

## LEEDS LOCAL ACCESS FORUM

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**Meeting to be held in Leeds Civic Hall on  
Tuesday, 17th February, 2009 at 6.30 pm**

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### MEMBERSHIP

- Mike Willison (Chair) - User of local rights of way
- Phillip Maude - User of local rights of way
- Didy Metcalf - User of local rights of way
- Steven Wood - User of Local Rights of Way
- Vacancy - User of Local Rights of Way
- Vacancy - Owners and Occupiers
- Vacancy - Owners and Occupiers
- Vacancy - Owners and Occupiers
- Councillor J Dunn - LCC
- Councillor C Fox - LCC

# **A G E N D A**

**1 Apologies for Absence**

To receive apologies for absence (if any).

**2 Declarations of Interest**

In accordance with Regulation 6(8) of the Local Access Forums (England) Regulations 2007 Members of the Forum are required to declare any direct or indirect interests. A direct or indirect interest might reasonably be regarded as one which might affect a Member's well being, financial position, or business (direct) or that of a relative or friend (indirect) to a greater extent than that of other council tax payers, ratepayers or other inhabitants of the area.

**3 Chair's Opening Remarks**

To receive any opening comments of the Chair to the Forum.

**4 Minutes of the Last Meeting**

1 - 4

To consider and approve the minutes of the last meeting of the Leeds Local Access Forum held on 11<sup>th</sup> November 2008.

**5 Matters Arising from the minutes of the last meeting**

To discuss any matters arising from the minutes of the last meeting of the Forum.

**6 Gating Orders**

5 - 14

To comment on the application for a Gating Order for Back Cross Green Lane, Leeds, LS9.

**7 Rights of Way Improvement Plan**

To receive a verbal update on the approval of the Rights of way Improvement Plan.

**8 Practice Guidance Note 1- Consultation on Changes to Public Rights of Way and Definitive Maps**

15 - 20

To receive the recently updates Practice Guidance Note 1 – Consultation on Changes to Public Rights of Way and Definitive Maps.

**9 Forum Matters**

To consider any update on the Membership of the Forum and any other Forum matters.

**10 Date and Time of the Next meeting**

To confirm a date and time of the next meeting of the Leeds Local Access Forum



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# Agenda Item 4

## Leeds Local Access Forum

Tuesday, 11th November, 2008

**PRESENT:** Dr. M. Willison in the Chair

Councillor J. Dunn, Councilor C. Fox Mr P  
Maude and Mr. S. Wood,

**IN**

**ATTENDANCE:**

- Roger Brookes – Public Rights of Way Development Officer
- Paul Bowers – Legal Services
- Bob Buckenham – Assistant Countryside Access Manager
- Laura Pilgrim – Governance Services

### **31 Apologies for Absence**

Apologies were received from Mrs. D. Lawson.

### **32 Declarations of Interest**

None were declared.

### **33 Chair's Opening remarks**

The Chair welcomed all parties to the meeting and noted that the agenda was slightly shorter than usual as there were no Gating Orders to be discussed.

### **34 Minutes of the Last Meeting**

The minutes of the last meeting held on Tuesday 16<sup>th</sup> September 2008 were approved as a correct record.

**RESOLVED:** That the minutes be approved.

### **35 Matters Arising**

In relation to minute 26 Rights of Way Forum (ROWF) the Secretary had written to all former members of the Leeds ROWF but had only received two responses one of which was tabled for members information. The Forum felt that it was necessary to allow more time for responses and that a further update be provided for the next meeting of the Forum.

**RESOLVED:** That the update be noted and that an update on the responses to the ROWF letter be provided at the next meeting.

### **36 Draft Rights of Way Improvement Plan Update**

Draft minutes to be approved at the meeting  
to be held on Tuesday, 17th February, 2009

The Principal Development Officer tabled information which provided a brief overview of the responses which had been received in relation to the recent questionnaire on the Draft Rights of Way Improvement Plan (ROWIP). The consultation had received a total of 40 responses which included 22 completed questionnaires. The remaining responses were in various forms, letters and emails etc, which had made it difficult to analyse the data in such a short period.

