuted again under section 137 in respect of that obstruction during the period for removing it set by the court under section 137ZA. Nor can a person be prosecuted during any period for complying with directions set by the court under section 311(1) of the 1980 Act.

6.20 Authorities have powers at common law to remove unlawful obstructions in certain circumstances. Where authorities choose to exercise these powers after a person has been convicted under section 137ZA (3), section 137ZA (4) in conjunction with section 305 of the 1980 Act allows authorities to recover expenses reasonably incurred in doing so.

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<sup>32</sup> Removal of obstructions from highways: enforcement of local highway authorities duty to prevent obstruction on rights of way : Defra 2004

### ***Corporate responsibility***

6.21 The Highways (Obstruction by Body Corporate) Act 2004 addressed concerns that the setting up of a company to hold land over which a right of way runs might be seen as a way of circumventing the legislation to prevent the obstruction of highways. Before the 2004 Act, the rights of way provisions in the 1980 Act only allowed enforcement action to be taken against a company as a body corporate. This meant that even if the individual officers of a company had consented to or connived in the offence being committed, enforcement action could not be taken against them. In addition, if the corporate body concerned had few or no net assets, it could be very difficult for the courts to recover any fines imposed or enforce action to remove an obstruction. The 2004 Act amended the 1980 Act to apply section 314 of that Act (which enables criminal proceedings against officers or members of a body corporate) to sections 137 and 137ZA to ensure that directors and other officers of a company, as well as the body corporate, can be convicted of obstruction offences, and subject to fines (and a court order to remove the obstruction in the case of 137ZA), where they are culpable.

### ***Disturbing the surface of ways and encroachment***

6.22 Where the surface of a footpath, bridleway or any other highway which consists of or comprises a carriageway other than a made up carriageway has been so disturbed as to render it inconvenient for the exercise of the public right of way, authorities, or district councils where they are responsible for maintaining a highway under section 42 or 50 of the 1980 Act, may carry out necessary work and recover expenses reasonably incurred in doing so.

### ***Agricultural operations***

6.23 Under section 134 of the 1980 Act an occupier of agricultural land or land which is being brought into use for agriculture has the right to plough or otherwise disturb the surface of a cross-field footpath or bridleway so as to render it inconvenient for the exercise of the public right of way. Where this right is exercised it must be in accordance with the rules of good husbandry and the action can only be undertaken provided that it is not reasonably convenient to avoid doing so. The land occupier is subsequently responsible for making good the surface of the way to not less than the minimum width so that it is reasonably convenient for the exercise of the right of way and to indicate the line of the way on the ground. There is no right for land occupiers to disturb the surface of any restricted byway or byway open to all traffic, or field edge footpaths or bridleways. Section 134(7) sets out the relevant periods during which the surface of ways can be disturbed, and the requirements to subsequently make that surface good and to indicate the route of the way within a defined time period.

6.24 Under section 134(6), authorities have a duty to make sure that land occupiers comply with these provisions. Where an occupier fails to make good the surface of the way, the authority can enter onto the land, carry out any necessary works and recover expenses reasonably incurred in doing so.

6.25 Under section 135 of the 1980 Act, an authority can make an order authorising an excavation or engineering operation which will disturb the surface of a footpath, bridleway or restricted byway where it is reasonably necessary for the purposes of agriculture. The authority can also by order authorise the temporary diversion of the way where it is necessary to enable such works to be carried out. Authorities can recover from the applicant their reasonable expenses incurred in connection with the order.

6.26 Occupiers who fail to reinstate the surface of ways disturbed by ploughing or other works within the statutory periods, or where reinstatement is not sufficient to for the reasonably convenient for the exercise of the right of way, can be prosecuted. Anyone can prosecute an occupier under section 134 but only local highway authorities, or non-metropolitan district and parish councils with the consent of the local highway authority, can prosecute offences under section 135 of the 1980 Act.

### ***Width of paths for the purposes of reinstatement following disturbance and encroachment***

6.27 Minimum and maximum widths of footpaths, bridleways, restricted byways and byways open to all traffic for the purposes of restoration and the prevention of encroachment are set out in Schedule 12A to the 1980 Act. These minimum and maximum widths apply where no width is recorded in the definitive map and statement and only for the purpose of restoration of highways following disturbance or for keeping them clear of crops. The minimum width is the absolute minimum acceptable for path users. Where a width is recorded in the definitive statement then the way must be kept clear to that specification. For crops such as oil seed rape, which are prone to collapse across a cleared way as they reach maturity, it will be necessary to clear the plants to a greater width than the minimum to ensure convenient passage.

### ***Traffic regulation orders***

6.28 The Road Traffic Regulation Act 1984 gives traffic authorities power to make traffic regulation orders. The orders may be temporary or permanent and may be applied to any highway and are therefore relevant to all classifications of public rights of way. They may be used to secure the expeditious, convenient and safe movement of all traffic including all types of user of public rights of way. Such an order may restrict, prohibit or regulate use of roads by traffic and the full effect on specified classes of user will be defined in each order.

6.29 Information on traffic regulation orders relating to byways open to all traffic is published in the revised edition of [Making the Best of Byways 2005](#)<sup>33</sup> and the

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<sup>33</sup> Making the best of byways. A practical guide for local authorities managing and maintaining byways which carry motor vehicles : Defra December 2005

circular 'Regulating the use of motor vehicles on public rights of way and off road.' Further information is [available](#)<sup>34</sup>

6.30 Section 22BB of the Road Traffic Regulation Act 1984 gives national park authorities the power to make traffic regulation orders over rights of way and other, unsurfaced, highways within the national park boundary. Further guidance is [available](#)<sup>35</sup>

