

PALLANT

C H A M B E R S

PLANNING AND PUBLIC RIGHTS OF WAY IMPLICATIONS, STRATEGIES AND SOLUTIONS

Seminar delivered via zoom on the 21st of July 2020 with around 15 “virtual” attendees

Aim and objectives

The aim of the seminar was to provide a general overview with regard to the problems which can arise when dealing with development which does or may impact upon public rights of way and exploring options for dealing with them. The target audience was planners and other professionals involved in the planning process rather than lawyers, the delivery of the seminar was designed accordingly.

The subject matter involved is vast and it was not the intention of the seminar to deal with an in depth analysis of matters within the scope of the discussion. The law in relation to the matters can be complex and it was not the intention to go into detail on all the statutory requirements, case law and government circulars surrounding the matters, especially given the target audience. However, it was hoped that the general overview assisted in identifying some problems and issues which may arise within dealing with planning applications and highlight some of the options to deal with them.

Topics and Issues:

What is a Public Right of Way?

What usage rights exist over them?

Are Public Rights of Way recorded and where?

The scope and implications of the Definitive Map and Statement – what is it, what does it do?

Some Important Legal Consequences of a way being recorded as a public right of way

Potential impacts of public rights of way on planning.

Practical issues :-

How do I know if there is a public right of way across the land, its width and its public user rights?

How does a PROW come into existence, what type is it, what is its width?

What to do if faced with a PROW over development land or possible development land – some options and strategies?

Application for a modification order to amend the DMS – schedule 14 of the Wildlife and Countryside Act 1981.

Section 116 of the Highways Act 1980

Changes to the Network under section 118 and 119 of the Highways Act

Section 247 and 257 of the Town and Country Planning Act 1990

“Carry on Regardless” or “Whoops it’s all too late”!

[Trevor Ward](#)

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