

# RIGHTS OF WAY REVIEW COMMITTEE PRACTICE GUIDANCE NOTES

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## PRACTICE GUIDANCE NOTE 6 : PLANNING AND PUBLIC RIGHTS OF WAY

*First edition, December 2002*

### FOREWORD

*The Rights of Way Review Committee brings together a wide range of bodies and organisations concerned with public rights of way in England and Wales. It is an informal, non-statutory committee set up to review matters relating to public rights of way in England and Wales with the aim of agreeing, by consensus, proposals for action. The Chairman is Peter L Pike MP. Natural England and the Countryside Council for Wales provide Vice-Chairmen.*

*The purpose of this series of Practice Guidance Notes is to offer practical guidance on aspects of rights of way legislation and to recommend working practices that will enhance the overall protection and good management of the rights of way network. Their intended audience is local authority rights of way officers, legal officers and administrators who deal with rights of way issues on a day-to-day basis. They are also useful for land owners and occupiers and user groups.*

*These notes are advisory. They are derived from extensive discussions between the principal interest groups and represent a consensus that has been endorsed by all members of the Rights of Way Review Committee. We hope that they will be welcomed by everyone concerned with the practical management of rights of way and be a valuable aid in that important work.*

*The following bodies are represented on the Rights of Way Review Committee : Association of National Park Authorities, British Driving Society, British Horse Society, Byways and Bridleways Trust, Central Council of Physical Recreation, County Surveyors' Society, Country Landowners' Association, Natural England, Countryside Council for Wales, Cyclists Touring Club, Institute of Public Rights of Way Officers, Land Access and Recreation Association, Local Government Association, National Association of Local Councils, National Farmers Union, Open Spaces Society, Ramblers' Association, Welsh Local Government Association. Observer status : Department for Environment, Food and Rural Affairs, Department for Transport, National Assembly for Wales.*

*Other notes in the series are :*

*PGN1 : Code of practice on consultation over changes to rights of way and definitive maps.*

*PGN2 : Deemed dedication of rights of way : section 31(6) of the Highways Act 1980.*

*PGN3 : Minimising objections to definitive map modification and reclassification orders.*

*PGN4 : Securing agreement to public path orders.*

*PGN5 : Investigating the existence and status of public rights of way.*

*If you have any comments about these notes please let us know by writing to the Secretary, Rights of Way Review Committee, The Granary, Charlcutt, Calne, Wiltshire, SN11 9HL. The Rights of Way Review Committee is grateful to Natural England for its assistance in printing these notes.*

## PLANNING AND PUBLIC RIGHTS OF WAY

### I. Introduction

1. Every year, hundreds of public paths are affected by development. New housing, factories, warehouses, golf courses, quarries - any development can affect a public path. Some developments succeed in preserving the route and character of paths or provide attractive replacements. This is not always the case but the increasing recognition of public paths, both as part of the transport infra-structure and as vital recreational and health assets, means that every effort should be made to incorporate paths into new developments and, if possible, to enhance them.
2. The Rights of Way Review Committee has prepared this note to assist local authority officers, particularly rights of way officers and those who work in development control, in the task of successfully incorporating public paths into sites proposed for development. It is hoped that the note will also be of use to developers and individuals making planning applications for developments on sites proposed for development. Rights of way officers are urged to make copies of this note available to their colleagues in development control. It is also recommended that authorities consider publishing a simple guide to these procedures for developers—a number of authorities have done this eg Mid Bedfordshire District Council, Suffolk County Council and Wigan Metropolitan Borough Council.