### **Gating orders**

6.31 Sections 129A to 129G of the 1980 Act, and the regulations made under them, allow authorities to make (or vary or revoke) gating orders on public highways other than trunk roads, special roads and classified roads. It is envisaged that the orders will be primarily aimed at such highways to be found in urban rather than rural areas. Gating orders may be used where the authority consider that a highway is facilitating high and persistent levels of crime and/or anti-social behaviour that adversely affects local residents or businesses. A gating order operates in a similar way to a traffic regulation order and restricts the public right of way over the highway and, where necessary, authorises the installation of gates or barriers to enforce the restrictions. Because the underlying highway status is not removed, the public right of way can be readily restored if the gating order is revoked and it is possible to make an order that imposes restrictions only at certain times of day. Note that the Highways Act 1980 (Gating Orders) (England) Regulations 2006 (S.I. 2006/537) require notice of proposed gating orders to be served on a number of persons and organisations, including Local Access Forums, and that the council must make a register of gating orders available for inspection at reasonable times. Further guidance is [available](#)<sup>36</sup>

### **Biodiversity**

6.32 Section 40 of the 2006 Act places a general duty on every public authority in exercising its functions to have regard in the conservation of biodiversity. General guidance on the wider biodiversity responsibilities of authorities is [available](#)<sup>37</sup>

6.33 Part 1 of the 1981 Act sets out the protection afforded to wild fauna and flora and the Schedules to the 1981 Act list those birds (Schedule 1), animals (Schedule 5) and plants (Schedule 8) given special protection. The deliberate killing, injury or taking of protected species, or damage, destruction or obstruction of places used by such species for shelter or protection is an offence under the Act, as is the disturbance of such species. Similar protection is afforded to badgers and their sets under the Protection of Badgers Act 1992.

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<sup>34</sup> Regulating the use of motor vehicles on public rights of way and off road. A guide for local authorities, Police and Community Safety Partnerships : Defra December 2005

<sup>35</sup> Guidance for national park authorities making Traffic Regulation Orders under section 22BB Road Traffic Regulation Act 1984 : Defra 2007

<sup>36</sup> Clean Neighbourhoods and Environment Act 2005. Guidance relating to the making of Gating Orders : Home Office 2005

<sup>37</sup> Guidance for public authorities on implementing Biodiversity Duty : Defra 2007

6.34 Following the amendment (Conservation (Natural Habitats, &c.) Regulations 2007 - S.I. 2007/1843) of the Habitats Regulations (Conservation (Natural Habitats, &c.) Regulations 1994 – S.I. 1994/2716), if the offence of disturbing a member of a European Protected Species is committed, even as the incidental result of a lawful operation such as maintaining a highway, then it can no longer be assumed that the fact that there was no deliberate intent (“incidental result”) will be considered to be a valid defence. Guidance<sup>38</sup> is available.

6.35 Section 28 of the Wildlife and Countryside Act 1981 (as amended) provides for the notification of SSSIs and requires the owner or occupier of land in question to obtain permission from Natural England before certain potentially damaging operations can be carried out. These operations, which are notified to every owner and occupier within the SSSI, may include those activities normally associated with the creation or routine maintenance of highways. Highway authorities are therefore advised to consult informally with Natural England before carrying out any operation affecting an SSSI, including path maintenance. Further guidance on development and SSSIs is [available](#)<sup>39</sup>.

6.36 The requirement to have regard to the purposes for which a national park or area of outstanding national beauty was created, referred to in paragraph 5.10, will apply to a highway authority in relation to the carrying out of their duties to manage and maintain the public rights of way for which they are responsible.

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<sup>38</sup> Guidance note on the Conservation (Natural Habitats, &c.)(Amendment) Regulations 2007

<sup>39</sup> Planning Policy Statement 9: Biodiversity and Geological conservation : Office of the Deputy Prime Minister August 2005

## 7. Planning permission and public rights of way

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.

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.

7.3 Most outline planning applications do not contain sufficient information to enable the effect on any right of way to be assessed (and are not required to do so) and consequently such matters are usually dealt with during consideration of the matters reserved under the planning permission for subsequent approval.

7.4 The Department for Communities and Local Government has introduced a document [The validation of planning applications](#)<sup>40</sup> and an associated [circular](#)<sup>41</sup> 2/08 which lays out the information to be supplied and validated with a planning application. The document specifies (in paragraph 40) that all public rights of way crossing or adjoining the proposed development site must be marked on the plan to be submitted with the full planning application. While the information supplied by an applicant should therefore make clear how the potential development will impinge on any rights of way, local planning authorities will need to ensure that all rights of way affected by the development are identified and take into account any applications for the addition of a path or way to the definitive map, any modifications that the highway authority itself may be proposing to make, the possible existence of any other rights on the ways shown on the definitive map and any ways not yet recorded on the definitive map.

7.5 Notwithstanding the existing position described in paragraphs 7.3 and 7.4, it is likely to be to the benefit of the planning authority, highway authority and the developer to be aware of the impact of a development scheme on the local rights of way network as early as possible in the process (this might be at the pre-application stage or the outline planning stage).

7.6 Any potential disadvantages to the public arising from alternative arrangements proposed for an affected right of way can be minimised by means of the early liaison between the developer, planning and highway authorities, local amenity groups, prescribed organisations (Appendix A) and affected individuals.

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<sup>40</sup> The Validation of Planning Applications – Guidance for local planning authorities : Department for Communities and Local Government December 2007

<sup>41</sup> Circular 02/2008 Standard application form and validation : Department for Communities and Local Government March 2008

This course of action will produce an acceptable scheme in many instances and enable the eventual proposals to gain a wide measure of public acceptance. Further, the approach should minimise uncertainty, costs in revising design schemes and delays. The most significant delay risked if the approach is not followed is due to the fact that the highway authority does not have the power to confirm an opposed public path order proposing to revise an affected right of way. An order made to divert or extinguish a right of way, made as the result of the granting of planning permission, that is opposed will have to be submitted to the Secretary of State for a decision on whether or not it should be confirmed and this will impose significant, unavoidable delays to the scheme.

7.7 The early and effective consultation described in paragraph 7.6 should ensure that all matters of concern are raised without delay and dealt with, and if agreement can be reached, any statutory procedures associated with the making and confirmation of the necessary order can be initiated without delay once the details have been approved.

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.

7.9 Where the application is for full planning permission, such as mineral extraction, the decision on the application may be preceded by lengthy negotiation and discussion between the developer and the planning authority with the eight week period stipulated in the General Development Order for the determination of planning applications being set aside by mutual consent. If there is a reasonable expectation that planning permission will eventually be forthcoming there is clearly no reason why the proposals for any consequential stopping-up or diversion of public rights of way should not be considered concurrently with, and as part of, discussions on the proposed development rather than await the grant of planning permission. This should include, as far as possible, the preparation in draft of the order, and associated notices, the form of which is prescribed in the Town and Country Planning (Public Path Orders) Regulations 1993 (S.I. 1993/10).

