

HINCKLEY NATIONAL RAIL FREIGHT INTERCHANGE

Public Rights of Way

One of a series of background topic papers prepared by db symmetry in support of a public consultation on proposals for a strategic rail freight interchange in Blaby district, to the north-east of Hinckley in Leicestershire.

INTRODUCTION

1. In 2019 db symmetry will apply to the government for a Development Consent Order (DCO) for a proposed strategic rail freight interchange (SRFI) on a site in Blaby District, to the east of Hinckley in Leicestershire. The project is known as the Hinckley National Rail Freight Interchange (HNRFI).
2. A DCO is a special form of planning permission for large infrastructure projects. It can include a range of additional powers required to implement the proposals, such as powers to acquire land, undertake works to streets, trees and hedgerows and divert utility services.
3. The Environmental Dimension Partnership Ltd (EDP) have been commissioned by db symmetry Ltd to advise on matters relating to public rights of way (PRoW) and informal open space (IOS) within and near the proposed Hinckley National Rail Freight Interchange (HNRFI) Draft DCO Boundary site, (hereafter referred to as the 'site').
4. EDP is an independent environmental planning consultancy with offices in Cirencester, Shrewsbury and Cardiff. The practice provides advice to private and public sector clients throughout the UK in the fields of landscape, ecology, archaeology, cultural heritage, arboriculture, rights of way and master-planning. Details of the practice can be obtained at www.edp-uk.co.uk.
5. This topic paper summarises the findings of a baseline assessment that considers the likely impacts resulting from the proposed development on existing PRoW and IOS. The assessment considers the impacts on PRoW and IOS both within the site and in its immediate vicinity. Specifically, EDP's work reports on the methodology, planning policy,

baseline conditions, and likely impacts resulting from the proposed development and any mitigation measures that might be required in order to prevent, reduce or offset any negative impacts arising from it.

6. The assessment deals with matters related to informal recreation only, including walking, cycling, horse-riding and other recreational pursuits such as bird watching or picnicking. It does not include an assessment of the requirements for, and accessibility of, formal open space or the activities associated with this, such as organised football practice or matches on marked out football pitches.
7. The objectives of the assessment are to:
 - examine the existing PRoW and IOS network within and adjacent to the site;
 - predict the likely effects of the proposed development on the use of PRoW and IOS both within the site and beyond the site boundary;
 - as appropriate, suggest measures to avoid adverse effects on, or otherwise enhance the PRoW and IOS network both within the site as part of the Proposed Development and through linkages beyond its boundary.

LAW, POLICY AND GUIDANCE

Legislative framework

Countryside and Rights of Way Act 2000 (CRoW Act)

8. The CRoW Act gives a public right of access to land mapped as ‘open country’ (mountain, moor, heath and down) or registered common land. These areas are known as ‘open access land’. The Act improves the rights of way legislation by encouraging the creation of new routes and clarifying uncertainties about existing rights.

National Policy Statement for National Networks (2014)

9. The National Networks National Policy Statement (NPS) sets out the need for and government policies to deliver development of nationally significant infrastructure projects (NSIPs) on the national road and rail networks in England. It provides planning guidance for promoters of NSIPs on the road and rail networks, and the basis for the examination by the Examining Authority and decisions by the Secretary of State.
10. In terms of NPS guidance on Public Rights of Way, the NPS states at para 5.184:

‘Public rights of way, National Trails, and other rights of access to land (e.g. open access land) are important recreational facilities for walkers, cyclists and equestrians. Applicants

are expected to take appropriate mitigation measures to address adverse effects on coastal access, National Trails, other public rights of way and open access land and, where appropriate, to consider what opportunities there may be to improve access. In considering revisions to an existing right of way consideration needs to be given to the use, character, attractiveness and convenience of the right of way. The Secretary of State should consider whether the mitigation measures put forward by an applicant are acceptable and whether requirements in respect of these measures might be attached to any grant of development consent.

