

PROW comments on updated MU1 plans 2021/1090 and 1089 send to MU1@barnsley.gov.uk

Full planning permission for: earthworks to create development platforms; strategic drainage ponds/dry detention basins and associated drainage infrastructure; construction of a new link road; location of strategic landscaping and ecological areas; demolition of existing buildings; works to Hermit Lane; and erection of Phase 1(a) residential development comprising 216 dwellings,

Delivery strategy

Page 15 refers to PROW being delivered under SI1 – 5 strategic development.

Making amendments to a PROW across a site this size with multiple phases over 10 - 12 years is complicated.

Are all PROW going to be changed in one application (which creates issues if subsequent phases get different layout approval) or multiple small ones (which create issues of connectivity throughout the development programme and legal alignments)

Planning Statement

With the exception of Hermit Lane becoming a bridleway, there is no reference to any other bridleway within the development. This means there is no connection to the wider bridleway network so the development would be discharging horseriders from Hermit Lane onto main roads and expecting them to cope. Detailed discussions are required to consider and deliver new bridleways (inc upgrades of some existing public footpaths)

4.24 - 4.31 a reduced permanent impact on PROW network because of the revisions being commented on here is appreciated and will benefit the developer as there are fewer diversion applications and legal delays.

The promise of improvements/enhancement presumably relates to surface and gradient to both unaffected and proposed diverted routes is appreciated

There are references in 4.26 and 4.34 to a hierarchy of footpaths and cycleways in POS but clarification is required as to their status and who will be responsible for future maintenance of these. (PROW, Adopted or POS management company)

Design and Access Statement

2.10 Opportunities- reference only to upgrading footpaths to cycle paths rather than bridleways

5.12 Health and Wellbeing compliance walking and cycling. There appear to be nothing higher than footpath links into the existing communities that surround the site. Implying that whilst you can walk/ cycle within the development, anyone coming to the new school, shops or other facilities can only come by car or walk.

The discussion needs to be had regarding the upgrading of existing footpaths where appropriate to provide additional cycling options into the adjacent neighbourhoods to get maximum benefit for health and wellbeing, active travel and sustainable transport as well as reducing congestion and pollution