7.10 The Town and Country Planning (General Development Procedure) Order 1995 (S.I. 1995/419) provides that development affecting a public right of way must be advertised in a local newspaper and by posting a notice on the site (this is entirely separate from any notices and advertisements required when making and confirming a subsequent extinguishment or diversion order).

7.11 The grant of planning permission does not entitle developers to obstruct a public right of way. It cannot be assumed that because planning permission has been granted that an order under section 247 or 257 of the 1990 Act, for the diversion or extinguishment of the right of way, will invariably be made or confirmed. Development, in so far as it affects a right of way, should not be started and the right of way should be kept open for public use, unless or until the necessary order



has come into effect. The requirement to keep a public right of way open for public use will preclude the developer from using the existing footpath, bridleway or restricted byway as a vehicular access to the site unless there are existing additional private rights. Planning authorities must ensure that applicants whose proposals may affect public rights of way are made aware of the limitations to their entitlement to start work at the time planning permission is granted. Authorities have on occasion granted planning permission on the condition that an order to stop-up or divert a right of way is obtained before the development commences. The view is taken that such a condition is unnecessary in that it duplicates the separate statutory procedure that exists for diverting or stopping-up the right of way, and would require the developer to do something outside his or her control.

### ***Procedure in anticipation of planning permission open to the Secretary of State***

7.12 Authorities cannot make public path orders in anticipation of the granting of planning permission. Section 253 of the 1990 Act enables the Secretary of State to make and advertise a draft order where an application for planning permission has been made to him by a local authority, statutory undertaker, or a national park authority; or the application stands referred to him in pursuance of a direction under section 77, or the applicant has appealed under section 78 against a refusal of planning permission or of approval required under a development order, or against a condition of such permission or approval.

7.13 Similar procedures also exist under regulation 15 of the Town and Country Planning General Regulations 1992 (SI 1992/1492) to enable the Secretary of State to publish notice of an order under section 251, extinguishing a public right of way over land held for planning purposes, concurrently with the acquisition of the land either by compulsory purchase order (section 226) or agreement (section 227). Once the land over which the right of way subsists has been acquired the Secretary of State may also make a compulsory purchase order under section 254 to acquire land to provide an alternative right of way.

### ***The making of an order***

7.14 Section 257 of the 1990 Act gives local planning authorities the power to make orders to extinguish or divert footpaths, bridleways or restricted byways where it is necessary to enable development for which planning permission has been granted or development by a government department to be carried out. Authorities have no power to make orders for extinguishing or diverting highways carrying rights for motorised vehicles in order to enable development to be carried out. Orders are made by the authority that granted the planning permission or, where permission was granted by the Secretary of State (including a permission contained in a special or general development order, or under an order designating an enterprise zone) or development by a government department, by the authority which in normal circumstances would have granted the planning permission. Note that in Greater London there are detailed variations to the authority to make, confirm and charge for orders under the 1990 Act and its associated regulations.

7.15 The local planning authority should not question the merits of planning permission when considering whether to make or confirm an order, but nor should they make an order purely on the grounds that planning permission has been granted. That planning permission has been granted does not mean that the public right of way will therefore automatically be diverted or stopped up. Having granted planning permission for a development affecting a right of way however, an authority must have good reasons to justify a decision either not to make or not to confirm an order. The disadvantages or loss likely to arise as a result of the stopping up or diversion of the way to members of the public generally or to persons whose properties adjoin or are near the existing highway should be weighed against the advantages of the proposed order.

7.16 Where the length of way to be stopped up or diverted straddles two planning authority areas, the order must be made jointly by both authorities unless one authority discharges the functions of the other by means of an agreement under section 101 of the Local Government Act 1972.

7.17 The procedure for diversion or extinguishment of rights of way made under the Town and Country Planning Act 1990 follows that described in chapter 5 of this document for Public Path Orders made under the 1980 Act. The relevant regulations are the Town and Country Planning (Public Path Orders) Regulations 1993 (S.I. 1993/10).

### ***Alternative highways***

7.18 The 1990 Act enables orders to include provision for the creation of an alternative highway, or the improvement of an existing one, for use as a replacement for one being stopped up or diverted. While a diversion must either commence or terminate at some point on the line of the original way, an alternative way need not do so and may, for instance, run parallel to the way being stopped up. However, to avoid the creation of a cul-de-sac and to enable the public, where appropriate, to return to that part of the original way not affected by the development, any alternative way provided should link by means of other highways to the original way.

7.19 When the diversion or alternative right of way is proposed to be provided and dedicated over land not owned by the developer, the consent of the landowner(s) to the proposed dedication must be obtained before the order is made.

7.20 In making a diversion order under section 257 of the 1990 Act the authority should give consideration to any necessary works that will be required to bring an alternative way in to a fit condition for public use. Where necessary the order, as specified by Schedule 1 of the Town and Country Planning (Public Path Orders) Regulations 1993 should state within its paragraph 3 that the diversion will not have effect until the authority certifies that the requirements defined in its paragraph 2 have been complied with. Note that certification achieved by completion of works must be advertised to the public in a local newspaper.

### ***Where development is complete***

7.21 Where the development, in so far as it affects a right of way, is completed before the necessary order to divert or extinguish the right of way has been made or confirmed, the powers under sections 257 and 259 of the 1990 Act to make and confirm orders that are no longer available since the development, which the order is intended to enable, has already been carried out. If such a development has already been completed there is no basis for an order to be made. It is, of course, open to the local authority to consider what action, if any, it might take to secure the diversion or extinguishment of the right of way by the exercise of such other powers as may be available. In this respect development should be regarded as completed if the work remaining to be carried out is minimal.

### ***Extinguishment of public rights of way over land held for planning purposes***

7.22 Section 258 of the 1990 Act enables an authority to make an order extinguishing a footpath, bridleway or restricted byway over land held for planning purposes if they are satisfied that an alternative right of way has been or will be provided or that an alternative is not required. The procedure for the making and confirmation of orders under section 258 is the same as that for orders under section 257. Similar powers are also available to the Secretary of State under section 251.