The following comments were made in relation to the responses to the questionnaire:

### **Question 1**

Members noted that paths contained within parks were not considered as public rights of way and were therefore not considered under the Plan. It was suggested that the Plan should make some reference to the Council's commitment to manage the paths within parks. Officers advised Members that the maintenance of parks was carried out by Parks and Countryside and that it was not a highway function. Members of the Forum recommended that the ROWIP should make reference to the commitment to maintain paths within parks but acknowledged that they were outside the remit of the ROWIP.

### **Question 2**

Comments had been received from a Leeds City Council Planner regarding the Local Development Framework (LDF) which would be incorporated in to the final document. The Local Strategic Plan (LSP) 2008-2011 which, at the time of publication of the consultation document had not been published, would also be incorporated into the ROWIP.

### **Question 3**

In relation to PI14 'We will aim to ensure that the definitive path network meets the statutory minimum' a Member of the Forum had recommended that the word 'ensure' should be replaced with 'continue'. The Principal Development Officer informed Members that it was not always possible to ensure that the definitive path network met the statutory minimum requirement as there were exceptions. The Forum suggested that 'as far as possible' should be entered instead. In relation to DM3 officers would clarify the deadline for the Definitive Map and Statement to be made available on line as it could be possible to bring the date forward.

The following issues were discussed:

- In relation to the suggested addition 'Include text on how the general public can find out which review matters and definitive map anomalies are included in the Appendix 6 list', the Officer informed Members that members of the public were able to make an appointment to view the relevant files. This system was advisable due to the complex legislation in respect of public rights of way and the benefit an officers knowledge could bring to a person's understanding of a particular situation.

- Once the Definitive Map was available online a number of issues raised by the Forum and members of the public would be addressed e.g. plans to divert or modify the map.
- Members requested that further explanation was given as to what a 1980 review matter was especially in Appendix 6. The figures in the appendices would also be checked.
- PI13 referred to disabled access and officers were currently unclear as to where the law stood in relation to stiles owned by the local authority and there was also no case law which the Council could use as guidance.
- Members were concerned that the use of the wording 'aiming to do the minimum' was not satisfactory as the ROWIP should aim to do more than the statutory minimum. Members suggested a number of alternatives such as 'continue to ensure that the local authority complies with statutory requirements'.
- Members noted that certain steps which had been made to prevent motor vehicle access had prevented those who require motorised scooters to access rights of way. The officer informed Members that each path was dealt with on its own merits and that alternative measures such as increased patrols of the path could be used.
- The responses which had been highlighted in the handout were not exhaustive and Members would receive a fuller breakdown of responses at a future meeting.

**RESOLVED:** That the update be noted and that a further update be provided at the next meeting of the Forum.

### **37 Regional Access Forum**

The Chair had attended the first meeting of the Regional Access Forum (RAF) October along with Mr. Wood and the Countryside and Access Manager. The meeting was well attended and the minutes will be circulated in the future. In relation to the England Access Forum (EAF) the membership of the EAF consisted of two representative from each Government Office Region and representatives from Natural England. The EAF had a two year forward work programme developed with Natural England and it was expected that there would be communication between the EAF, RAF and the local LAFs. There would also be a website hosted on the Natural England website and working groups would be established to deal with business in between meetings. Each RAF was funded at a cost of £3,500 and hosted by one local authority in the area. Natural England had also advised that they would endeavour to attend a the Local Access Forum once a year.

The RAF was informed that there were currently four local authorities in the region which had not published their Rights of Way Improvement Plan and had received a letter from Defra. The Chair had not seen the contents of this letter and s were not aware of the letter either.

The next meeting of the RAF would be in spring 2009 and it was anticipated that there would be one meeting a year and a number of items were identified for the next meeting.

**RESOLVED:** That the update be noted and that future updates be provided.

### **38 Forum Matters**

Members received an update on the current membership of the Forum and were advised that there had been two applications in the recent weeks for Membership of the Forum. Interviews would take place before the next meeting in February 2009. The Secretary noted that the Forum did not have a balance of owners and occupiers to users of rights of way. The Secretary agreed to raise the issues of recruitment with regional co-ordinator and to write to the NFU and manager of Bramham Park in relation to membership of the Forum.

In relation to training Members agreed that all new members of the Forum would receive appropriate training. A number of training sessions would also be provided as required and Members identified the area of Enforcement as one area they wished to receive training.

