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Our Ref: JRS/lg  
Your Ref: 68C-16944  
Date: 9<sup>th</sup> September 2014

Mrs Parveen Akhtar  
Head of Legal and Democratic Governance  
Corporate and Support Services  
Stockport Legal Services  
2<sup>nd</sup> Floor, Stopford house  
Stockport  
SK1 3XE  
For the attention of John Hill

Dear Mrs Akhtar

**The Metropolitan Borough of Stockport (Hazel Grove (A6) to Manchester Airport A555 Classified Road) Compulsory Purchaser Order 2013 and**

**The Metropolitan Borough of Stockport (Hazel Grove (A6) to Manchester Airport A555 Classified Road) (Side Roads) Order 2013**

**Public Local Inquiry – 30<sup>th</sup> September 2014 – Proofs of Evidence**

**Our Client: Christopher W Shenton**

I am pleased to attach herewith our Proof of Evidence on behalf of our above client.

I confirm that one hard copy will follow in the post, with three further hard copies being posted to Persona Associates.

Yours sincerely

J.R. Seed

**For and on behalf of the Brown Rural Partnership**

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**Public Local Inquiry into**  
**The Metropolitan Borough of Stockport**  
**(Hazel Grove (A6) to Manchester Airport A555 Classified Road)**  
**Compulsory Purchase Order 2013 and**

**The Metropolitan Borough of Stockport**  
**(Hazel Grove (A6) to Manchester Airport A555 Classified Road)**  
**(Side Roads) Order 2013**

**Proof of Evidence of**  
**John Seed MA (Oxon) FRICS FAAV**  
**For**  
**Christopher W Shenton**

**8<sup>th</sup> September 2014**



## **1. Introduction**

- 1.1 I am John Seed and I have been a partner in the Brown Rural Partnership, based in Macclesfield Cheshire, since its inception in 1995. We undertake a full range of land agency and rural property work including compensation, and I have been practicing in the northwest of England, with occasional UK wide instructions, since 1973. I am a former Chairman of the regional rural practice division of the RICS and a former President of the Cheshire Agricultural Valuers Association.
- 1.2 I was instructed by Mr Shenton in April 2012.
- 1.3 Our client farms in excess of 500 acres (202 hectares) in the area, both owned and tenanted, including other areas affected by other parts of the scheme. The land subject to this objection has been occupied by Mr Shenton for approximately 39 years on an annual agricultural tenancy. Farming land in the "urban fringe" has its own difficulties touching chiefly on the conflict between livestock management and public access or trespass. The land affected by the scheme in this locality extends to approximately 31 acres (12.5 hectares) of which 7.22 acres (2.92 hectares) are covered by the CPO/SRO. Mr Shenton is concerned about the extent of land take involved, and the impact of the scheme and/or its design on retained land.
- 1.4 Our clients submitted a letter of objection to the CPO and SRO and the grounds of that objection still stand.
- 1.5 Appendices:
  - 1.5.1 Extract from The Highways Agency: The Geometric Design of Pedestrian, Cycle and Equestrian Routes.
  - 1.5.2 Extract from The Countryside Agency: On the right track: surface requirements for shared use routes.
  - 1.5.3 Extract from the British Horse Society: Advice on specifications and standards recommended for equestrian routes in England and Wales.
  - 1.5.4 Extract from PROW Good Practice Guide

## **2. Impact on Land in Agricultural or Equestrian Use: General**

### **2.1 The Acquiring Authority statement of case of May 2014 acknowledges the impact of the scheme on agricultural land:**

"The scheme corridor comprises open space and broader countryside. The land use pattern is mainly agricultural land..." (20.2)

"Construction of the scheme will involve the loss of agricultural land..." (20.23)

"The Order land consists of mainly agricultural land and golf courses" (27.1)

"Construction of the relief road will involve the loss of agricultural land..." (Property Demolition, 31.1)

"The relief road will sever and fragment a number of agricultural holdings with potential implications for future operations. In addition to these permanent impacts there are potential temporary impacts on existing uses related to disruption to access" (31.2)

### **2.2 Given that the Authority states that agricultural land (and by extension land in equestrian use) is the main property type to be adversely affected by the scheme, it would be reasonable to expect an assessment of the impact on agricultural holdings both generally and specifically. Whilst the statement of case examines a range of impacts, including environmental, air quality, cultural heritage, landscape, ecology and nature conservation, geology and soils, noise and vibration etc., it offers no explanation of the impact on agricultural land, and how this is to be mitigated.**

### **2.3 It is accepted that the Authority commissioned a limited Agricultural Impact Assessment; this has resulted in a brief section in the Environmental Statement but chiefly as an appendix to it. It was prepared, so far as I can determine, after minimal investigation and consultation; I was involved in an office meeting of approximately 1.5 hours with the agricultural consultant involved on the 12<sup>th</sup> October 2012, but at an early stage of our being instructed by various clients. I am not aware of any detailed consultations by the consultant with our clients directly. The agricultural data sheets provide a brief summary of the impact of the scheme on various landholdings and a very brief note on proposed mitigation.**