### II. Planning applications

3. Annex D of DOE Circular 2/93 (Welsh Office 5/93<sup>1</sup>) (Public Rights of Way) makes it clear that the effect of a development on a public right of way is a material consideration in the determination of applications for planning permission. Planning authorities are therefore asked to ensure that the effect on any rights of way is taken into account whenever such applications are considered. To achieve this end, the following are recommended:
  - a. Ensure that there is a question on planning application forms about the existence of public rights of way within the site proposed for development, immediately adjacent to the application site, or along which access to the site is proposed either for the period of carrying out the development or permanently. Forms should also advise where applicants can get precise information about the status, line and width of the public right of way to enable them to answer the question accurately, and ask for the depiction of definitive routes on the plans being submitted.
  - b. Check this information with the highway and surveying authority.
  - c. Ensure that all rights of way affected by the development have been identified, by reference to the definitive map.
  - d. Take into account any applications for the addition of any path or way to the definitive map, any definitive map modification orders which the highway/surveying authority may be proposing, or which are in progress, and the possible existence of any additional rights on the ways presently shown on the definitive map (eg bridleway rights over ways presently shown as footpaths). Look on the ground for paths apparent on site and in use by the public which may not be the subject of claims—the grant of planning permission may spark a claim.
  - e. Where public rights of way do cross a site proposed for development, try to make

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<sup>1</sup> All references to DOE Circular 2/93 hereinafter also imply reference to Welsh Office Circular 5/93.

## *Planning and public rights of way*

- sure that rights of way officers are involved in any pre-application meetings with the developer.
- f. Involve public rights of way user groups in the procedure. This can be done by making the weekly planning list available to them free of charge or at a reduced fee, or by consulting them directly about those planning applications which will affect public rights of way. Invite them to site meetings where appropriate.
  - g. Ensure that local plans include policies in respect of accommodating public rights of way in new developments.
  - h. Give special consideration to developments which might endanger rights of way users. For example, users, especially horses may be startled by sudden, unexpected noise from vehicles or machinery near to rights of way. In the light of this, there should be a suitable safety margin between proposed wind turbines and public rights of way available for use by horse-riders or horse-drawn vehicles.
  - i. Watch out for the use of existing rights of way as vehicular access routes, either as part of the application itself, or during development works. There may be important health and safety implications.
  - j. Consider whether use could be made of a planning obligation arrangement under s 106 of the Town and Country Planning Act 1990 (TCPA 1990) (as amended by the Planning and Compensation Act 1991) to provide for new or improved public rights of way within the site.
  - k. Ensure that any Transport Assessment of a new development (see PPG13 (2001), paras 23-25) takes account of public rights of way in, near or affecting the site of a proposed development.
  - l. Training courses in planning matters arranged for newly elected members should include specific reference to the key considerations that must be made and taken into account in cases where the site of the development is crossed by a right of way. Suitable training courses should include examples of those elements of any development which would necessarily obstruct the right of way and those which would not. In addition, in the event that the obstruction of the right of way would necessarily result from the complete development, such a training course would provide guidance as the necessary procedures and practices that need to be completed in order to accommodate a public right of way within any new development.
4. Article 8 of the Town and Country Planning (General Development Procedure) Order 1995 also provides that development affecting a public right of way must be advertised in a local newspaper and by posting a notice on the site. (See DOE Circular 15/92 (Welsh Office Circular 32/92). It is recommended that where a proposed development will affect a public right of way and such advertisement will be necessary then those organisations prescribed to receive copies of public path orders should be consulted about the planning application as soon as possible after the application has been received. This will help to ensure that adequate consideration of rights of way is given before planning permission is granted, as stressed in Circular 2/93. It would also help to ensure that the elected members have the views of the consultees before them when the planning application is considered and before it is granted so that adequate consideration can be given to public rights of way.

### **III. Planning guidance**

5. Other planning guidance should also be taken into account before planning permission is granted:

a. DOE Circular 2/93: Public Rights of Way

*“Where it is decided to grant permission for development affecting a right of way, consideration should be given at the detailed planning stage to whether a new line for the route can be provided which would be generally acceptable to the public. The use of estate roads for this purpose should be avoided wherever possible and preference given to the use of made up estate paths through landscaped or open space areas away from vehicular traffic.”*

b. DOE Circular 5/94 (Welsh Office 16/94): Planning Out Crime

*“Care should be taken that well-intentioned segregation schemes for pedestrians and cyclists do not lead to over-isolation, especially at night. Attractive pedestrian links and cycleways can be formed through amenity open space ... Wherever possible, footpaths and alleyways should be wide, clear of hiding places, well lit and should follow a direct route... sensitive and skilled design should be capable of reconciling the need for acceptable landscaping and the need to produce safe environments. Generally speaking, however, landscaping schemes should avoid creating hidden areas, near footpaths for example, where crime is easier to commit.”*

c. PPG 7 para.3.13: The Countryside - Environmental Quality and Economic and Social Development