### ***Consents and consultations***

7.23 Orders made under section 257 of the 1990 Act which affect apparatus belonging to statutory undertakers cannot be confirmed without their consent.

7.24 If the proposed new highway connects with a trunk road the approval of the Secretary of State for Transport is necessary under section 24(2) of the 1980 Act.

### ***Planning permission for the construction or improvement of highways***

7.25 Where planning permission is granted for constructing or improving a highway and another highway crosses or enters the route of the highway or is or will be affected by such development, powers are available under section 248 of the 1990 Act to enable the Secretary of State to stop-up or divert such other highways where this is considered expedient in the interests of safety or to facilitate the movement of traffic on the highway. In addition, powers to make side road orders are available under section 14 of the 1980 Act in respect of trunk or classified roads (not being special roads). It is not appropriate to use sections 247 or 257 of the 1990 Act to stop-up or divert ways for these purposes.

### ***Surface workings for minerals***

7.26 Section 261(2) of the 1990 Act enables authorities to extinguish or divert footpaths, bridleways or restricted byways temporarily to enable the surface working of minerals to take place.

### ***Charges for making orders***

7.27 The entitlement to charge applicants for orders made under sections 257 and 261(2) of the 1990 Act is the same as is provided for orders made under the 1980 Act, described in paragraph 5.34.

7.28 Further information on the impact of planning on rights of way is available from the [Rights of Way Review Committee Guidance Note no6](#)<sup>42</sup>

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<sup>42</sup> Practice Guidance Note 6 : Planning and public rights of way : Rights of Way Review Committee  
December 2007

## **8. Other provisions**

### ***Extinguishing public rights of way under the Acquisition of Land Act 1981***

8.1 Section 32 of the Acquisition of Land Act 1981 enables local authorities empowered to acquire land compulsorily to make orders extinguishing non-vehicular public rights of way over land that has been or is being acquired compulsorily. This order-making power also applies where the land is being acquired by agreement, but only if it is also possible for the land to have been acquired compulsorily. The power applies generally to land acquired before similar provisions were first enacted in 1946 provided that the legislation under which the land was acquired was in force on that date. The exceptions are set out in section 33(2) of the Act. The power does not apply to land held for development purposes. Orders made in anticipation of the acquisition of land cannot take effect until after the acquiring local authority has taken possession of the land or the acquisition has been completed. Orders require confirmation by the Secretary of State, unless the order was made by him.

8.2 Before making an order the authority must be satisfied that a suitable alternative way has been or will be provided or is not required. Any alternative right of way should be provided by dedication if the local authority owns the land, or otherwise by way of a public path creation agreement or order. Authorities may make a single order to cover more than one way across the land in question, or where ways extend across adjoining land held by different local authorities.

8.3 Before making an order authorities must obtain the consent of statutory undertakers whose apparatus would be affected by the order. Local authorities are also recommended to obtain the views of the local planning authority (if different from the order-making authority), parish councils, user groups and other people who may be affected by the order.

### ***Housing Act 1985***

8.4 Section 294 enables local housing authorities, with the approval of the Secretary of State, to extinguish any public right of way over land acquired by them for clearance. The order-making authority must publish the order and if there are objections the Secretary of State must hold a public inquiry unless he considers that there are special circumstances that make an inquiry unnecessary.

## 9. Applications for costs

9.1 The parties<sup>43</sup> in rights of way proceedings that arise when a rights of way order is submitted to the Planning Inspectorate for confirmation are normally expected to meet their own expenses. In these cases, unlike with civil litigation, an award of costs does not necessarily follow the outcome. In other words costs are not simply awarded to the party in whose favour the judgement goes. Subject to the exceptions outlined in paragraphs 9.6 to 9.9 below, costs are awarded only on grounds of 'unreasonable' behaviour. The Planning Inspectorate may order<sup>44</sup> that one party pay the costs of another in a case where:

1. that party has behaved 'unreasonably' ; and,
2. the unreasonable behaviour has caused the other party to incur unnecessary costs that they would not otherwise have incurred.

9.2 Guidance on the principles of costs applications and awards is contained in Communities and Local Government (CLG) [Circular 03/2009](#), "Costs Awards in Appeals and Other Planning Proceedings"<sup>45</sup>. This guidance is applicable, by analogy, to the parties in rights of way cases<sup>46</sup> (as indicated in paragraphs 9 and C1), but with the following two key differences:

1. Costs may be awarded only in cases where a public inquiry or hearing is held and do not extend to rights of way cases determined by written representations and a site visit<sup>47</sup>.
2. Rights of way procedures do not enable applications for costs to be made in advance of the public inquiry or hearing – any application on the ground of another party's unreasonable behaviour should be made to the Inspector at the hearing or inquiry.

9.3 Costs will not be awarded simply because one of the order parties has asked to be 'heard', or simply because an objection has been made; these are statutory rights. But these rights should be exercised in a reasonable manner. In general, and consistent with the statutory and policy framework for rights of way explained in this circular, the parties to an inquiry or hearing will not be at risk of an

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<sup>43</sup> Statutory objectors, the surveying authority and persons making statutory supporting representations in relation to opposed orders made under the 1980 Act and the 1981 Act. They are defined as "principal parties", while any other interested persons are defined as "third parties". Awards to or against third parties will be made only in exceptional circumstances.

<sup>44</sup> Under the provisions of section 250(5) of the Local Government Act 1972, as applied by paragraph 9 of Schedule 15 to the 1981 Act.

<sup>45</sup> It replaces the former guidance in Circular 8/93 [*Award of costs incurred in planning and other (including compulsory purchase order) proceedings: Department of the Environment March 1993, as amended 2 August 2004 by Defra letter to local authorities*]. That guidance was cancelled by the new CLG circular (as stated in paragraph 11) but continues to apply to submitted orders published before 6 April 2009.

<sup>46</sup> In respect of submitted orders which were published on or after 6 April 2009.