### **2.4 It is critical for the future use of retained land in agricultural or equestrian that the scheme and/or its contractors employ specialist land drainage consultants and contractors to advise on and undertake appropriate land drainage remedial works, including new header drains, on relevant lands. This has been proposed as a standard accommodation work but does not appear to have been accepted by the Authority.**

### **3. Permanent Acquisition**

- 3.1 The agricultural data sheet for this holding considers that the impact of the scheme would be moderate during construction and minor thereafter, and that the residual effect of the proposed scheme would be minor. However it is assumed that this does not take account of the implications of any new non-agricultural traffic on to the holding.
- 3.2 Mr Shenton has been in possession of the woodland between the southern boundary of the A555 and Spath Lane (Ref. Plot Plan 329) for more than sufficient time to establish adverse possession.
- 3.3. Design Freeze No. 6 shows the proposed new equestrian and cycle way use for the access track along both sides of the A555, and the bridge over the carriageway, that was provided as part of the accommodation works when that road was constructed. The road and bridge were not designed with a view to additional pedestrian, cycle or equestrian traffic. The proposed intensification of use conflicts with existing farm traffic. A tractor coming over the bridge from the northern side will have to accelerate to get up the bank, without having sight of who or what might be on the bridge. This safety hazard is in conflict with one of the scheme's key objectives, which is to improve the safety of road users, pedestrians and cyclists. Modern agricultural machinery and equipment continually increases in size, and there is insufficient width for the bridge in particular to carry additional cycling or equestrian traffic. These issues cannot be resolved by the provision of passing places.
- 3.4 Extracts from Guidance/Advice from the Highways Agency, The Countryside Agency, the British Horse Society and the PROW Good Practice Guide appear in the appendices. These include:
- Highways Agency: where horses are expected to pass, a preferred minimum width of 3 metres. A preferred minimum width for pedestrian and cycle routes of 5 metres.
  - Countryside Agency: optimum width for bridleways: 4 metres; desirable minimum width for bridleways 2.9 metres.
  - British Horse Society: recommended standard for bridleways: 5 metres.
  - Rights of Way Act 1990 Schedule 12A: minimum and maximum width for bridleways: 3 metres.

It appears that such standards have not been considered in the design process.

- 3.5 Proposals are awaited to deal with the problem implicit in the junction of the southerly end of Spath Lane (to the south of the A555 bridge) with a new

pedestrian/cycle/bridleway route coming in from the east; it is essential that sufficient gating is provided to prevent stock running on to the new access way.

- 3.6 Construction and compensation costs could be saved by relocating the new footpath to the north of Beech Farm into the existing land take area. A better route for footpath No. 81 would be along the western perimeter of the field, obviating the need for stile/kissing gates etc. This would help to mitigate some of the effects of the permanent land take. Given that footpaths at this location already cross and/or run close to existing highways, there should be no safety implications of this proposal.
- 3.7 In the field to the north of the A555 and to the east of the A34, the proposed cycle way/bridleway should be re-routed to field boundaries to avoid further loss of land.
- 3.8 To avoid unnecessary and inequitable costs for Mr Shenton, the Authority should confirm responsibility for future maintenance and repair of all new land drainage running under or adjoining the carriageways, and also banks to the highway.

#### **4. Temporary Land Take**

- 4.1 The loss of the field for a site compound (Plot 74A and 74B, Plot Plan 408) will have a serious impact as that field is used as an isolation field for cattle under a high health scheme. The Authority has tabled a revised scheme to use the top end of the field as the compound, but that remains unworkable as that would require significant additional time for Mr Shenton and/or his employees to go in to the field to manage cattle. As CBRE, the Authority's Agents, have stated that they will not compensate claimants time incurred on the scheme, this proposal is wholly unacceptable.
- 4.2 Our clients have also objected to the proposed use of land required for temporary licence for tipping of permanent spoil and/or the creation of environmental bunds, which will severely prejudice the future use of the said land for agricultural and future development purposes.

**5. Access to Retained Land**

- 5.1 Current design closes off the existing access to Plot 74A and 74B, and the Authority have failed to demonstrate any alternative convenient arrangements.

## **6. Conclusion**

- 6.1 The impact of the scheme on the extent of our client's landholding, and its management, is substantial. The Acquiring Authority have failed to make a compelling case for the inclusion of the full extent of land involved in both permanent and temporary land take, and the introduction of new cycle and equestrian traffic on to the accommodation track and bridge over the A555 has not been fully thought out as it offends various width standards. Current proposals stop up an existing private access without the provision of a convenient alternative arrangement. Accordingly the CPO/SRO appears to be premature in the circumstances, and should not be confirmed on the lands in question.