2023/1090 Proposed indicative site plan rev 16 Nov 2023

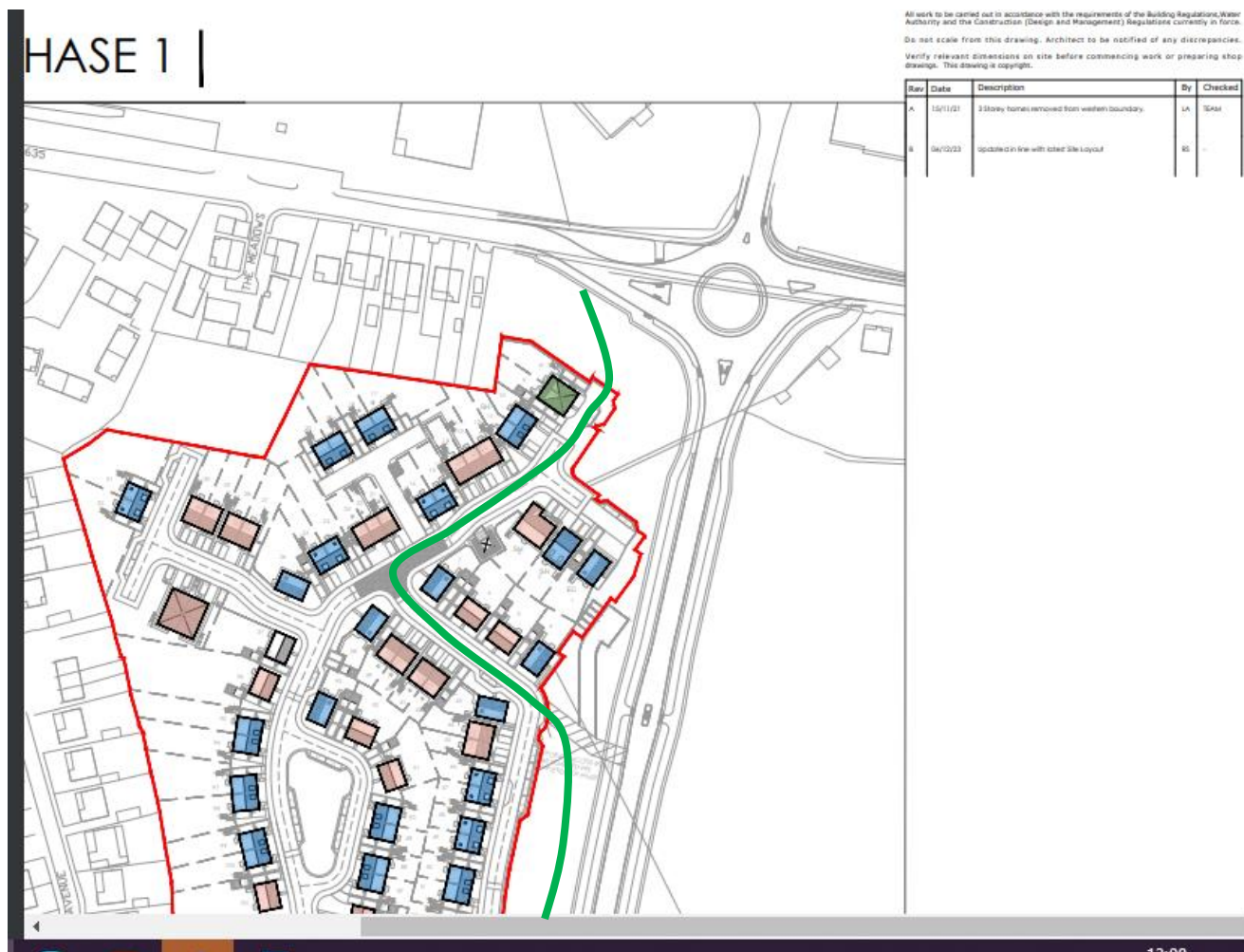
This is somewhat confusing as the Key for existing and proposed footpaths bears no resemblance to what is shown on the plan.

R1. Housing layout to north of site

BY00102 – Massing Plan.

The aspiration is a bridleway corridor through route north/south through the estate. This on the masterplan this would connect into the northern housing block but there is no provision to do so within this housing layout. The housing boundary might mean there is room for the link between the road layout and housing but it is unclear.

Provision for linking into the housing and out again needs to be provided along the green line shown below



Diversion required for footpath 11 Darton

The existing alignment of Footpath 11 Darton will go through at least one property as shown by the blue dashed lines below. There is also a minor change to alignment where the proposed wiggly ramps go through to Avon Drive. Therefore a footpath diversion application for the housing development is required.

It is also recommended that the section of footpath from the estate road to Avon Drive is upgraded to provide cycling access as well as pedestrian.

There are multiple public path orders required for MU1 to divert, extinguish, create and upgrade. They can either be completed as small groups within a single application or as a series of separate applications.



Strategic Design PROW comments

It is positive that the majority appear to be through the proposed POS but please can we ensure that they are through areas of wildflower meadow/grass land NOT surrounded by areas of new woodland or hedgerows which will block sightlines from properties and increase concerns about users security. A recommendation of 4 metres either side between a PROW and edge of any new woodland planting.

The same goes for the relationship between PROW and landform. As below

- PROWs contouring around/along slopes MUST have a level platform/crossfall with adjacent level verges for easy maintenance to prevent vegetation falling across the edges of PROW on either side.