<sup>47</sup> Such powers exist only for orders under section 249 of the 1990 Act (which also apply to highways other than rights of way), but, as a matter of policy, will not be applied to rights of way cases under this section.

adverse award of costs unless their behaviour has been manifestly unreasonable and has resulted in the other party, or parties, incurring additional costs. Examples of unreasonable behaviour that could result in a costs award are as follows:

- Failing to comply with the normal procedural requirements of inquiries and hearings, which are conducted under the '[Rights of Way \(Hearings and Inquiries Procedure\) \(England\) Rules 2007](#)', particularly where it causes another party to undertake identifiable, abortive work in preparing for the inquiry or hearing or it leads to an adjournment. Examples of this include: failing to provide documents when required by the rules; causing a party to call a professional witness to attend unnecessarily; introducing, without good reason, late evidence or issues; deliberately uncooperative behaviour.
- An objector(s) asking for an inquiry or hearing, and failing to attend that inquiry or hearing.
- Withdrawing an objection at the 'last minute', resulting in late cancellation of an inquiry or hearing arranged after the objector(s) asked to be heard..
- Pursuing an order with a fundamental defect that renders it incapable of confirmation.
- Pursuing an objection that the Secretary of State has advised, in writing, is not legally relevant.

9.4 In a case where the party against whom costs are being claimed is not present at the inquiry or hearing, the Inspector will not be able to hear their representations against the claim. In such cases the Inspector will report the application and circumstances, with provisional conclusions but no recommendation, to the Planning Inspectorate's Costs Branch, who will follow up and determine the claim after inviting the absent party to comment. Any comments received will be exchanged with the claiming party before a decision is issued.

9.5 In cases where there is an interim decision or inquiry and an application for costs is related to the substance of the order, as opposed to a matter of procedure, then it is likely the application will be determined only at the end of the process, when the merits of the order have been settled beyond doubt.

#### ***"Analogous" orders***

9.6 Public path creation orders made under section 26 of the Highways Act 1980 are considered to be analogous to compulsory purchase orders, in that the making or confirmation of the order could take away from an objector some right or interest in land for which the statute gives a right to compensation. Extinguishment and diversion orders made under sections 118-119B of the 1980 Act may also be analogous, depending on the particular circumstances. The other types of order listed at paragraph 10.9 are not considered to be analogous.

9.7 Therefore if a person with an interest in the land over which a path is to be created, extinguished or diverted successfully objects to such an order – that is the person attends, or is represented at, a hearing or inquiry and is heard as a statutory objector, and the order is not confirmed, or the order is modified in favour of the person's interest, whether wholly or in part – an award of costs will be made in the

person's favour unless there are exceptional reasons for not doing so. No application for costs need be made at the hearing or inquiry by such an objector as the Secretary of State will write to the party concerned at the end of the order proceedings. The award would be made against the authority making the order, although this would not, of itself, imply unreasonable behaviour by the authority.

9.8 General guidance on the award of costs in respect of compulsory purchase and analogous order procedure is provided in Part E of the new CLG Circular 3/2009.

***Orders determined at a magistrates' court***

9.9 The costs procedures described above apply where an Inspector, on behalf of the Secretary of State, determines whether or not to confirm an order through a public inquiry or hearing. If all parties act 'reasonably' then there is no risk of costs being awarded. In contrast, a contested diversion or extinguishment order made under section 116 of the 1980 Act will be determined at a Magistrates' Court under the civil litigation costs procedures, where the costs 'follow the event', in other words are dependent on the outcome of the case itself. This means that the party, or parties, that fail(s) to get the result they were seeking would be at risk of having to meet the costs of the successful party, or parties.



## **10. Rôle and powers of the Secretary of State**

### ***Town and Country Planning Act 1990***

10.1 The Secretary of State can make an order under section 247 of the 1990 Act where planning permission has been granted or, for example, where an application for planning permission is before him, either on appeal or following call-in, and it is considered expedient to invoke the concurrent procedure under section 253 of the Act. Otherwise, he will expect to exercise his power only in exceptional circumstances, for example in relation to development of strategic or national importance.

### ***Highways Act 1980***

10.2 The Secretary of State has powers under sections 26(2) and 120(3) of the 1980 Act to make public path orders. These powers will be exercised only exceptionally.

### ***Rail crossing orders***

10.3 Where a rail operator has made a valid application for a rail crossing order and the council has neither confirmed the order nor submitted it to the Secretary of State for confirmation within 6 months of receipt, section 120(3A) of the 1980 Act provides that the Secretary of State may make the order without consulting the council (paragraph 5.47).

### ***Wildlife and Countryside Act 1981***

10.4 If an authority has not reached a decision on an application within 12 months the applicant can apply to the Secretary of State to direct the authority to determine the application (Schedule 14 paragraph 3(2) to the 1981 Act). The Secretary of State will consult the authority before deciding whether to issue a direction and whether to specify a date by which the application must have been determined – see paragraph 4.9.

10.5 If an authority decides that the evidence before it does not meet the criteria specified in the 1981 Act to permit it to make an order, the applicant can appeal to the Secretary of State against that decision (Schedule 14 paragraph 4). Appeals must be made within 28 days from the date on which the authority issued its decision – see paragraph 4.10. If the Secretary of State decides to allow the appeal a direction will be made to the authority to make the order and that decision may include a specified date by which the order must be made.

### ***Orders to which there are representations or objections***

10.6 Once an order has been advertised, local authorities are expected to make every effort to resolve objections and to secure their withdrawal. A representation or objection is duly made to an order, provided it is within time and in the manner

specified in the notice. If duly made objections are not withdrawn then the order cannot be confirmed by the order making authority. A definitive map modification order which has been objected to must be referred to the Secretary of State so that he, or his appointed Inspector, can determine whether or not it should be confirmed. If the order making authority wishes to proceed with a public path order which has been objected to or to have it confirmed with amendments, then the order must also be submitted to the Secretary of State to determine whether or not it should be confirmed. The authority is not entitled to refuse to accept an objection based on its own judgement of whether or not the grounds of the objection or representation appear to be relevant, although it will need to make observations on the objection as part of its submission to the Secretary of State.