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8<sup>th</sup> September 2014

## **APPENDIX 1.5.1**

**Extract from The Highways Agency: The Geometric Design of Pedestrian, Cycle and Equestrian Routes**



**THE HIGHWAYS AGENCY**



**SCOTTISH EXECUTIVE**



**WELSH ASSEMBLY GOVERNMENT  
LLYWODRAETH CYNULLIAD CYMRU**



**THE DEPARTMENT FOR REGIONAL DEVELOPMENT  
NORTHERN IRELAND**

# **The Geometric Design of Pedestrian, Cycle and Equestrian Routes**

|                                                                                                                                                                              |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><b>Summary:</b> This Advice Note provides guidance on the geometric design for NMU off-carriageway routes associated with trunk road or motorway improvement schemes.</p> |
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**VOLUME 6   ROAD GEOMETRY**  
**SECTION 3   HIGHWAY FEATURES**

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**PART 5**

**TA 90/05**

**THE GEOMETRIC DESIGN OF  
PEDESTRIAN, CYCLE AND  
EQUESTRIAN ROUTES**

**SUMMARY**

This Advice Note provides guidance on the geometric design for NMU off-carriageway routes associated with trunk road or motorway improvement schemes.

**INSTRUCTIONS FOR USE**

This is a new document to be inserted into the manual.

1. Remove Contents pages from Volume 6.
2. Insert new Contents page for Volume 5 dated February 2005.
3. Insert TA 90/05 into Volume 6, Section 3.
4. Please archive this sheet as appropriate.

Note: A quarterly index with a full set of Volume Contents Pages is available separately from The Stationery Office Ltd.

## 7. CROSS-SECTION

7.1 The cross-section of an NMU facility will depend upon a number of factors, including:

- whether it is a shared use, adjacent use or unsegregated route;
- visibility;
- boundary design;
- whether the route is adjacent to a highway or away from it; and
- the need for street furniture within the facility.

7.2 Where obstructions are unavoidably present, the width of routes described in the following sections should be increased by at least the width of the obstruction. Obstructions at or near the centreline of a route may render the site too hazardous or too narrow to use.

7.3 Detailed advice on cross-sections of NMU routes is provided in draft LTN 2/04. Widths of NMU routes across footbridges are covered in BD 29 (DMRB 2.2.8). The remainder of this chapter summarises the key parameters of most relevance to typical routes adjacent to rural trunk roads.

### Pedestrian-Only Routes

7.4 Table 7.1 provides values for the surfaced widths of unbounded pedestrian routes. A route is considered unbounded when it is not adjacent to a physical barrier such as a wall or fence at the edge of the route. Where it is not practicable to provide widths of 2.0m for the full length of a route, widths of 1.3m may be provided over short distances.

|                    |      |
|--------------------|------|
| Preferred Width    | 2.6m |
| Acceptable Minimum | 2.0m |

Table 7.1 – Surfaced Widths of Pedestrian-Only Routes

### Off-Carriageway Cycle Routes

7.5 Table 7.2 provides values for the surfaced widths of unbounded cycle-only routes.

|                    |      |
|--------------------|------|
| Preferred Width    | 3.0m |
| Acceptable Minimum | 2.0m |

Table 7.2 – Surfaced Widths of Cycle-Only Routes

7.6 Where it is not practicable to provide widths of 2.0m for the full length of a route, widths of 1.5m may be provided over short distances.

7.7 At gates and where routes are signed for single file use at pinch points, the surfaced width of the route may be reduced to 1.2m.

7.8 Sections of off-carriageway cycle route where single file use is unavoidable should be signed accordingly. Single file sections should be no longer than the SSD for the route. Where there are different design speeds on either side of a single file section, the lower value of SSD should be used.

7.9 Transitions from one width to another should normally be tapered at a rate no sharper than 1:7 for design speeds greater than or equal to 30kph. For lower design speeds, the taper may be reduced to 1:5.

### Equestrian Routes

7.10 There are very few equestrian-only routes, as in practice most rights of way are shared with other users. Therefore, the cross-section of a route will normally depend upon the likely interaction of equestrians with other users.

7.11 Ridden horses can occupy a width of around 1.5m, and a surfaced width of 2.0m should be provided as a minimum to accommodate this. Where horses are expected to pass, a minimum width of 3.0m should be provided.

7.12 Equestrian routes where single file use is unavoidable should be signed accordingly. Single file

sections should be no longer than the SSD for the route. Where there are different design speeds on either side of a single file section, the lower value of SSD should be used.

7.13 At gates, the likelihood of two equestrians meeting in opposite directions is low. BS5709:2001 specifies a minimum width for bridle gates of 1.525m between posts. A rider would expect to be able to turn 90° after passing through the gate to be able to close it from horseback. Hence, there should be a paved width of 3.0m on either side of the gate for a distance of 5.0m. Fencing for 1.5m each side of a gate should be free of barbed wire and overhanging trees.

7.14 There may be a need to turn a horse around at some point on an equestrian route. Designers should ensure that locations are available at intervals of no more than 1 km where this can be easily and safely undertaken. The surfaced width of the route at such locations should be a minimum of 3.0m.