- PROW shouldn't be at the bottom of valleys otherwise they are at risk of flooding, water erosion or waterlogging and being out of sight. EG. Cross sections 14 and 18 shown on document 2021/1090 Proposed GA site sections – show a public access route 3 metres below the road and pavement level which is of concern, especially with shrub beds on the slope.

- PROW shouldn't have unnecessary changes of gradient that discourages users and prevents access by mobility impaired users. The 2023 guidance should be followed unless otherwise agreed by the PROW team for any proposed improvements, diversion or creation. [Outdoor Accessibility Guidance by Sensory Trust formerly Countryside for All](#)

The future maintenance responsibility for the hierarchy of routes within the development needs to be clarified. Will they be PROW, Adopted, or the responsibility of the POS managers? This is especially the case given the Landscape plan v 9 shows boardwalks, bridges, steps and bark mulch routes within the wider site.

The PROW team need to agree with the developers the hierarchy of routes that they will be responsible for to ensure suitable surfaces, gradients and connectivity especially for routes where cyclists and horseriders have a right of access.

Impact on existing PROW Diversion/upgrade details

Having reviewed the significant number of new documents within both applications I am focusing on the Landscape plan V9 in combination with figure 5 (page 27) in the Planning Statement document October 2023.

Footpath 11

As well as changes required to Footpath 11 within the R 1 housing (see above) additional diversion (s) will be required in multiple locations of footpath 11 to the east of the new link road. There also appears to be surface changes from 'active Travel' (whatever that is) to sections with a Wood mulch surface through the ancient woodland. Whilst I can appreciate the visual and root protection reason for a wood mulch surface it is inappropriate for a PROW under BMBC maintenance because it degrades into mud. We therefore would not accept that as a suitable surface within a diversion order – possibly consider flexipave.

Footpath 12 to Redbrook Road

This does not appear on the Landscape Plan v 9 beyond the red line boundary and through the woodland. This is inconsistent given the continuation of footpath 11 immediately south through the same woodland is shown through to Farm House Lane.

Who is the landowner/manager of the Ancient woodland outside of the development?

Footpath 40 to Hermit

This will need to be diverted to a more curved route to join with Hermit Lane

Hermit Lane

If vehicular rights are being removed this should become a public bridleway. If the alignment is changing then it needs a diversion order. This then needs either an underpass or a Pegasus crossing where it crosses the link road. I can't find detailed drawings of the road but the landscape plan v9 shows steps up to the link road at grade crossing on both sides – this is clearly not appropriate for a bridleway.

Please can someone confirm what is proposed in this location.

The continuation of the old Hermit Lane to the west of the link road appears to be outside of the planning boundary and the planning statement is to retain it as vehicular highway to the properties – a bridleway connection (and suitable turning head) would be required at the end.

Footpath 13 /249 to Farm House Lane (2021/1089)

As part of the diversion of this route we would also be seeking an upgrade to a bridleway which will form key connectivity for users other than pedestrians. That means widths, gradients and surface type need to be agreed. With it being proposed as Active Travel route – if that means a 3 metre tarmac surface then it needs an adjacent 3 metre wide grass strip (which can be wildflower seeded). All of this route falls within the employment area full application 2021/1089.

My concerns from the masterplan stage remain that the bridleway provision connecting Pogmoor to the link road and only entrance to the employment area is not short enough to encourage employees to get out of their cars and go on foot/bicycle. I can understand the security concerns about a rear but it really needs to be made easier and could use the amenity grassland over the drainage easement to access the internal estate road on the northern boundary (shown solid black line below).



Barnsley Footpath 248/250/252 north of Farm House Lane

These will need diversions but I have concerns about them doing through an area of rocky Gorse/Shrub planting because of the sight lines and implications on future maintenance.

Potential link between Fp 248 and Hermit Hill

There appears to be a possible connection between these two locations but it includes several sets of steps and a wood mulch path. If this stages the same then we would not consider it appropriate as a recorded PROW.