10.7 Decisions on the confirmation of opposed public path and definitive map modification orders are usually taken by an inspector appointed by the Secretary of State. Occasionally, an order will have to be submitted to a Government Office for the Region, or to Defra, for a decision on whether or not it should be confirmed (where an order is made in connection with a planning case, for example). Where this occurs, the order making authority and others with an interest will be advised of the reasons for doing so.

10.8 Opposed orders which are submitted to the Secretary of State for a determination of whether or not they should be confirmed, will be considered at either a public inquiry, a public hearing or by means of written representations. The initial assessment of each case for the most appropriate forum will be made on the perceived complexity of the case and the number of objections received. The supporters and objectors may always request a public inquiry if they believe that their case would otherwise be prejudiced. All opposed orders that have been submitted to the Secretary of State since the 1<sup>st</sup> October 2007 are now processed to a timetable designed to ensure that all parties submit and receive case documentation in sufficient time to ensure that the decision making process is concluded in a fair and efficient manner. The details of the timetable are laid out in the Planning Inspectorate document [available](#)<sup>48</sup> online

### ***Secretary of State's power to modify orders***

10.9 The Secretary of State can modify rights of way orders as follows:

- orders which require his confirmation under paragraph 2 of Schedule 6 to the 1980 Act (orders under sections 26 and 118 – 119D of the Act or section 32 of the Acquisition of Land Act 1981);
- orders which require his confirmation under paragraph 7(3) of Schedule 15 to the 1981 Act (orders made under sections 53 and 54 of the 1981 Act);
- draft orders made by him under sections 26(2) and 120(3) of the 1980 Act;

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<sup>48</sup> Guidance on procedures for considering objections to definitive map and public path orders in England : The Planning Inspectorate November 2008

- orders which require his confirmation under paragraph 3(4) of Schedule 14 to the 1990 Act (orders under section 257 or 258 of the 1990 Act); and
- draft orders made by him under section 247 of the Town and Country Planning Act 1990; and

if a proposed modification to a submitted order under the first four points listed above would affect land which was not affected by the order when made (e.g. by virtue of a proposed modification to vary the line or increase the width or length of the right of way), the requirements in each of the relevant statutory provisions as to the giving of notice, and the time specified within which, and the manner in which representations or objections may be made, must be complied with.

10.10 In addition, for orders made under sections 53 or 54 of the 1981 Act, where a modification has the effect of deleting a way shown in the order, or adding a way not shown, or showing a right of way as being of a different status to that shown, the Secretary of State must give such notice as he considers appropriate to the proposed modification (Schedule 15 paragraph 8).

10.11 Where he makes a draft order under section 247 of the 1990 Act and then proposes to modify it, the Secretary of State would be bound by the requirements of section 252 to treat the order as a new order, and so would ensure that the owner of the land and anyone who made representations or objections to the original draft order was given the opportunity to make further representations or objections.

### ***Secretary of State's power to modify orders which contain errors***

10.12 When asking for modifications to correct errors, authorities should bear in mind that an order is published to allow the public to consider the reasons for the order and the effect of the order, and to raise representations or objections if they wish. The prescribed form of order ensures that the public has sufficient information to enable an informed decision to be made about whether or not to object to the order. Thus, if an order contains an error that does not

- prejudice the interests of any person,
- render the order misleading in its purpose, or
- appear to result in incorrect information being recorded on the definitive map,

then that error may be disregarded. If the error is substantive however, the order will be returned to the authority with a written explanation as to why it was rejected, together with a written recommendation that the authority should notify all parties of the rejection and the reasons for it. See also the Planning Inspectorate's [Advice Note 20](#)<sup>49</sup> for information on the Secretary of State's power to modify definitive map orders which are defective.

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<sup>49</sup> Advice note 20. Inspectors' power to modify definitive map modification orders : The Planning Inspectorate February 2006

## Annex A – Prescribed organisations

Authorities must send copies of the statutory notices of orders made as specified below to the organisations listed. An asterisk (\*) indicates that the organisation wishes to have notice of proposals or preconsultations sent to their nominated local representative. Notice of the orders must always be sent to the organisation's head office.

Organisation	Head Office address Submission requirement
Auto Cycle Union	Wood Street, Rugby, CV21 2XY Submit All proposals except those relating to footpaths or bridleways unless there are possible byway (RB and BOAT) rights * All orders
British Horse Society	Stoneleigh Deer Park, Stareton Lane, Kenilworth, Warwickshire, CV8 2XZ Submit All proposals All orders
Byways and Bridleways Trust	PO Box 117, Newcastle upon Tyne, NE3 5YT Submit All proposals All orders
Cyclists' Touring Club	Parklands, Railton Road, Guildford, Surrey, GU2 9JX Submit All proposals except those affecting footpaths unless there are possible bridleway or byway rights All orders
Open Spaces Society	25A Bell Street, Henley on Thames, RG9 2BA Submit All proposals in areas notified by society * All orders
Ramblers' Association	2nd Floor, Camelford House, 87-90 Albert Embankment, London, SE1 7TW Submit All proposals * All orders
Chiltern Society	White Hill Centre, Chesham, Bucks, HP5 1AG Submit <i>All proposals affecting land in Dacorum borough, the districts of Chiltern, Wycombe, South Bucks, Aylesbury Vale, Three Rivers, North Hertfordshire, South Oxfordshire, South Bedfordshire, Mid Bedfordshire and Luton Borough*</i> <i>All orders affecting land in the areas defined above</i>
Peak and Northern Footpaths Society	Taylor House, 23 Turncroft Lane, Offerton, Stockport, SK1 4AB Submit <i>All proposals affecting land in Cheshire, Derbyshire, Greater Manchester, Lancashire, Merseyside, South Yorkshire, Staffordshire and West Yorkshire</i> <i>All orders affecting land in the areas defined above</i>

Organisation	Head Office address Submission requirement
British Driving Society	83 New Road, Helmingham, Stowmarket, Suffolk, IP14 6EA Submit All proposals except those relating to footpaths or bridleways unless there are possible byway (RB and BOAT) rights All definitive map modification orders
Network Rail	40 Melton Street, London, NW1 2EE Submit All orders creating footpaths, bridleways and restricted byways on land adjacent to operational railway lines

List taken from

- Rail Crossing Extinguishment and Diversion Orders Regulations 1993 (S.I. 1993/9)
- Town and Country Planning (Public Path Orders) Regulations 1993 (S.I. 1993/10)
- Public Path Orders Regulations 1993 (S.I. 1993/11)
- Wildlife and Countryside (Definitive Maps and Statements) Regulations 1993 (S.I. 1993/12)

with addresses updated as appropriate.