7.15 There should be no sudden changes of cross-section on equestrian routes, except at gates, as these may unnerve the horse. Where changes in cross-section are necessary, tapers of no sharper than 1:7 should be used.

#### Shared and Adjacent Use Routes for NMUs

7.16 Shared use facilities should generally be restricted to where flows of either cyclists or pedestrians are low, and hence where the potential for conflict is low. Unsegregated shared facilities have operated satisfactorily down to 2.0m wide with combined pedestrian and cycle use of up to 200 per hour. However, the preferred minimum width for an unsegregated facility is 3.0m.

7.17 The potential for conflict between users increases where flows of more than one group are high. In this case it is normally necessary to have some form of segregation along the route. Route segregation should also be considered if disabled people, people with pushchairs or other vulnerable users are likely to make frequent use of the facility. When determining the method of segregation, consideration should be given to the issues above and site-specific factors. For more detailed information refer to draft LTN 2/04.

7.18 The preferred separation between different types of NMu is 1.0m, with an acceptable separation of 0.5m. Greater verge widths facilitate maintenance. Verges adjacent to field boundaries and existing hedgerows

should be a minimum of 0.5m wide to allow hedges to overhang the route without interfering with its use.

7.19 If the separation described above cannot be provided, segregation may be achieved by use of a post and single rail fence, railings, kerbs or delineator strips. Guardrails should only be used in short lengths, because over any appreciable distance the risk of cycle handlebars and pedals colliding with them is increased. Fences and guardrails can also trap users on the 'wrong' side. The principles are set out in more detail in draft LTN 2/04 and 'Inclusive Mobility' (DfT, 2002).

7.20 Table 7.3 provides values for the surfaced widths of pedestrian/cycle routes segregated by line.

|                    |                                                |
|--------------------|------------------------------------------------|
| Preferred Minimum  | 5.0m (3.0m cycle route, 2.0m pedestrian route) |
| Acceptable Minimum | 3.0m (1.5m cycle route, 1.5m pedestrian route) |

**Table 7.3 – Surfaced Widths of Unbounded Pedestrian/Cycle Routes Segregated by Line**

#### Boundary Treatments

7.21 The above widths for pedestrian and cycle routes should be modified in particular circumstances as follows (see Figure 7.1):

- for a route bounded on one side (where the boundary height is up to 1.2m), an extra 0.25m should be provided to allow for 'kerb shyness' between the route and the barrier;
- for a route bounded on one side (where the boundary height is greater than 1.2m), an extra 0.5m should be provided to allow for 'kerb shyness' between the route and the barrier; and
- for a route bounded on both sides, an extra 0.25m or 0.5m should be provided on each side as appropriate.

7.22 It is desirable to provide physical separation between NMu routes and carriageways. For pedestrians and cyclists the preferred separation between the NMu route and the carriageway is 1.5m, with an acceptable separation of 0.5m. The higher value of 1.5m should, where possible, be used on roads with speed limits in excess of 40mph. If a hardstrip is provided, this can be considered as part of the separation. Where new routes

are introduced, street furniture and all vegetation (except grass) within the separation distance should be removed or the verge widened.

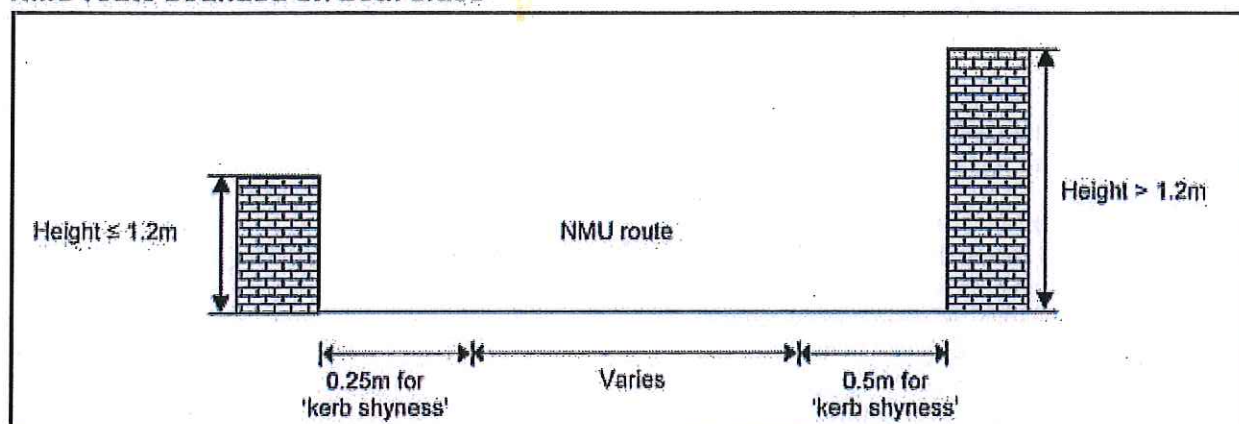
7.23 For routes used by equestrians, the separation of the route from the carriageway should be a preferred minimum of 1.8m. If a hardstrip is provided, this can be considered as part of the separation. Where near continuous screening is provided between the equestrian route and the carriageway, gaps should be avoided, as they may unnerve horses.