NOTE – there also does not appear to be a connection into the turning head on the north east corner of R6 on the south side of Hermit Lane

Footpath 248 to the rear of Harden Close (2021/1089)

If space allows this should be upgraded to bridleway to provide a strategic link of at least 3 metres available width with grass verges on either side to reduce future maintenance and improve safety

Section 106

We would be seeking S106 funding to enhance the PROW connecting into the development boundary to provide suitable continuity for users e.g. Footpaths 12 and 254 plus improvement to PROW within 5 km of the site boundary

Legal processes for public path orders etc

Public Rights of Way can only be moved via a formal legal order, which is a separate process to planning and is subject to separate requirements, public consultations and costs. The path cannot be lawfully moved without the correct permissions, regardless of planning status. This can be a lengthy process and an application should be submitted as soon as the layout is established to prevent possible delays to development. Please contact the PROW team for discussions asap.

Depending on location and status of the planning application process, routes can be extinguished, diverted, created and upgraded. The scale of the development increases the risks whether applications are made together or separately.

Any application must have written consent from each landowner or show full landownership control of both the existing and proposed new routes.

They must connect to another highway during the different phases of the development so we do not inadvertently end up with a deadend route.

NOTES

1. There is no guarantee that a diversion application will be successful.

2. The consultations for the diversion process can be started before planning consent is granted but the legal order cannot be made until planning consent is granted. There is a then a second full public consultation phase.
3. There is a risk that people may object to a diversion order in which case the matter will go to the planning inspectorate. If that happens it will be an additional 12 – 18 months on top of the time to make the order itself. A diversion application made under the Town and Country Planning Act 1990 that is not legally completed before the development is substantially completed will be declared invalid.
4. It is strongly recommended that the current legal alignment of the PROW are not permanently affected by changes to levels, or structures being built on the surface just in case there is an objection to a diversion order, the application is rejected by the Planning Inspectorate and the PROW has to be reopened on its existing legal line.
5. The PROW will not be changed until the diversion order is completed including through both sets of public consultation, confirmation of the route, certification that the routes are physically built on the ground to the PROW teams satisfaction and the legal event orders are completed.
6. Until such time as the Legal Event Orders are complete, temporary closure orders will be required for existing alignments if they are not physically available for use.

The footpaths crossing the site should remain open as often as possible during construction. However, a temporary closure order will also be required, at cost, during any periods when either of the public footpaths are closed for safety reasons during construction.

Please can the relevant person for this application contact the PROW team as soon as possible before planning consent is granted to discuss. Publicrightsofway@barnsley.gov.uk

Required planning consent Conditions

No works shall commence on the site until the proposed re alignment of the Definitive and non definitive routes has been agreed, and the legal application has been accepted by PROW.

No building or use hereby permitted shall be occupied until details of arrangements for the future management and maintenance of proposed carriageways, footways, footpaths and landscaped areas not put forward for adoption as maintainable at public expense within the site have been submitted to and approved in writing by the LPA. On occupation of the first dwelling (or building) within the site, the streets shall be maintained in accordance with the approved management and maintenance details.

Reason: To ensure that all private streets and landscaped areas are appropriately managed and maintained to ensure the safety of all users in accordance with Local Plan Policy T4

Future status / maintenance (added to every response where PROW affected/ new routes)

No works shall commence on the site until the status and future maintenance of any footpaths / cycleways / bridleways on site are resolved. Constructional details and future maintenance plans shall be submitted and agreed in writing by the LPA. The development shall, thereafter, be constructed in accordance with the approved details.

Informative

The proposed development will require the diversion of one or more public rights of way. Any changes to public rights of way are subject to a separate legal process and public consultations, which must be confirmed before any works take place. Planning permission does not grant permission to build over public rights of way unless this legal process has been satisfied. The Council's Public Rights of Way department should be contacted to discuss the proposals and an application should be submitted as early as possible to minimise the risk of delays to development. For more information contact publicrightsofway@barnsley.gov.uk.