*“ Increasing opportunities for people to enjoy the countryside for sport and recreation provide new use of land in the countryside and is an important source of income and employment. PPG17 advises on providing for the needs of residents and visitors while respecting the rural environment. Footpaths, bridleways, byways, cycle routes and tow paths increase opportunities to enjoy the countryside. When deciding planning applications, authorities should take account of the effect of the proposed development on public rights of way, and draw the attention of developers to the separate consent provisions for diverting rights of way. [Development should avoid interfering with the rights of way network wherever possible].”*

d. PPG13 paras 75-77: Transport on walking, especially:

*“In preparing their development plans and in determining planning applications, local authorities should:*

*- identify the network of routes and locations (including the links between key uses such as schools, town centres and transport interchanges) where the needs and safety of pedestrians will be given priority — create more direct, safe and secure walking routes, particularly in and around town centres and local neighbourhoods, and to schools and stations, to reduce the actual walking distance between land uses, and to public transport.*

*Local authorities, as part of their walking strategy, should also promote walking through such measures as:*

*Encouraging more use of public rights of way for local journeys and help promote missing links in rights of way networks.*

e. PPG 17 para.33: Sport and Recreation

*“In some areas of the urban fringe, sites for recreational use may act as an important buffer between agricultural and urban uses to protect crops from damage. Recreational opportunities may also arise in connection with new developments in the urban fringe, such as business and industrial parks. Local planning authorities are asked to give sympathetic consideration to planning applications for afforestation initiatives in urban fringe areas, as*

*proposed by the Countryside and Forestry Commissions, and for possible use of agricultural land for suitable recreational pursuits. It is important, where possible, to enhance the rights of way network in these areas.”*

The draft revision of PPG17 (published 2001; final version in preparation) expands on its rights of way advice:

*“Rights of way are an important recreational facility. In their plans, site proposals and consideration of individual planning applications, authorities should look for opportunities to protect and enhance the rights of way network and its use by adding links and improving rights of way and safety ... In bringing forward improvements to the rights of way network the different aspirations of walkers, cyclists, horse-riders and vehicular users should be recognised, for example by provision of facilities for horse-riders off public highways.*

*“Authorities are encouraged to promote the National cycle Network (under the auspices of Sustrans) and similar initiatives that will promote sustainable transport and the sustainable use of the countryside ... they should develop ... policies ... to make walking and cycling both more feasible and more attractive, such as cycle storage at interchange points.”*

f. Encouraging walking: advice to local authorities (DETR advice, March 2000)

*“Carefully planned new developments within existing urban areas can help to reduce the need to travel by car by increasing the number of people who can easily walk to jobs, shops leisure and other facilities, including public transport interchanges”.*

g. Any policies set out in structure, local and unitary development plans, and in local transport plans and walking and cycling strategy documents.

#### **IV Layout and design issues**

6. Developers should be advised that wherever possible paths through developments should run through open, landscaped areas away from roads and complement the existing network. Narrow paths, running between houses and enclosed by fencing should be avoided if possible. Paths should be over-looked, and free from sharp bends which can provide blind spots and hiding places — natural surveillance is important. Well-overlooked paths on which activity is encouraged throughout the day and evening benefit from being more regularly under surveillance from the general public. There should be appropriate lighting, having regard to the DOE/Countryside Commission document, *Lighting in the Countryside: Towards good practice*.

7. New routes should have formal status—ie either be adopted as highways or created as public rights of way—even if they will run through public open space. This will avoid problems later on over appropriate use and maintenance responsibility. If paths are within new public open space and the local authority needs to keep the route informal in case of future layout changes, then a declaration under section 31 (6) of the Highways Act 1980 and/or appropriate notices on site should be considered.