**RESOLVED:** That the update be noted and that an update be provided at the next meeting.

### **39 Forward Work Programme**

The Forum noted the work programme of the next year and noted that there would be an update on Forum issues at the next meeting.

**RESOLVED:** That the Forward Work Programme be noted.

### **40 Date and Time of the Next Meeting**

**RESOLVED:** The date and time of the next meeting of the Leeds Local Access Forum would be Tuesday 17<sup>th</sup> February 2009 at 6:30 pm.



**REPORT TO THE CHIEF HIGHWAYS OFFICER**

**DATE: 17 FEBRUARY 2008**

**Subject: Design & Cost Report**

**Scheme Title: GATING ORDER – Back Cross Green Lane, Leeds 9**  
**Capital Scheme Number:**

**Electoral Wards Affected:**

BURMANTOFTS AND RICHMOND HILL

**Specific Implications For:**

Equality and Diversity

Community Cohesion

Narrowing the Gap

Eligible for Call In

Not Eligible for Call In  
(Details contained in the report)

**EXECUTIVE SUMMARY**

The Director of Environment and Neighbourhoods is promoting the installation of gates across a carriageway in the Cross Green area of the Burmantofts and Richmond Hill Ward to temporarily close the highway due to high levels of crime. The proposal has the support of the community and all relevant bodies. This report seeks the approval of The Chief Highways Officer to initiate the legal process for the highways closure.

**1.0 PURPOSE OF THIS REPORT**

1.1 The purpose of this report is to seek authority to temporarily close an adopted highway. This highway is a back street at the rear of Cross Green Lane and Cross Green Avenue (see Appendix 1). This carriageway is in the Burmantofts and Richmond Hill Ward.

**2.0 BACKGROUND INFORMATION**

2.1 Section 129A to 129G of the Highways Act allows for the making of a gating order to temporarily close a highway in response to high levels of anti-social behavior and crime. The legal provision came into effect on 01 April 2006. The adopted status of the highway is unchanged by the order.

- 2.2 This highway leads from Cross Green Crescent at one end through to Cross Green Road and has been the focus for anti-social behavior (ASB) and crime for many years, becoming increasingly worse in recent years. The area is a built-up residential area with a mixed, changing population. There are approximately 756 households with 1648 residents in this Super Output Area (Leeds 075C). The crime domain at 1350 is ranked in the worst 5 percent in England (out of a total of 32,482 LSOA).
- 2.3 Residents have voiced their concerns and anger over the rise in crime and particularly ASB to West Yorkshire Police, Elected Members and council officers. Many of the residents have reported incidents of crime and ASB where offenders have used the highway as a place to congregate and commit crime and anti-social behaviour and to make good their escape from the Police. .
- 2.4 There has also been much concern from local residents regarding one of the properties backing onto back Cross Green Lane. It has been established that a brothel is operating in the area and there are concerns that this is attracting undesirables from outside the area to frequent the back street. The local Policing team has carried out work to get rid of the brothel, but there are fears that other void properties in the area will be obtained for similar purposes. It is therefore hoped that alleygating will privatise this back road, making it unavailable to outsiders and more manageable from a Policing perspective.
- 2.5 Much of the problems occurring in this back road come from youths congregating in it. The congregation of youths in the road has led to the occurrence of several incidents of anti social behaviour, incorporating criminal damage, nuisance, under age drinking and vandalism. The highway has also facilitated the persistent use of motor bikes up and down them. Many of the residents have spoken to ward members about their experiences of crime and ASB along with an increased fear of crime as well as witnessing actual threats and intimidation from congregations of youths in the past.
- 2.6 Much of the recorded crime for the area is focused in and around the streets incorporating this highway. For many years, the area, and particularly Cross Green Lane and Avenue have suffered from varying levels of crime. This has ranged from serious assaults and arson, down to minor disturbances. The area continues to suffer from persistent offences and in the last 12 months there have been 71 recorded offences. The majority of these relate to burglary and criminal damage; 2 crime types that alleygating has been proven to combat.
- 2.7 This highway has also been the subject of much ASB for the last couple of years and has been the venue for 59 ASB incidences over the nine months from 01/01/08 to 30/09/08 (see Appendix 2). Police patrols have taken place in the area to try and reduce the problems occurring there. Neighbourhood Wardens and Police Community Support Officers (PCSO's) have been deployed in the area to provide back up cover when police patrols are not possible.
- 2.8 The effects of making the order for properties adjoining or adjacent to this highway subject to the gating would be positive. All residents and owners of property in the area were contacted as part of the consultation and the majority of respondents were in agreement that gating this highway would improve their quality of life and reduce crime and ASB.
- 2.9 A planning application to gate this highway will be submitted February 2009.