#### **Hazards Adjacent to NMU Routes**

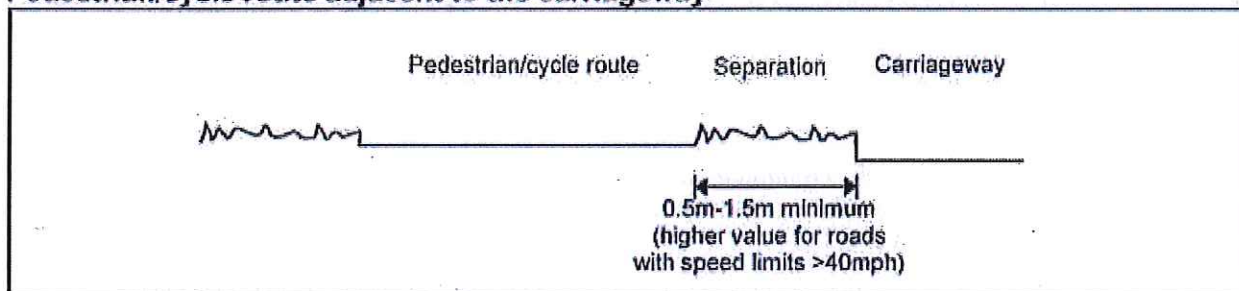
7.24 Where an NMU route is adjacent to hazards such as a ditch (or other water feature) or embankment slopes steeper than 1 in 3, a separation greater than that recommended in paragraphs 7.22 and 7.23 should be considered to minimise the risks. Designers should also consider providing physical barriers, such as dense shrubbery, guardrails or fences. Further information is provided in the Overseeing Organisations' standards for road restraint systems.

7.25 The risks described above are heightened at sharp bends, particularly for cyclists at night if the route is unlit. In such circumstances consideration should be given to lighting the bend, increasing the recommended separation and provision of warning signs.

NMU route bounded on both sides



Pedestrian/cycle route adjacent to the carriageway



Equestrian route adjacent to the carriageway

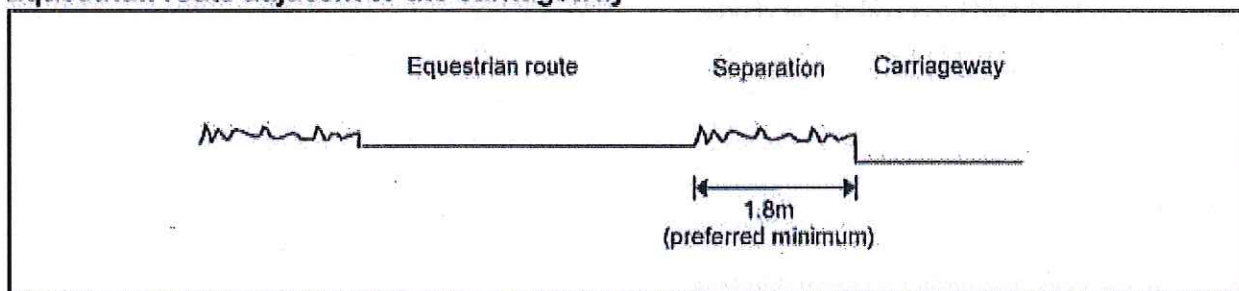


Figure 7.1: Boundary treatments for NMU Routes

## **APPENDIX 1.5.2**

**Extract from The Countryside Agency: On the right track: surface requirements for shared use routes**



The Countryside Agency

**Landscape  
Access  
Recreation**

# On the right track: surface requirements for shared use routes (excluding mechanically propelled vehicles) Good Practice Guide



Helping everyone to respect, protect and enjoy the countryside

# **On the right track: surface requirements for shared use routes (excluding mechanically propelled vehicles)**

Distributed by:

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## 7.2 Design considerations

The following aspects of route design should be addressed as part of the decision-making process:

- Route alignment.
- Balancing earthworks requirements (import/export of materials, using local sources).
- Surfacing type and construction (full depth or partial).
- Segregation, barriers and edging.

Waymarking is not considered in this Guide; information can be found in the County Surveyors Society Countryside Working Group's 'Report on the Surfacing of Bridleways' [CSS, 2005]. Drainage aspects and surfacing type and construction are discussed in detail in Section 9.

Photograph courtesy of Scott Wilson Pavement Engineering (www.swpe.com)



Surface erosion of a route on a gradient



A segregated route for cyclists and pedestrians

Photograph courtesy of Sustrans (www.sustrans.org.uk)

### 7.2.1 Route alignment

The alignment of shared use routes should be designed to suit or enhance the local landscape and environment and be sensitive to the natural surroundings. The realignment of existing routes should only be considered when there is a beneficial reason for doing so, such as producing an alignment that blends better with the landscape or protects archaeological or ecological features.