8. Where paths are not enclosed, minimum widths of 2 metres for footpaths and 3.5 metres for bridleways and byways should be provided. If the path is to be enclosed by fencing, hedging or buildings then minimum widths of 4 metres for footpaths and 6 metres for bridleways and byways are appropriate. If an existing path or way is to be retained on its existing line then developers should be reminded that legally established widths will apply

9. The needs of all members of the community need to be taken into account when surfacing and street furniture are being considered. Try to assess how use of the route will

alter as a result of the development and discuss with the highway authority (which will inherit responsibility for its maintenance) what kind of surface and safety barriers, etc should be provided.

10. Consider the boundaries of the application site and how paths can help integrate the development into the existing surrounding development or countryside. It is important that any new routes which will go to the edge of the site do join the public rights of way network, or to adopted highway to avoid access and maintenance problems arising later.

**V. Before planning permission has been granted—public path order applications**

11. It must always be made clear to a developer as early as possible after a planning application is received that the granting of planning permission will not give a power to divert, extinguish or alter the status of any public right of way which may be affected by the development. If the application is for an outline permission it may only be possible to make sure the applicant knows he must address the issue when applying for detailed permission. In view of the uncertainty of the outcome of a public path order application, wherever possible paths should be kept on their existing routes and consideration should always be given to amending site layout plans to accommodate the routes on their existing lines. However, if after discussion between the developer and development control, landscape and rights of way officers, it is concluded that the development does necessitate the closure or diversion of any public rights of way then the developer (with the landowner's agreement if they are not the same person or company) must apply for an order under s 257 TCPA 1990 to achieve that change.

12. S 257 empowers a local authority to make an order to stop-up or close a public right of way affected by development for which planning permission has been granted, or is not needed. For the power to be exercisable, the authority must be satisfied that it is necessary to stop up or divert the way *in order to allow the development to be carried out*. If discussions conclude that it would be desirable to divert or extinguish a route, rather than necessary to avoid its physical obstruction, the landowner/developer should be advised to submit an application under the Highways Act 1980.

13. It should be made clear to the applicant that a public path order application will not automatically succeed. At this stage the applicant should also be made aware in writing that if a path is disturbed or obstructed before that procedure has been completed then the developer may be prosecuted. Local authorities have the power to reinstate paths in that circumstance, even if this means pulling buildings down.

14. There is no power for the local planning authority to make an order under s 257 TCPA 1990 until planning permission has been granted under part III of the Act, however Rights of Way Review Committee Practice Guidance Note No. 1 recommends that before embarking on the formal order-making procedure, an authority should consult the prescribed organisations, and other interested parties, with a view to forestalling objections at the formal stage of the process. It is recommended that consultations on the proposed path change are carried out when layout details are being discussed, before the grant of planning permission. This allows time for negotiation on the responses received to the consultation, and gives the opportunity for changes to be made to proposed routes, or to the layout, before planning permission is granted.

15. Non-definitive routes and paths which are shown on the List of Street but not on the definitive map should be treated in exactly the same way as definitive paths

16. Decisions, with the highway authority, about the standard of new routes can also be made prior to planning permission being granted, so that the applicant is aware of the works

he will need to carry out—assuming the order is successful. It is also appropriate to discuss with the applicant the timetable for making new paths available; the order can then be drafted to accommodate the situation. The options for the order taking place on the ground and the certification procedure should be explained to the applicant—see IX below. Additionally the need for any temporary closure or diversions of existing routes can be addressed at this time by the highway authority.

17. Good communication between the applicant and development control, landscape and rights of way officers should mean that the content of the proposed public path order and public notice can be agreed and drafted in anticipation of planning permission being granted. RWRC Practice Guidance Note 4: Securing agreement to Public Path Orders encourages use of an explanatory statement to accompany Highways Act orders. It is recommended that a similar statement be prepared for orders made under TCPA 1990.