## **3.0 MAIN ISSUES**

### **3.1 Design Proposals/Scheme Description**

- 3.1.1 The alternative solutions considered for addressing the crime and anti-social behavior occurring within close proximity to this highway have not resolved the situation and are not sustainable. It is now proposed to temporarily close the highway by means of a gating order with a view to stopping the antisocial behaviour and crime which is believed to be associated with them.
- 3.1.2 Self locking gates no higher than 2.3m with matching fencing in galvanised powder coated steel will be installed at both ends of the highway to prevent access to it for those not living in the immediate vicinity.
- 3.1.3 The gates will be locked 24 hours a day. Residents whose properties back onto this highway shall be able to request a key for the gates. These keys will be available from Environment and Neighbourhoods' Community Safety unit. The gate locks will be numbered in accordance with the master key system devised by LCC Community Safety. Emergency and other services will be provided with keys on request. Any council departments requiring access to the paths will also be able to request keys for the gates.
- 3.1.4 Community Safety will carry out future maintenance of the gates. A commuted sum has been provided for this purpose.
- 3.1.5 Leeds City Council is required to keep a Register of all Gating Orders, to be available to the public and reviewed annually to determine whether the gating measures are still required. The Alleygating Coordinator at Leeds Community Safety will carry out the annual review for these gates.

### **3.2 Consultations**

- 3.2.1 Ward Members: Ward members have been extremely vocal in their support for alleygating at this location and they have no objections to the proposals.
- 3.2.2 Residents: In November 2008, pre-consultation took place with local residents living adjacent or adjoining the highway in question. A residents meeting took place to discuss proposals and to identify support in December 2008. All residents attending this meeting were in support of the gates.
- 3.2.3 Police: NE Leeds Police Division has implemented various strategies to address the problems in this area through the Neighbourhood Policing Team (NPT) and support proposals to gate this highway up. This will help Police apprehend offenders who have used the highway as a means of escape in the past.
- 3.2.4 Community Safety: Environment and Neighbourhoods – Community Safety section is satisfied that the crime element is sufficient to apply for a Gating Order.
- 3.2.5 Highways: Development Department has been consulted and has no objections to the proposals. Highways users will need to take alternative routes which will incur a short detour. Alternative routes exist along Cross Green Lane and Cross Green Avenue (see Appendix 1).
- 3.2.6 Rights of Way: City Development Directorate Department has been consulted and has no objections to the proposals.

3.2.7 Utilities: Utility and other service providers were contacted in November 2008 regarding the proposed gating scheme. No objections were received.

3.2.8 Emergencies Services: The Fire, Health and Police Authorities were contacted in November 2008 regarding the proposed gating scheme. No objections were received.

3.2.9 Prescribed Organisations, Local Footpath User Groups and Local Access Forum: Consultation will take place with these organisations in February 2009.

### **3.3 Gating Order Publicity**

3.3.1 Home Office Guidance regarding publicity relating to the making of Gating Order will be followed.

### **3.4 Implications for Highways Users**

3.4.1 The implications for highways users is that there will be a loss of amenity so non-resident users will have to take alternative routes that will incur short detours, referred to in 3.2.5 above. It is unlikely that those who had used the highway as a short cut will resort to having to use vehicles if the amenity is lost.

### **3.5 Programme**

3.5.1 It is anticipated that subject to approval these proposals will be implemented in April 2009.

## **3.0 IMPLICATIONS FOR COUNCIL POLICY AND GOVERNANCE**

4.1 The proposals contained in this report comply with Section 17 of the Crime and Disorder Act 1998 and help to contribute to the safety and well being of the people in the community.