When planning route alignment, if possible, design the route to make it interesting for users, and to minimise potential conflicts. Routes should ideally follow natural contours or existing desire lines, to avoid users creating new short cuts. Long linear lengths with steep gradients, should be avoided, especially in high rainfall areas prone to erosion.

### 7.2.2 Segregation

Shared use routes, with segregated sections for different users, do exist. Segregation can range from a physical kerb or verge between different surfacings, to a tactile or painted line on the same surface. Whether segregation is needed, and what form it takes, depends on the expected level and type of use and should be considered as part of route design.

Guidance on types and minimum widths for segregation are provided in the 'Greenways Handbook' [Countryside Agency, 2000], Sustrans' 'National Cycle Network - Guidelines and Practical Details' [Sustrans, 1997] and the Department for Transport's 'Adjacent and Shared Use Facilities for Pedestrians and Cyclists' (Draft for consultation) [DfT, 2004b].

The Greenways Handbook recommends that segregated paths be considered when:

- There are significant user flows.
- There are concerns for blind/visually impaired people.

The Department for Transport's draft publication [DfT, 2004b] recommends "a presumption in favour of segregation" of pedestrian and cycle traffic. Reasons for and against segregation are given as:

#### Reasons to segregate a route

- If high flows of pedestrians or cyclists are expected.
- If disabled people or other vulnerable users are likely to use the facility frequently.
- If there is sufficient width available.

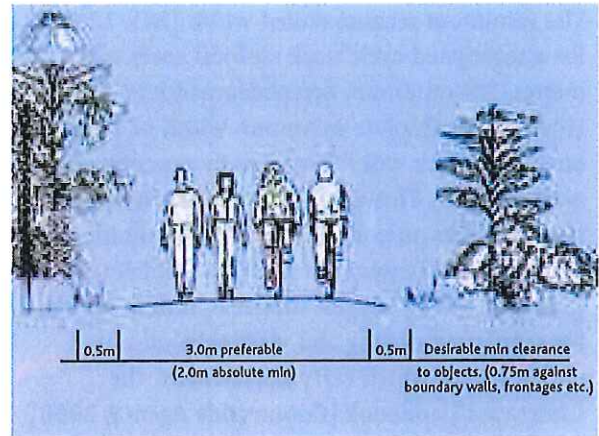
#### Reasons to not segregate a route

- If flows of pedestrians or cyclists are expected to be low.
- If flows of pedestrians in particular are expected to be very low.
- If disabled people or other vulnerable users are unlikely to use the facility.
- If there is limited width available.

For unsegregated cycling/walking routes, the Greenways Handbook [Countryside Agency, 2000], the Sustrans Guidelines [Sustrans, 1997], and the Department for Transport (DfT) draft publication [DfT, 2004b] recommend:

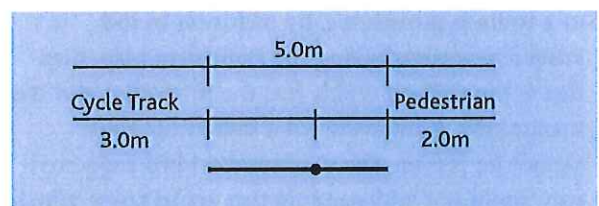
- A minimum width of 3 metres.
- An absolute minimum of 2 metres but only if traffic flows are less than 200 users per hour and there is a clear verge on each side of the route.

However, the Sustrans Guidelines [Sustrans, 1997] recognise that high cycling and pedestrian traffic flows can be accommodated on restricted width paths when the routes are delineated with a white line. Reference should be made to these guidelines for routes where smaller widths are available. Where segregation is not possible, but traffic flows are expected to be large, measures to encourage careful use must be included in the route design.



The desirable widths of shared cycle tracks/footpaths [Sustrans, 1997]

Canal towpaths and other routes by waterways can have a limited verge on either side of the route and are constrained by the waters edge. For cycling/walking routes on canal towpaths, the Sustrans Guidelines [Sustrans, 1997] recommend a minimum width of 2 metres for the route, with a clearance of 1.2 metres to the canalside; for example, to accommodate anglers or boat moorings. On towpaths, the route design needs to consider the construction of bank protection, such as tiebacks, piling and bio-engineering. Tiebacks must not jut into the towpath. Canal towpath work will normally involve British Waterways, who should always be consulted at an early stage (details provided in Appendix B).



The desirable widths of shared canal towpaths [Sustrans, 1997]

For segregated routes, the DfT draft publication [DfT 2004b] recommends a width for urban footways on local roads of 2 metres, which allows users with pushchairs or in wheelchairs to pass comfortably. The minimum acceptable width for a footway or footpath is 1.5 metres, which allows a pedestrian to pass a wheelchair user. An absolute minimum width of 1 metre is permissible if users are unlikely to need to pass or overtake one another. This absolute minimum should not extend for more than 6 metres along the route. Optimum widths for segregated pedestrian and cycling routes [Sustrans, 1997].