## **VI After planning permission has been granted—public path order making**

18. Once consultations and negotiations are complete and planning permission granted, the local authority can formally determine the order application. It needs to be satisfied that it is necessary to divert or extinguish a footpath or bridleway in order to enable development to be carried out in accordance with the planning permission granted.

19. As mentioned above, it must not be assumed that because planning permission has been granted an order will invariably be made or confirmed (see DOE Circular 2/93 (annex D, paragraph 5)). This view is backed by relevant case law. In particular *K C Holdings (Rhyl) Ltd -v- Secretary of State for Wales* (1989) where it was held that there is a discretion to consider the merits and demerits of the proposed closure of a footpath in relation to the particular facts that obtain. The judge, Sir Graham Eyre QC, rejected the contention that once the Secretary of State was satisfied that the development could be carried out only if the footpath was stopped-up he was obliged to confirm the order. And, *Vasilou -v- Secretary of State for Transport* (1990) where the Court of Appeal held that the Secretary of State had to take into account the effect that an order would have on those entitled to the rights which would be extinguished by the order, especially as the section contained no provision for compensating those so affected.

20. The order has to be made in accordance with the procedures in Schedule 14 TCPA 1990 and substantially in the form set out in the Town and Country Planning (Public Path Orders) Regulations 1993. See also DOE Circular 7/95 *Public Rights of Way—Amendment Regulations and Advice on Public Path Orders*.

21. Care should be taken to ensure that s 257 is used only in legitimate circumstances. For example, residents, usually in urban or suburban areas rather than in rural locations, may complain about an adjacent path being an intrusion on their privacy. Aware that legitimate frequent use of the path will make it difficult to show that the path is not needed for public use, some councils have granted planning permission for ‘development’, which is no more than the conversion of the path into garden land, and then made an order under s 257 on the basis that it is necessary to stop-up the path in order to enable this development to be carried out in accordance with planning permission granted under Part III of the Act, namely conversion of the path into garden land. In most cases this is no more than a contrivance to get a path closed and objectors have successfully opposed several such orders. The word ‘necessary’ (as it is used in s 257) must be understood as meaning precisely that: it must be shown that the closure is *necessary* to enable the development to take place, not merely that it is (for example), desirable or expedient. In most cases it will be perfectly possible for a path to go through a garden, even if it is enclosed or cultivated. Many fields are enclosed and cultivated, yet they are crossed by paths. Several inspectors have agreed with this and have rejected these contrived attempts to extinguish paths, and the Local Government Ombudsman

found one council guilty of maladministration when it sought to use planning permission and then the s 257 procedure to convert a right of way into an area of garden. Where it would be expedient, for the purposes of preventing or reducing crime which would otherwise disrupt the life of the community, and where the path in question is situated in an area designated by the Secretary of State, special extinguishment and diversion orders may be made under ss.118B and 119B of the Countryside and Rights of Way Act 2000.

22. Notice has to be given stating the general effect of the order, where it can be inspected free of charge and that copies of it may be purchased. The notice will also specify a period (not fewer than 28 days from the publication of the notice) during which representations and objections may be made. The notice must be published in a local paper, displayed at the ends of the path to be affected, and served on other local authorities, those organisations prescribed in the Regulations, and others who have advised the authority of their wish to receive orders.

23. Objections have to be sent to the authority by the closing date appointed in the notice. An authority cannot confirm an order to which objections have been lodged and are not withdrawn. After the closure of the objection period the authority should seek to enter into discussions with an objector to see if an objection can be withdrawn. Opposed orders, together with the objections, must be referred to the Secretary of State for the Environment, Food and Rural Affairs (Defra) in England, or in Wales, to the National Assembly<sup>2</sup> for determination by an independent inspector, who will either hold a public local inquiry, or a hearing, or arrange an exchange of written representations. The Planning Inspectorate booklet *Public Path Orders* (1997 revision) gives guidance on how to submit an opposed order and the procedures the inspectorate follows.

24. It should be noted that the Secretary of State has no power to amend a planning permission so as to facilitate what objectors to an order claim to be a preferable diversion, and inspectors are advised not to allow objectors to seek to re-argue the merits of the development for which planning permission has been granted. This is why pre-order consultation is recommended.