'Public rights of way can be extinguished under Section 136 of the Act if the Secretary of State is satisfied that an alternative has been or will be provided or is not required.'

Planning policy

11. At the heart of the National Planning Policy Framework 2018 (NPPF) is a presumption in favour of sustainable development, this being the golden thread running throughout the document. For public rights of way, it is stated at para 98 that:

'Planning policies and decisions should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users, for example by adding links to existing rights of way networks including National Trails.'

Local planning policy

12. The statutory development plan relevant to the site comprises the Blaby District Local Plan 1999 (saved policies 2007) and the Blaby District Core Strategy (adopted February 2013). A review of the local planning policy, including relevant supplementary planning documents, evidence base documents and associated guidelines relevant to this assessment, is contained below.

Blaby District Local Plan 1999 (saved policies 2007)

13. The statutory development plan which applies to the site includes the saved policies (saved in 2007) of the Blaby District Local Plan adopted in 1999.
14. Policy T3: 'New Highway Schemes: Provision of Pedestrian and Cyclist Facilities and Environmental Safeguards' states that:

'Where the District Council is the determining authority for development involving a new access, road scheme or improvement, planning permission will only be granted if the proposed access, road scheme or improvement incorporates:

- (i) Appropriate facilities for pedestrians and cyclists; and*
- (ii) Safeguards for living and working conditions and the environment in general including*

consideration of visibility, access layout, privacy, light, noise, disturbance, emissions, congestion, overbearing effect and the character or appearance of the area.'

Blaby District Core Strategy (adopted February 2013)

15. The supporting text for Policy CS10: 'Transport Infrastructure' (page 60) states that:

'... In order to maximise modal shift, safe, sustainable and accessible transport modes (including walking, cycling and public transport) will be promoted. This will be achieved by providing new routes for pedestrians, cyclists and public transport (as part of new development proposals) and enhancing existing facilities.'

'Transport design

'Priority will be given to pedestrians, cyclists and public transport users through design solutions for proposed developments. Proposed transport solutions should manage the impact of traffic on people's lives by encouraging designs which reduce the impact of road traffic, for example, through greater allocation of street space to more sustainable forms of transport (including walking, cycling and public transport).'

'Walking, cycling and bridleway networks

'Opportunities to work with partners to provide new and improved safe cycling, walking and bridleway routes will be explored. Improved conditions for cyclists, pedestrians and horse-riders generally across the District will be encouraged, including adequate cycle parking and associated facilities.'

'Links between proposed areas of new development and new and existing key services and facilities (including employment, retail, leisure and education centres) will be provided as part of Masterplans (in the case of the SUE and other strategic scale proposals) and Design and Access Statements in all other cases.'

Leicestershire Rights of Way Improvement Plan (2011 - 2016)

16. Under section 60 of the Countryside and Rights of Way Act 2000 (CROW), Leicestershire County Council (LCC) is required to develop and produce a revised Rights of Way Improvement Plan (ROWIP) which is to be adopted within the Local Transport Plan (LTP3) covering the period 2011 – 2026.

- Section 1.2.7 identifies the role of Leicestershire Local Access Forum (LLAF) - a statutory advisory body under the CROW 2000 Act.
- Section 2.1 details Leicestershire's 'Staying Healthy Strategy', which recognises the importance of walking to enhance health and to reduce traffic congestion.

- Section 2.1.8 emphasises the importance of good consultation with community schemes and voluntary organisations.
- Section 2.1.11 provides a list of partner organisations who have shared priorities with the Council.
- Section 2.2 details the Local Transport Plan 3 and states that planning decisions can have an impact on the PRow network.
- Section 2.2.6 discusses sustainable transport and emphasises the need to provide urban links into the PRow network, forming part of the wider highway network.
- Section 3.1.4 to 3.2 of the plan describes the standards expected to ensure 'ease of use' (signposting, free from obstructions, appropriate surface and lawful barriers).
- Section 6.4.3 commits to support and promote the Leicestershire Round including a review of the current route and literature and information provision at key points.