The minimum recommended width [DfT, 2004b] for a segregated cycle track on local roads is 3 metres. The minimum acceptable width is 2 metres. However, an absolute minimum width of 1.5 metres on a cycle track will allow users to pass one another with difficulty. This absolute minimum on a cycle track is not as onerous as the absolute minimum for a footpath or footway. The Sustrans Guidelines [Sustrans, 1997] suggest similar optimum widths for segregated cycling and walking routes.

For routes which carry horse-riders, the Greenways Handbook [Countryside Agency, 2000] recommends segregation from pedestrians and cyclists, and the provision of separate surfaces. For horse-riding routes, which can be segregated or shared use, the Handbook recommends:

- An optimum width of 4 metres, to take two horses abreast and allow passing.
  - A desirable minimum width of 2.9 metres, which allows a horse to turn.
  - An absolute minimum width of 2 metres. This absolute minimum should only be considered if there is an open verge, where traffic flows are low and where passing and turning are not necessary.
- The British Horse Society suggests an ideal width of 5 metres for newly created or diverted routes, but confirms 4 metres as an optimum and recognises that many perfectly acceptable bridleways are 3 metres or less. It should be noted that, if the width of a route is proven, e.g. by inclusion in the statement accompanying the Definitive Map, then that is the defined width (i.e. the minimum and the maximum). If the width of a shared use route cannot be proven, the minimum widths suggested may apply, notwithstanding that actual space which may be available.

Tactile surfaces and raised dividing lines help blind and partially sighted people to position themselves and stay on the correct side of a segregated route [DfT, 1990]. Where raised dividing lines are used, care should be taken not to inadvertently create a trip hazard. The British Horse Society has some reservations about segregation, which could constitute a hazard on shared use routes.

### 7.2.3 Barriers

The use of barriers and physical segregation can be an obtrusive and unwelcome aspect of shared use routes. However, the occasional use of barriers may be required; for example, fencing stock control or balustrades on narrow under-bridge sections of canal towpaths. Barriers should not prevent access by mobility impaired users, whether on foot, in a wheelchair, on a pedal cycle, on horseback or driving a horse-drawn carriage.

There are circumstances - for example, where shared use routes intersect with busy roads - where access controls can increase the safety of legitimate users, making them aware of the road hazard and causing them to slow down. However, in general, the use of barriers as access controls should form part of the design considerations and be minimised wherever possible.



Example of route furniture designed to slow cyclists as they approach a road crossing

Photograph courtesy of CTC (www.ctc.org.uk)

Barriers are often used as access controls to prevent illegal use but this is often ineffective and causes inconvenience to the wide range of legitimate users. Regular use of shared routes by legitimate users can assist in minimising illegal use, thus eliminating the need for barriers. Route design can also minimise illegal use; for example, having convoluted and unattractive route entrances may minimise illegal motorcycling.

### **APPENDIX 1.5.3**

**Extract from the British Horse Society: Advice on specifications and standards  
recommended for equestrian routes in England and Wales**

ADVICE ON  
Specifications and Standards  
recommended for equestrian  
routes in England and Wales

The  
British  
Horse  
Society



The British Horse Society is often asked to provide specifications for various aspects of rights of way. We are also asked for advice on other facilities such as margins alongside roads, or bridges over roads or streams. Some standards are required by law, others have been agreed with the Department for Transport. In most cases a desirable specification is given and it is stressed that this recommended standard is to be regarded as the norm, but that a lesser standard may be acceptable in exceptional cases with local agreement.

Conditions of terrain and soil type in different areas affect requirements locally. Therefore, each case should be considered on its merits in consultation with the Society's local Access and Bridleways Officer.

This Advice Note provides a readily accessible summary of the main practical points about providing access for horses and riders, which are intended to complement and refer to other relevant sources of information, such as our publications on Gates and Cattle Grids.

Riders are no different from walkers and cyclists, or indeed, anyone else who enjoys the countryside in that they (and their horses) come in all shapes and sizes, with considerable variety in their interests, skills, needs and preferences. Some prefer well-defined, surfaced routes, whereas others enjoy the challenge of informal, ill-defined paths across remote hills.

The key is to provide a variety of routes, surfaces and experiences, and to take into account basic needs, aspirations and constraints of all users.

## Recommendations

### Widths

#### 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 path is demonstrably wider in places.

#### In Diversion Orders

The Society encourages Order Making Authorities to adopt a Recommended Standard of 5m (16½ft) width for diverted bridleways.

The Society will usually object to bridleway diversion proposals where the width of the replacement bridleway is less than 4m (13ft) unless exceptional circumstances apply.

## In Creation Orders

The Society encourages Order Making Authorities to adopt a Recommended Standard of 5m (16½ft) width for new bridleways but recognises that a lesser width may be necessary in order to create any path in some cases. The Society will encourage the provision of the standard 5m width whenever possible.

For greenways and those considered to be of strategic importance, 10m (33ft) allows for better segregation of different classes of user and for the provision of trees and hedges and benches for resting walkers, so making the route more pleasant for all users.