25. Once the order is confirmed, whether by the Secretary of State, or by the local authority, the authority must give notice of the matter in the same way that it earlier advertised the order's making. It must also give notice of any decision not to confirm. The Secretary of State also has power to modify an order, for example to substitute an alternative new route for a path, but he may have to advertise his proposed modification. If the Secretary of State decides not to confirm an opposed order, the path remains on its existing line unless and until a further order is made and confirmed. If the order is modified or is not confirmed the applicant may need to apply for an amended planning permission to accommodate the definitive line of the path on the site layout.

## **VII. Secretary of State Orders**

26. The Secretary of State is empowered by s 247 of the 1990 Act to make orders affecting rights of way for reasons similar to those available to local authorities under s 257. The Secretary of State's powers extend to the extinguishment or diversion of highways carrying vehicular rights of way (some RUPPs, restricted byways, byways open to all traffic, and ordinary roads). In practice he exercises his powers in relation solely to footpaths and bridleways only rarely, for example when an application for planning permission is before him on appeal or when he 'calls-in' for his own determination an application for planning

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<sup>2</sup> Every reference to the Secretary of State hereinafter also includes reference to the National Assembly for Wales

permission. In Greater London the Secretary of State's order-making powers have been transferred to the London borough councils, with the Mayor of London being involved with opposed orders. The Secretary of State retains jurisdiction on opposed orders made by the London borough councils under s 257.

### **VIII What if the path has already been built over?**

27. From time-to-time authorised development commences, and is even completed, before any requisite order to close or divert a path affected by that development has been made. Is an order under s 247 or s 257 then precluded? This question was considered by the Court of Appeal in *Ashby & Dolby -v- the Secretary of State for the Environment* (1980). The court held that orders (under the Town and Country Planning Act) could be made so long as some of the authorised development remained to be carried out. If it had been completed then those powers could not be used. Further to this, in *Hall -v- Secretary of State for the Environment* (1998), the developer had built a wall over a footpath and then demolished it in the hope of still being able to make use of s 257. At inquiry, the inspector had taken the view that rebuilding the wall would constitute authorised development remaining to be carried out and had confirmed the order, but his decision was quashed in the High Court where the judge held that once development had taken place the planning permission relating to that part of the development had been spent—the rebuilding of the wall would therefore need new planning permission.

### **IX Coming into force of orders**

28. An order which extinguishes a right of way under this Act is normally so drafted as to come into effect immediately on the order's confirmation, regardless of whether or not the development ever takes place. Orders which divert, or otherwise bring into existence new rights of way, should be drafted so as to come into operation not immediately upon confirmation (unless the new route is already available at a standard which is acceptable to the local planning and highway authorities) but upon the subsequent certification by the order-making authority that the new route has been satisfactorily created. This provides an incentive for the developer to get the new routes made up, and prevents the order from taking effect if for any reason the development fails to be carried out as planned. It also avoids the situation of a contested order being confirmed by an inspector and coming into operation on a date over which the order-making authority will have no control. This could lead to the old path being closed before the new one had been created, thus depriving the public of the use of the path.

29. If an order comes into operation other than on the date on which it was confirmed the authority has to certify the order to bring it into operation. This certification acts as confirmation that the terms of the order have been complied with in respect of the creation of the new route, to the reasonable satisfaction of the order making authority. In consequence, order-making authorities are recommended to inspect the new routes of paths before certifying an order, even if the highway authority has already confirmed that it is content with the standard of the new route. There is no prescribed means of certifying an order; this can be done by adding the words 'the Foregoing Order is hereby Certified', signed and dated by the Chief Executive of the order-making authority to the order.