## **4.0 HEALTH IMPACT**

5.1 It is not anticipated that there would be an adverse impact on the health of the users if the amenity was lost as the proposed alternative routes will add very little to journey times and the alternative is a safe pedestrian route. This meets Leeds Travelwise policy of discouraging private car use and promoting walking to school.

## **6.0 LEGAL AND RESOURCE IMPLICATIONS**

6.1 Leeds Community Safety will fully fund the proposed scheme for installation and maintenance of the gates and fencing, all legal and administration costs and provision of keys.

6.2 Funding does not cover support for a Public Inquiry. This will only be required if there are overwhelming objections to the Gating Orders and in such unlikely circumstances, the continued promotion of the scheme will be reviewed.

## **7.0 CONCLUSIONS**

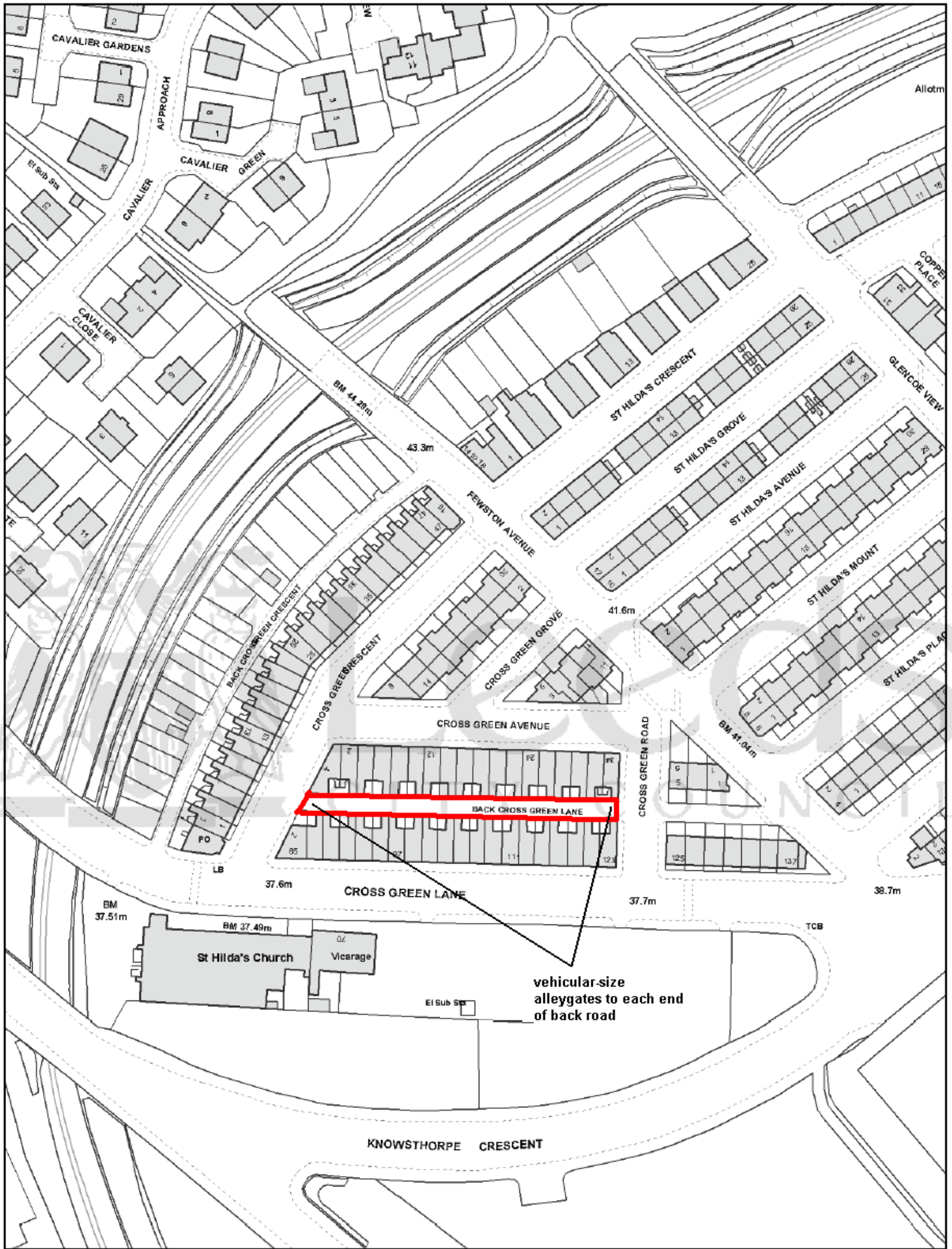
7.1 Despite a range of initiatives being implemented in the problem area, the issues still persist when there is not a uniformed presence in the area. It is unsustainable to deploy council or police officers to this area on a permanent basis. It is clear that a physical barrier would prevent anti-social or criminal elements that do not live in the vicinity, from entering the carriageway.