THE SITE

17. The site is defined as the area of land within the Draft DCO Boundary for the application for the HNRFI.
18. An extract of the Definitive PRow Map, illustrating all PRow within the site and study area, is illustrated on **PRow Plan 1** (edp3267_d050). This data was supplied by LCC's Access department. The map also illustrates the absence of permissive footpath routes and the location of other routes with public access, and other routes as defined below.
19. Permissive routes do not form part of the Definitive Map, as the general public does not have a 'right' to use them. Access to permissive routes can be denied at the landowner's discretion. There are no known permissive routes within the study area.
20. 'Other Routes with Public Access' (ORPA), is a classification taken from the Ordnance Survey (OS) Explorer Series. These routes are described by the OS as:

'Purely a generic title for routes that have at least a minimum right of public access on foot but are not included on the Rights of Way Definitive Map or related Amending/Modification Orders. ORPA's have no legal status in themselves but are a graphic representation as public routes held on LA records'.
21. A number of ORPAs have been identified in and around the site. These connect with the existing network of rights of way and roadside access. Of particular relevance to the site is the ORPA along the western boundary, which provides a connection between Hinckley Road to Burbage Common and Woods via Smithy Lane.

22. Other routes that do not form part of the Definitive Map or OS mapping include the publicly maintained highway network such as Burbage Common Road and other road footways which may form important linkages to PRowWs.
23. The exact form of rights these other routes have is beyond the scope of the assessment. Precise rights will be identified for the purpose of the DCO application and this is explored further in the Transport topic paper.

Public rights of way and informal open space network inside the draft DCO boundary

Public rights of way inside the draft DCO boundary

24. There are sections of five footpaths (U50, U52, U53, V23 and V35) and two bridleways (U52 and V29) within the site. These are illustrated on **PRow Plan 1**.
25. These PRowWs facilitate access to most points of the compass. Six of these paths extend or have connections beyond the boundary of the site and include sections:
 - To the north – T89/1, T89/2, U50/3 and U50/4;
 - To the south – U50/1, V35/1, V29/8 and V30/4;
 - To the east – V29/6, V29/4, V29/9, U53/2 and V29/3; and
 - To the west – U52/8 and U52/6
26. At the time of survey there were no equestrian facilities on site. However, surrounding liveries and stables use Burbage Common Road, Bridleway U52/9 and Burbage Common to the west for travelling and exercising horses.

Informal Open Space inside the draft DCO boundary

27. There are no publicly accessible areas of IOS within the site.

Public rights of way and informal open space network outside the draft DCO boundary

28. The purpose of taking a wider view in the baseline studies is to examine possible impacts ('ripple effects') and connections between future on-site provision/users and potential linkage to off-site provision.

Public rights of way outside the draft DCO boundary

29. There are many sections of footpaths and bridleways within the 500m study area external

to the site. These include:

- To the north – T89/1, T89/2, T89/3, U20/3, U50a/1, U50/4 U50/5, U52/9, U52/10, V23/2, V23/3 and V50/1;
- To the south – V36/1, V36/2, V36/3, V36/4, U63/3, U63/5, V30/1, V30/6, V30/8 and V37/1;
- To the east – U53/2, V29/9, V49/1; and
- To the west – U8b/2, U8b/3, U8b/4, U14/4, U49/4, U49/5, U49/6, U51/4, U52/3 U52/4, U54/1 and U54/2.

30. The majority of these local PRow sections outside the site will remain unaffected by the proposal and the focus of this appraisal has therefore been primarily on on-site PRowS and where some of these extend and have PRow connections beyond the boundary of the site which are discussed below.