30. The coming into force of an order by certification must be advertised in a local paper. Again there is no prescribed form of words but the following could be used:

*[Name of order-making authority]*

*Town and Country Planning Act 1990 s257*

*[Name of Order]*

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*In accordance with s 257 and paragraph 8 of Schedule 14 to the above Act notice is hereby given that on [date] [name of order making authority] certified that the alternative right[s] of way required under the terms of the above order have been created to it reasonable satisfaction. The order has now taken effect.*

*[Date]*

It is recommended that those on whom the making and confirmation of the order was served are also notified by letter of the certification.

30. Authorities must send copies of confirmed orders to the Ordnance Survey, and are asked, by DOE Circular 2/93, also to send copies of notices of certification announcing the coming into operation of orders. OS will then show the change made by the coming into operation of an order on the next revision of a map at 1:25,000 or 1:50,000 scale.

31. The surveying authority (the county council or unitary authority, metropolitan district or outer London borough council) is under a duty to make, in due course, a legal event definitive map modification order under section 53 of the Wildlife and Countryside Act 1981 to modify the definitive map and statement of public rights of way so as to reflect the change made by a confirmed order which has come into operation. There is no right of objection to such legal event orders.

## **X Further reading**

The Town and Country Planning (Public Path Orders) Regulations 1993 (Statutory Instrument 1993 No 10)

The Town and Country Planning (General Development Procedure) Order 1995 (Statutory Instrument 1995 No 419) Article 8.

Department of the Environment Circular 15/92 *Publicity for Planning Applications*

Department of the Environment Circular 2/93 (Welsh Office 5/93) *Public Rights of Way*, (especially Annex D). HMSO 1993, £5.35

Department of the Environment Circular 5/94 (Welsh Office 16/94) *Planning Out Crime* HMSO 1994, £2.35

Department of the Environment Circular 7/95 *Amendment Regulations and Advice on Public Path Orders* HMSO, 1995, £1.50

DOE/Countryside Commission document *Lighting in the Countryside: Towards good practice*. (This document is no longer available as a hard copy but see <http://www.planning.dtlr.gov.uk/litc.index.htm>)

DTLR (2002 forthcoming) *Transport Assessment: good practice guidance for development proposals*

*National Cycling Strategy* (available from DTLR)

Local Transport Note 1/87 *Getting the right balance*. Gives advice to local authorities on pedestrianisation and vehicle restricted areas (available from the Stationery Office)

*By Design — Urban design in the planning system: Towards better practice* (DTLR/CABE) (- <http://www.planning.dtlr.gov.uk/bydesign/index.htm>)

*Places, Streets and Movement* (DETR, 1998)

*Planning and public rights of way*

*Better Places to Live, By Design* (DTLR, 2001) (<http://www.planning.dtlr.gov.uk/betrplac/index.htm>)

*Public Path Orders* (1997) free from the Planning Inspectorate (tel. 0117 372 8000)

*A Guide to Procedures for Public Path Orders* (1994) Countryside Commission/Department of the Environment. Ref CCP 449, available from Natural England, 1 East Parade, Sheffield, S1 2ET (Tel: 0114 241 8920)

*Code of Practice on Consultation over Changes to Rights of Way* (1999) Practice Guidance Note 1; and *Securing Agreement to Public Path Orders* (1999) Practice Guidance Note 4, Rights of Way Review Committee, free from the secretary c/o *Rights of Way Law Review, The Granary, Charlcutt, Wiltshire, SN11 9HL*.

Chapter 7.4 of *Rights of Way: A Guide to Law and Practice*, John Riddall and John Trevelyan, Open Spaces Society and Ramblers' Association, 2001. 715pp. Third edition, £20 plus £4.50 postage from the RA, 2nd Floor, Camelford House, 87-90 Albert Embankment, London, SE1 7TW (tel. 020 7339 8500)

Section 4.7.7 of the Public Rights of Way Good Practice Guide published by the Public Rights of Way Good Practice Guide Steering Group (details from [editor@prowgpg.org](mailto:editor@prowgpg.org))

British Horse Society Policy Statement No. 20 Wind Farms (tel. 01926 707700)

Rights of Way Law Review Section 12 (Annex - issued September 1998) *Practice & Precedent - Section 257 Town and Country Planning Act 1990: stopping up and diversion orders*