## **Annex B – Addresses**

### ***Defra (Recreation and Access Policy & Legislation)***

Room 1/02  
Temple Quay House  
2 The Square  
Bristol  
BS1 6PN

### ***The Planning Inspectorate***

Room 3/01  
Kite Wing  
Temple Quay House  
2 The Square  
Bristol  
BS1 6PN

### ***Natural England***

John Dower House  
Crescent Place  
Cheltenham  
Gloucester  
GL50 3RA

### ***Department for Transport***

Great Minster House  
76 Marsham Street  
London  
SW1P 4DR

### ***National Rights of Way Casework***

Government Office for the North East  
Citygate  
Gallowgate  
Newcastle upon Tyne  
NE1 4WH  
tel: 0191 202 3595  
fax: 0191 202 3744  
email: [national.rightsofway.casework@gone.qsi.gov.uk](mailto:national.rightsofway.casework@gone.qsi.gov.uk)

***Rail crossing orders submitted to the Secretary of State***

Room 1/02

Temple Quay House

2 The Square

Bristol

BS1 6PN

## Annex C – Other relevant/useful sources of information

Department for Environment, Food and Rural Affairs (Defra)

[Defra's rights of way web pages](#)

Planning Inspectorate

[Planning Inspectorate rights of way web pages](#)

Natural England

[Natural England rights of way web page](#)

[A guide to definitive maps and changes to public rights of way NE112 \(ex CA142\)](#)

[Waymarking public rights of way NE68](#)

[Managing Public Access CA210](#)

[The Countryside Code](#)

Institute for Public Rights of Way and Access Management

[Rights of way good practice guide](#)

Rights of Way Review Committee

[Practice guidance note 1](#) Consultation on changes to public rights of way and definitive maps.

[Practice guidance note 2](#) Deemed dedication of public rights of way: section 31(6) of the Highways Act 1980

[Practice guidance note 3](#) Minimising representations and objections to definitive map modification orders

[Practice guidance note 4](#) Securing agreement to public path orders

[Practice guidance note 5](#) Investigating the existence and status of public rights of way

[Practice guidance note 6](#) Planning and public rights of way



## Annex D - Statutory Guidance/Instruments

SI 1992/1492: The Town and Country Planning General Regulations 1992 [Link](#)

SI 1993/9: The Rail Crossing Extinguishment and Diversion Order Regulations 1993 [Link](#)

SI 1993/10: Town and Country Planning (Public Path Orders) Regulations 1993 [Link](#)

SI 1993/11: Public Path Orders Regulations 1993 [Link](#)

SI 1993/12: Wildlife and Countryside (Definitive Maps and Statements) Regulations 1993 [Link](#)

SI 1993/407: Local Authorities (Recovery of Costs for Public Path Orders) 1993 [Link](#)

SI 1994/2716: The Conservation (Natural Habitats, &c.) Regulations 1994 [Link](#)

SI 1995/419: The Town and Country Planning (General Development Procedure) Order 1995 [Link](#)

SI 1996/1978: The Local Authorities (Charges for Overseas Assistance and Public Path Orders) Regulations 1996 [Link](#)

SI 2002/3113: The Traffic Signs Regulations and General Directions 2002 [Link](#)

SI 2004/370: Removal of Obstructions from Highways (Notices etc) (England) Regulations 2004 [Link](#)

SI 2005/2461: The Public Rights of Way (Register of Applications under section 53(5) of the Wildlife and Countryside Act 1981) (England) Regulations 2005 [Link](#)

SI 2006/537: The Highways Act 1980 (Gating Orders) (England) Regulations 2006 [Link](#)

SI 2006/1177: The Restricted Byways (Application and Consequential Amendment of Provisions) Regulations 2006 [Link](#)

SI 2007/268: Local Access Forums (England) Regulations 2007 [Link](#)

SI 2007/1494: The Highways (SSSI Diversion Orders) (England) Regulations 2007 [Link](#)

SI 2007/1843: The Conservation (Natural Habitats, &c) (Amendment) Regulations 2007 [Link](#)

SI 2007/2334: The Dedicated Highways (Registers under Section 31A of the Highways Act 1980) (England) Regulations 2007 [Link](#)

SI 2007/2542: The National Park Authorities' Traffic Orders (Procedure) (England) Regulations 2007 [Link](#)

SI 2008/442: The Public Rights of Way (Combined Orders) (England) Regulations 2008 [Link](#)

## Annex X – Document revision history

Version	Reason for revision	Date released
1	First issue Document supersedes Circular 1/08	March 2009
2	Second issue <ul style="list-style-type: none"><li>• Revised section 9 on applications for costs.</li><li>• Clarification in paragraph 4.27 (that any element of a subdivided order must appear to be capable of confirmation in its own right).</li><li>• Further guidance on concurrent orders added, to the end of paragraph 5.55</li></ul>	October 2009

# Appendix C1

**From:** [Tom Ruszala](#)  
**To:** [REDACTED]  
**Cc:** [Peter Gaskin](#)  
**Subject:** Sawston development Rights of Way Scheme discussion 1 November 2022  
**Date:** 02 November 2022 14:57:00  
**Attachments:** [1858-PROW-04 Footpath Construction Detail 2 revC.pdf](#)  
[ApplicationAlterSurface v2.pdf](#)

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Hello [REDACTED]

Thanks for the discussion yesterday. I've outlined the terms of the agreement from yesterday's discussion below. If there is anything that you don't think is correct or you want to change please let me know.