## For general maintenance or enforcement purposes

Where there is no substantive evidence of a path's width, the Society will request that a width of no less than 3m (10ft) 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 (at least 3m if bounded on one or both sides, 2m if open).

## General points

Where it is required to turn a horse (in order to close a gate, for example), the ideal space required is at least 4m x 4m. Many large horses require more than 4m to turn easily. The absolute minimum space required is a diameter of 3m (9ft) on clear, flat ground with no protusions or overhanging vegetation. This will be too restrictive for some horses and could result in injury should a horse panic at being so constrained. It allows no leeway at all for a horse being startled by a sudden movement or sound, perhaps from wildlife in a hedge, or for coping with temporary conditions such as standing water or preferably more to avoid potential of injury on fencing, gates or other structures and if ground is uneven or there is overhanging vegetation.

The width between gateposts (S.145 Highways Act 1980) should be five feet on a bridleway, 10 feet on a restricted byway or byway open to all traffic or road (surfaced or not).

To avoid injury, posts should be rounded off and there should be no barbed wire or electric fence for at least 2m on either side of a gate.

lines. Sharply pointed signs should not be level with the head of horse or rider. Major signs should be placed at a height that allows riders to pass safely underneath.

## Margins/Verges

Margins should be provided where it would be hazardous for riders to use the carriageway (S.71 Highways Act 1980) especially where the road forms an essential link to the rights of way network. Where there is significant usage a path may be hardened for riders' use (DfT Advice Note TA 57/87).

Road margins should not be allowed to become dumps for spoil. Verges are often legally part of the carriageway and should not be obstructed. They form a vital safety zone for riders. It is recognised that verges are sometimes used for conservation or ornamental purposes, but care should be taken to ensure that such use does not impede the passage of the public.

This Advice Note should be read in conjunction with other BHS advice which can be requested from the address below.

### Access Department

The British Horse Society  
Abbey Park, Stareton  
Kenilworth, Warwickshire CV8 2XZ  
Call: 02476 840515 Fax: 02476 840501  
www.bhs.org.uk email: enquiries@bhs.org.uk

This advice note applies to England and Wales. For information on Scotland, contact Helene Mauchlen, BHS Director for Scotland, Woodburn, Crieff, Perthshire PH7 3RG  
Telephone: 02476 840727 email: h.mauchlen@bhs.org.uk

For information on Northern Ireland please contact Susan Irwin, BHS Director for Ireland, Grove Farm, 5 Quarry Road, Greyabbey, Newtownards, Co. Down BT22 2QF  
Tel: 02476 840736 Mob: 07808 141079 email: s.irwin@bhs.org.uk

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#### **APPENDIX 1.5.4**

Extract from PROW Good Practice Guide

# Widths

From GPG

See The ascertainment and recording of widths for public rights of way for a more detailed essay.

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There is no general rule applying to the width of public rights of way and the width of a path is a matter of fact to be determined on each occasion based upon the following.

The width may be set out in the Statement accompanying the Definitive Map or following a legal order such as a diversion or modification order. In such circumstances the defined width set out in those documents is the legal width. The width may be set out in a historical document relating to the path and the weight of evidential value may vary according to the document, for example, an Enclosure Award will be legally binding if the path width has not been altered since, but other documents may have lesser weight.

The width of the way may be that between boundaries such as hedges, fences or ditches, although it will be necessary to consider the purposes for which the boundaries were set out, such as in relation to the highway or for other purposes (see *Hale v Norfolk County Council* (<http://www.bailii.org/cgi-bin/markup.cgi?doc=/ew/cases/EWCA/Civ/2000/290.html>) [2000] EWCA Civ 290).

The width may also be that which the public has customarily enjoyed. In the absence of any evidence there may still be a requirement to determine a width. It would then be reasonable to require a width to be made available which would be sufficient for two users to pass. Authorities should publish the widths they would normally require to be available in any information to landowners. For a footpath, this could be regarded as 2 metres; a bridleway, 3 metres; and a byway, 5 metres.

An encroachment into the width of a public right of way is an obstruction and a criminal offence and Rights of Way Officers will need to deal with encroachments according to their policies and protocols, see enforcement default action, enforcement and enforcement procedures.

The Rights of Way Act 1990 Schedule 12A introduced the concept of minimum and maximum widths in circumstances of reinstatement following ploughing and cultivation in cases where there is no recorded width and provides for the following:

1. for cross-field paths:
  - footpath: minimum width 1 metre and maximum width 1.8 metres;
  - bridleway: minimum width 2 metres and maximum width 3 metres;
2. for field-edge (headland) paths:
  - footpath: minimum width 1.5 metres; maximum width 1.8 metres;
  - bridleway: minimum width and maximum width 3 metres;
3. other highways (including byways and restricted byways): minimum width 3 metres; maximum width 5 metres.

The minimum and maximum widths for field-edge paths and for other highways which may not be ploughed or otherwise disturbed provide a benchmark to assist the highway authority in determining whether or not the highway has been encroached upon.

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Category: Enforcement