## **8.0 RECOMMENDATIONS**

8.1 The Chief Highway Officer is requested to:

- i) approve the gating of the carriageway at Back Cross Green Lane in accordance with the attached drawing in accordance with Section 129A of the highways Act 1980; and
- ii) request Assistant Chief Executive (Corporate Governance) to advertise the notice of intention to make a Gating Order for the carriageway at Back Cross Green Lane in accordance with the attached drawing and, in the event that no objections are received, for the Orders to be made and brought into operation.

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## RIGHTS OF WAY REVIEW COMMITTEE PRACTICE GUIDANCE NOTES

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### PRACTICE GUIDANCE NOTE 1 CONSULTATION ON CHANGES TO PUBLIC RIGHTS OF WAY AND DEFINITIVE MAPS

*Fifth edition, November 2008*

#### FOREWORD

*The Rights of Way Review Committee is a non-statutory committee which reviews matters relating to public rights of way in England and Wales with the aim of agreeing, by consensus, proposals for action. It brings together a wide range of organisations. The Chairman is John Grogan MP. The Countryside Council for Wales and Natural England provide Vice-Chairmen.*

*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 Land and Business Association, Countryside Council for Wales, Cyclists Touring Club, Disabled Ramblers, Institute of Public Rights of Way Management, Land Access and Recreation Association, Local Government Association, National Association of Local Councils, National Farmers Union, National Federation of Bridleway Associations, Natural England, Open Spaces Society, Ramblers' Association, Riding for the Disabled Association, Welsh Local Government Association. Observer status : Department for Culture, Media and Sport, Department for Environment, Food and Rural Affairs, National Assembly for Wales, Department for Transport.*

*The purpose of these Practice Guidance Notes is to offer practical advice 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. They are advisory, derived from extensive discussions between the principal interest groups, and represent a consensus that has been endorsed by 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.*

*Notes in the series are :*

- PGN1 : Consultation on changes to public rights of way and definitive maps*
- PGN2 : Deemed dedication of public rights of way : section 31(6) of the Highways Act 1980*
- PGN3 : Minimising representations and objections to definitive map modification orders*
- PGN4 : Securing agreement to public path orders*
- PGN5 : Investigating the existence and status of public rights of way*
- PGN6 : Planning and public rights of way*

*If you have any comments about these notes please write to the Secretary, Rights of Way Review Committee, 15 Lansdown Park, Bath BA1 5TG; or [suetoland@hotmail.com](mailto:suetoland@hotmail.com).*

## **CONSULTATION ON CHANGES TO PUBLIC RIGHTS OF WAY AND DEFINITIVE MAPS**

### **I. Introduction**

1. Most authorities with powers to make orders affecting public rights of way agree that the time, cost and possible conflict involved in processing such orders can be reduced if informal consultation is carried out with interested parties prior to the orders being made. The Rights of Way Review Committee has therefore prepared the following code of practice. The code is advisory. Failure to comply with it will not invalidate any subsequent order, nor does compliance with the code discharge order-making authorities from fulfilling the statutory order-making requirements.

### **II. Application of the code**

2. The code applies to proposals affecting public rights of way made by local authorities (county and district councils, unitary authorities, London borough councils, and National Park authorities) for :

- a. side roads orders made under section 14 or 18 of the Highways Act 1980.
- b. creation, diversion or extinguishments orders made under sections 26, 118, 118A, 118B, 119, 119A, 119B and 119D of the Highways Act 1980.
- c. definitive map modification orders made following an event under section 53(3)(b) or (c) of the Wildlife and Countryside Act 1981.
- d. extinguishment orders made under section 32 of the Acquisition of Land Act 1981, section 294 of the Housing Act 1985 or section 258 of the Town and Country Planning Act 1990.
- e. orders made under section 257 of the Town and Country Planning Act 1990.
- f. traffic regulation orders made under section 1 of the Road Traffic Regulation Act 1984 to restrict or regulate use of footpaths, bridleways or unsurfaced carriageways.
- g. Gating orders made under sections 129A-G of the Highways Act 1980.