31. Pedestrian and cycle crossings of the existing road network are discussed within the Transport Topic Paper.

Informal open space outside the draft DCO boundary

32. Areas of IOS are shown on **PRoW Plan 1**. These include areas of casual or informal recreational space and do not include formal sports pitches, golf facilities and school playing fields. These areas are located to the west and south of the site and include areas of Burbage Common and Woods Country Park and Aston Firs which are in good condition and well managed.

Promoted routes

33. In addition to the above, **PRoW Plan 1** (edp3267_d050) illustrates the location of a promoted trail/route, the Leicestershire Round, which crosses the study area and passes in close proximity to the site.

34. The Leicestershire Round is a circuit of the county devised by the Leicestershire Footpath Association to celebrate its centenary. The Round encircles Leicester and is within easy reach of the market towns of Oakham, Melton Mowbray, Loughborough, Hinckley and Lutterworth, and passes through some of the most beautiful and historically interesting parts of the county including Burrough Hill, Foxton Locks, High Cross, Bosworth battlefield and Charnwood Forest.

OUR APPROACH TO ASSESSMENT

35. There is no recognised approach or accepted industry guidance relating to the assessment

of PRoW. The methodologies used by EDP in undertaking the assessment are based upon professional experience and judgement in this field established over a number of years.

Defining the study area

36. Two areas have been identified and are defined as follows:
- (i) The site, being the area within the Draft DCO Boundary for db symmetry's DCO application;
 - (ii) a detailed study area extending 500 metres beyond the site boundary including local destinations such as Burbage Common and Woods Country Park.
37. The draft DCO boundary and detailed study area are shown on **PRoW Plan 1** (edp3267_d050).
38. The study area represents an estimated 'zone of influence' beyond the site (500 m), over which it might be expected that the proposed development and users of it might potentially have an impact. The extent of the 500m study area is influenced by a number of factors, including barriers such as railways (Hinckley to Leicester) and major roads (M69 motorway).

Desk study

39. Definitive Map and Statement information was obtained from Leicestershire County Council on 3 May 2018 together with information on permissive and promoted routes within the site and wider study area. Further information was sought on promoted routes from on-line resources.

Survey work

40. A detailed site survey was undertaken on 17 January 2018 and 20 June 2018, during which all on-site PRoW were assessed. In addition, local off-site PRoW, promoted routes and IOS within the 500m study area were also assessed.
41. During the surveys, information relating to the following points was recorded:
- PRoW number and parish;
 - orientation and general condition;
 - management and context of the route (pastoral, arable, woodland or urban/non-agricultural);
 - user evidence (erosion, prints, dog faeces, litter, etc.);

- links/connectivity to other PRow;
- whether or not the route is promoted;
- obstructions; and
- users noted during the survey.

THE LIKELY MAIN EFFECTS OF THE PROPOSALS

42. As a result of the proposed development, it is likely that the majority of routes on site will either be affected through diversion or re-routing but with a number of opportunities to improve the overall PRow network across the site through:
- more logical re-routing of existing routes;
 - upgrading of select footpath routes to bridleways to allow passage of horses and bicycles north-west to south-east across the site; and
 - upgrading styles to gates, chicanes and upgrading PRow surfaces.

PROPOSED APPROACH TO MITIGATION

43. EDP's baseline assessment has enabled broad recommendations to be made about a strategy for affected PRow. The measures outlined below could be incorporated as part of the master plan for the site. The suggested PRow strategy is attached as **PRow Plan 2** (edp3267_d051), informing the masterplan and parameters plan.
44. The core principles guiding the PRow strategy are as follows:
- the alignment of on-site rights of way should be maintained wherever possible to allow continued connectivity across the site. Where this is no longer feasible or desirable, alternative routes are proposed to maintain connectivity in a manner that is as direct as possible considering public safety and visual amenity;
 - new connections should be designed to form an integrated network that connects with key destinations, leisure routes, IOS, PRow and promoted routes off-site. The Leicestershire Round promoted route, Bridleways V29 and U51 and Burbage Common and Wood are noteworthy in this regard;
 - where possible and appropriate, existing and proposed PRow would be incorporated within green links and public open spaces in accordance with ecological, landscape and visual amenity aspirations, to combine experiences and create active and multifunctional open spaces, both within the site and on its periphery.