At a meeting with Redrow on 1 November 2022 we have agreed to enter into an agreement on a schedule of works in order to progress the extinguishment Sawston Public Footpath 12 and Babraham Public Footpath 9 (the Public Footpath) and creation of a boundary Public Bridleway with Public Footpath connections to the Public Rights of Way network (see points G to H and K to C of the attached plan to Pampisford Public Footpaths 1 and 2). The schedule will consist as follows:

- Prior to any building and development works, to the south of the alignment of the Public Footpath, the Extinguishment and Creation Order will be completed.
  - The new Public Bridleway will be kept open and available to the public from that point onwards.
  - The surface of the bridleway and two footpath connections should initially be set out with a grass/natural surface 4 metres wide,
    - the surface will be kept under review by Redrow and Public Rights of Way Officer during the development of the site.
    - Should the surface deteriorate Redrow are required to undertake any intervention works to make it suitable for its intended use.
  - When the legal order has been made and confirmed, the Public Bridleway and two Public Footpath connections will be certified as the 4-metre-wide natural surface. This will have the legal effect of extinguishing the existing Public Footpath across the middle of the site.
    - With the creation of new Public Bridleway and two Public Footpath connections, development of the site, on and to the south of the extinguished line of Public Footpath, can commence.

Redrow are required to bring forward surface improvement of the new Public Rights of Way and shall submit a scheme containing the details of the proposed improvements as part of the discharge of Planning Condition 12 of the planning permission (21/03955/FUL) (submission of a Public Rights of Way scheme). Redrow are required to complete the Application to Alter the Surface of a Registered Public Right of Way as these documents are required by Cambridgeshire County Council when the surface of a public right of way is to change. Please note that no consultation with the parish council will be required for this, as the planning permission and pre-order consultation already consulted the parish

council on the proposed surface of the new Public Rights of Way.

The Public Rights of Way Officer requests that the surface improvement works are completed as soon as possible. A Temporary Closure of the Public Rights of Way, through the County Council's Street Works Team, for a maximum period of six months may be required in order to deliver consistent construction of the surface.

It should be noted that a section between points D and E is to be tarmac and subject to the S.38 adoption process with Cambridgeshire County Council. The remaining surface of the new Public Bridleway and two Public Footpath connections will be surfaced in line with Redrow Drawing 1858-PROW-04. Drawing 1858-PROW-04 is subject to final detailed clarification of type of hoggin, consistent mixture of materials and binding of the surface dressing course. However, this drawing is sufficient to meet the Planning Condition 12.

- The precise specification for the hoggin and tarmac will be set out in a Materials Plan (including details of the surfacing, widths and gradients of the new bridleway and two footpath connections) which will be submitted to the planning authority as part of Redrow's submission to discharge condition 12 of the planning permission (21/03955/FUL) (submission of a Public Rights of Way scheme). The Public Rights of Way scheme should include details of timings of when the new bridleway and two footpath connections are to be surfaced in line with the Materials Plan and whether any Temporary Traffic Regulation Orders are proposed in order to facilitate the construction of the Public Bridleway and two Public Footpath connections.

The Public Rights of Way Scheme should be submitted to the County Council and agreed with prior to its final submission to the local planning authority for permission to discharge condition 12 of the Planning Permission.

Thank you very much

**Tom Ruzala**

**Asset Information Definitive Map Officer**

Highways Maintenance

T: 01223 715626

M: 07500 101551

E: [tom.ruzala@cambridgeshire.gov.uk](mailto:tom.ruzala@cambridgeshire.gov.uk)

A: Highways Service, Box No. STA2101, Cambridgeshire County Council, Stanton Way Depot, Huntingdon, PE29 6PY

*Please note my working days are Monday, Tuesday, Wednesday and Friday*

# Appendix D1

**From:** [REDACTED]  
**To:** [Tom.Ruszala](mailto:Tom.Ruszala@cambridgeshire.gov.uk)  
**Subject:** Re: Proposed stopping up of Public Footpath No. 12, Sawston and replacement with a bridleway  
**Date:** 13 January 2023 09:45:08

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CAUTION: This email originates outside of Cambridgeshire County Council's network. Do NOT click on links or open attachments unless you recognise the sender and know the content is safe. If you believe this email to be spam please visit the CCC Intranet and search for 'SPAM' for instructions on how to report it.

Hi Tom, Thankyou very much for your email regarding the hedges/trees. Great news that they will be cut next month and happy with the proposal to leave a strip, so in future the maintenance of them will not be a problem.

I look forward to hearing from you again.

[REDACTED]

On Wed, 11 Jan 2023 at 09:29, Tom Ruszala <[Tom.Ruszala@cambridgeshire.gov.uk](mailto:Tom.Ruszala@cambridgeshire.gov.uk)> wrote:

Dear [REDACTED]

Please find attached a letter and plan with reference to your response to the recent consultation on a proposal to stop up part of a public footpath in Sawston and Babraham and replace them with a bridleway.

Thank you very much

**Tom Ruszala**  
**Asset Information Definitive Map Officer**

Highways Maintenance

T: 01223 715626

M: 07500 101551

E: [tom.ruszala@cambridgeshire.gov.uk](mailto:tom.ruszala@cambridgeshire.gov.uk)

A: Highways Service, Box No. STA2101, Cambridgeshire County Council, Stanton Way Depot, Huntingdon, PE29 6PY

*Please note my working days are Monday, Tuesday, Wednesday and Friday*

The information in this email could be confidential and legally privileged. It is intended

**HIGHWAYS  
MEMORANDUM**

To : Tom Ruzala  
Asset Information Definitive Map Officer

From : Jon Munslow  
Assistant Director: Highways Maintenance

Date : 21 February 2023

**Report on the proposal to stop up part of Public Footpath No. 12, Sawston and all of Public Footpath No. 9, Babraham and replace them with a Public Bridleway and two Public Footpath connections.**

With reference to the report of 7 February 2023, my decision is that the proposal to stop up part of Public Footpath No. 12, Sawston and all of Public Footpath No. 9, Babraham and replace them with a bridleway and two footpath connections under S.257 of the Town and Country Planning Act 1990 is acceptable to the County Council as the Local Highway Authority.

This approval should be reported to South Cambridgeshire District Council as Local Planning Authority to allow them to make a formal decision on whether or not to make a public path order under Section 257 of the Town and Country Planning Act 1990 pursuant to planning permission reference 21/03955/FUL.



Jon Munslow  
Assistant Director: Highways Maintenance