The code also applies to :

- h. creation agreements made under section 25 of the Highways Act 1980, especially where these are part of a package involving diversion or extinguishment orders.
- i. applications by local authorities to magistrates' courts under section 116 of the Highways Act 1980 for the diversion or stopping up of a public right of way.

### **III. Rights of way affected by planning permission for development**

3. Under section 257 of the Town and Country Planning Act 1990, an order can be made to divert or extinguish a public footpath, bridleway or restricted byway to enable development to be carried out in accordance with planning permission. In view of the need to process planning applications quickly and within strictly defined time limits, local authorities should follow the advice in PGN6 when there is not enough time to apply this code.

#### **IV. Consultees**

4. The organisations to be consulted will vary, both between and within authorities. Authorities should compile a list of consultees for each local authority district and keep this list up to date by checking it annually - by sending it to the organisations listed on it. Organisations to be included on this list include :

- a. Local access forums.
- b. Other local authorities, including parish or community councils, chairmen of parish meetings and National Park authorities.
- c. Prescribed organisations (see Annex).
- d. Local organisations. Those local bodies which appear to the authority to have an interest in public rights of way in the district concerned.
- e. The Countryside Council for Wales and Natural England. These bodies must be consulted before an order is made under sections 118, 118A, 118B, 119, 119A, 119B and 119D of Highways Act 1980 with respect to any part of a footpath, bridleway or restricted byway in a National Park.

Authorities should also keep a list of statutory undertakers, to whom notice of the making of orders must be sent.

5. The owner and occupier of any land affected by a proposal should be consulted unless the proposal has originated from him or he is otherwise given notice of the proposal. Authorities should bear in mind that a proposal may have a wider effect on owners and occupiers than those whose land is directly affected and so they should consult accordingly.

6. As authorities may not be aware of all the organisations in their area with an interest in rights of way, they should advertise in local newspapers or their own newsletters at intervals of, say, four years, to explain that a list of consultees exists and to invite applications for inclusion on the list from organisations with an interest. This should not preclude local authorities from adding organisations to the list at any time but it would give authorities the protection of having invited and responded to requests so made. Advice should also be sought from local access forums.

7. The regional office of the Countryside Council for Wales or Natural England must be notified of proposals affecting a national trail, so that they can consider whether an order is needed to vary formally the line of the approved route. Organisations representing users of the route such as Offa's Dyke Association or the South West Way Association should also be consulted.

#### **V. Procedure**

8. The request to consultees on a proposed order or agreement should include :

- a. A plan or map, to a scale of not less than 1:10,000 in rural areas or 1:2,500 in built-up areas with Ordnance Survey grid references and sheet number of the relevant OS Landranger or Explorer series map. It would also be helpful to show any definitive map ROW reference number.

- b. A statement of the powers that are being used.
- c. A statement of reasons for the change.
- d. Where appropriate, details of any limitations or conditions to which any proposed new route would be subject, or of any works which would be carried out on such a route.
- e. The date by which comments should be received by the authority. The Government *Compact with Volunteers*, with which local authorities have undertaken to comply, sets three months as a reasonable time in which volunteers can be expected to respond fully. Where 3 months is not feasible, officers should consider changing their practices, involving consultees at an earlier stage or, at the least, reminding consultees that they can usually be given extra time if they ask for it.
- f. An indication of whether consultees can inspect the line of any proposed new route or the name, address and telephone number of the person or organisation from whom such permission should be sought.
- g. A request that the consultee acknowledges receipt of the consultation.