Strategic PRow proposals

Provision for walkers

45. The site would be transformed from agricultural fields to a SRFI, and as such would result in a qualitative loss of experience.
46. That being said, the local network of footpaths remains a key asset for existing and future users in the area. Together, these routes present a number of recreational opportunities, including access to Burbage Common and Wood Country Park and the wider countryside to the north, south east and west.
47. Development of the site presents an opportunity to enhance access to Burbage Common and Wood Country Park, both in terms of improving existing access and through the creation of additional access points.
48. Two footpath routes (Footpaths V23/1 and U50/3) cross the Hinckley to Leicester railway line via unprotected crossings. These are footpath, bridleway and user worked crossings where the onus is on the crossing user to check for an approaching train before crossing the railway. It is proposed to close these two crossings and instead provide a link southward from Footpath U50/4 along the northern edge of the railway, passing Footpath V23/1 and linking with Bridleway U52/9 and Footpath U52/8 which provide a safer route via a bridge over the railway.
49. The PRow assessment has identified that the majority of footpaths and Burbage Common Road (by walkers) within the site are used only lightly and there is considered to be significant capacity to support new users on the existing network. Whilst some re-routing will be required as part of the development, access to the existing network would be enhanced through the creation of new linkages, improved marking of routes, removal of obstructions, appropriate vegetation management and the installation of stiles/gates as part of an overall enhancement programme.

Provision for cyclists

50. There are opportunities to improve cycle provision on-site via alternative, traffic-free or improved routes. These could include a grade-separated path for the route along the realigned Burbage Common Road, thereby providing a north-east to west connectivity and a valuable link between Burbage Common, Hinckley and Burbage to Elmhursthorpe (see **PRow Plan 2** (edp3267_d050)).

Provision for horse riders

51. The baseline assessment has identified limited equestrian use of the existing bridleway and highway network within the study area.

52. At the time of survey, there were understood to be no equestrian facilities within the draft DCO boundary. However, there is commuting and recreational riding through the site from surrounding liverys and stables towards the north of Burbage Common Road with Bridleway U52/9 and Burbage Common to the west.
53. With reference to **PRoW Plan 2** (edp3267_d050), there are opportunities to link the Bridleway network north-west of the site, namely Bridleway U52 from Billington Rough and Elmesthorpe with Bridleway U51 which runs from the west of the site boundary, north into Burbage Common and Woods. Additionally, there are opportunities for Bridleway U52 to link with the bridleway network within and adjacent to the east of the site by partially diverting and upgrading sections of footpath (namely Footpath U52 and V35).
54. A number of equestrian liverys and stables are located on Burbage Common Road to the north of the site boundary. However, there are currently no suitable connections to the Bridleway network within or to the east of the site. There is therefore the opportunity to create a new traffic free link, routing a bridleway around the eastern edge of the site to connect with Bridleway V29.
55. Due to the potential for horses to experience the close presence of haulage lorries, existing bridleway connections and potential upgrading of routes are encouraged to be routed around the periphery of the site in a landscaped framework. Where equestrian routes may cross the internal road network of the site, Pegasus crossings will be considered as well as necessary road signage to alert drivers.

Next Steps

56. The public rights of way assessment has examined the condition of the routes within and in close proximity to the site. The assessment process will involve continuing analysis of the likely impacts on PRoW and IOS arising from the proposed development and consideration of the mitigation measures and PRoW strategy that might be required in order to prevent, reduce or offset any negative impacts arising from it. The proposals for creating and enhancing PRoW will continue to be discussed with statutory and non-statutory consultees, including local equine enterprises through the consultation stages of the proposal.

EDP ♦ October 2018