## VI Further considerations

9. Do not assume that consultees are well-informed about the local network and proposals for change. Officers should stand back from the process, identify what consultees need to know in order to respond effectively and make sure that the consultation exercise covers all that is identified. Effective consultation exercise should :
- a. Clearly identify the route both in the text and the map so that people who are not familiar with the area can identify it. Are the places referred to in the text shown on the map? The consultee may need to work out which person or organisation might have the best local knowledge.
  - b. Describe the *real-world* – as well as the legal or mapping – effects of the change. Some changes alter things on the ground, others recognise the status quo.
  - c. Ensure that the map supplied shows other public rights of way in the vicinity of the proposed change.
  - d. State whether the map shows the legal status of all other routes or just connecting, definitive routes. Unless all the highways are identified, including 'ordinary' roads, many changes may not make sense on the ground or in law. Explaining the status of linking non-definitive highways allows consultees to be sure of the effects of the proposals.
  - e. Explain what sort of response is needed. Responses appropriate to a planning change, depending on opinion and amenity, need to be quite different from a definitive map modification order which depends on evidence of status.
  - f. State clearly whether this consultation is seeking opinions about a possible future change, as distinct from a decision already made and awaiting confirmation.

g. Where the responsible officer is absent from the office for significant periods of time during the consultation period, brief another officer(s) to deal with calls about the proposals.

10. Follow the Information and Development Agency guidance on distributing Ordnance Survey maps. Be aware that distributing consultation material by e-mail can impose unintended constraints on consultee organisations' ability to respond. E-mail messages are routinely described as *for the named individual recipient only; must not be copied further*. Often, consultations are not addressed to a named individual but to an organisation, and are often not sent to the organisation's most appropriate respondent.

11. For regulations (for example the application of a traffic regulation order) describe what options or relevant factors are appropriate to this case rather than listing the options as set out in the Act. Consultees need to know what it is about the particular case which makes the use of the regulations appropriate. Without this information consultees are unable to check that a restriction, for example, is proportional and reasonable; with it, they are able to assist with compliance.

**See also :** [www.defra.gov.uk](http://www.defra.gov.uk) – access/rights of way pages

Information and Development Agency Access to Public Rights of Way Information in England and Wales Guidance Document

### Cancellation

The fourth edition of this PGN is cancelled.

## ANNEX - PRESCRIBED ORGANISATIONS

<b>Notices about Highways Act 1980, Wildlife and Countryside Act 1981 and Town and Country Planning Act 1990 orders</b>	
<i>All notices</i>	
Auto Cycle Union	Wood Street Rugby CV21 2XY
British Horse Society	Stoneleigh Deer Park Stareton Lane Kenilworth CV8 2XZ
Byways and Bridleways Trust	PO Box 117 Newcastle upon Tyne NE3 5YT
Cyclists' Touring Club	Parklands, Railton Road, Guildford, Surrey GU2 9JX
Open Spaces Society	25A Bell Street Henley on Thames RG9 2BA
Ramblers' Association	2nd Floor Camelford House 87-90 Albert Embankment London SE1 7TW
<i>Notices about orders affecting land in: Bedfordshire (Mid Bedfordshire &amp; South Bedfordshire districts); Buckinghamshire (Aylesbury Vale, Chiltern, South Buckinghamshire &amp; Wycombe districts); Hertfordshire (Dacorum Borough, North Hertfordshire &amp; Three Rivers districts); Luton Borough; Oxfordshire (South Oxfordshire district)</i>	
Chiltern Society	White Hill Centre White Hill Chesham HP5 1AG
<i>Notices about orders affecting land in Cheshire, Derbyshire, Greater Manchester, Lancashire, Merseyside, South Yorkshire, Staffordshire and West Yorkshire</i>	
Peak and Northern Footpaths Society	Taylor House 23 Turncroft Lane Offerton Stockport SK1 4AB
<i>Notices about orders affecting land in Wales</i>	
Welsh Trail Riders Association	21 Tewdrig Close, Llantwit Major CF61 1SZ
<b>Notices about Wildlife and Countryside Act 1981 orders</b>	
British Driving Society	83 New Road Helmingham IP14 6EA
<b>Notices about orders creating footpaths, bridleways or restricted byways on land adjacent to operational railway lines</b>	
Network Rail	40 Melton Street London NW1 2EE

Unless authorities have been notified otherwise by the head office of the prescribed organisation, they should send copies of notices to the addresses in the table above (the head offices).

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