



Temporary Diversions / Stopping Up

A PROW can be temporarily diverted or closed to enable works to be carried out on site and in the interests of public safety. A legal procedure needs to be followed and the maximum period for such temporary orders is six months. Anything extending beyond this time scale will need permission from the Secretary of State.

Procedure for Public Path Orders

1. Initial consultation undertaken by applicant with user groups
2. Report submitted by PROW Officer to Delegated Chief Officer to gain authorisation to proceed
3. The council makes the Order and commences formal public consultation - 28 days
4. No objections - Order can be confirmed by the council and implemented
5. Objections made and not resolved - Order submitted to the Secretary of State for confirmation (a Public Inquiry may be held.)

Please note that the same procedure applies to all sites, whether large or small.

For further information:

Public Rights of Way Officer
Environmental Services Department
Wigan Council
Civic Buildings
New Market Street
Wigan
Lancs
WN1 1RP

Tel: 01942 404309

Email: rightsofway@wigan.gov.uk

Planning advice: 01942 488234

This document can be made available in alternative formats upon request.

Please contact 01942 404369 for details.

Arabic	هذا الكتيب بالإمكان توفيره في اللغة العربية
Cantonese	本小册子提供廣東話譯本
Farsi	این کتابچه میتواند به زبان فارسی در دسترس قرار گیرد.
French	Disponible en français sur demande
Gujurati	આ પ્રસ્તિકા ગુજરાતીમાં મળી રહે તેવી વ્યવસ્થા કરી શકાય
Urdu	اس کتابچہ کو اردو میں فراہم کیا جاسکتا ہے۔



Introduction

This leaflet is designed to offer guidance for those involved in advising on and determining planning applications, as well as those making planning applications including any individual considering building work or changing the use of a piece of land; no matter how small or large.

What are Public Rights of Way (PROW)?

All PROW are Highways and have the same status in law as public roads. PROW exist in four categories:

Footpath - for use on foot only.

Bridleway - for use on foot, horse and cycle.

Byway Open to All Traffic (BOAT) - for use on foot, horse, cycle, motorised and non-motorised vehicles.

Restricted Byway - for use on foot, horse, cycle, horse drawn vehicle or non-mechanically propelled vehicle.

Where are PROW recorded?

All PROW are recorded on a Definitive Map and Statement; these are legal documents held and reviewed by the council. They are available for public viewing at Civic Buildings, New Market Street, Wigan. A written search can also be requested and there is a charge for this service.

Note should also be given to the existence of routes that are not recorded on the Definitive Map and Statement but may have acquired highway status, for example, on the basis of documentary evidence or evidence of public use. In such instances assume the route is a Highway and seek the advice of the PROW Officer.

Why can't I ignore PROW?

All PROW are Highways; to obstruct one is a criminal offence. It is important to identify PROW at an early stage in order to avoid potential delays to development or lead to difficulties in selling properties. The council is under a legal duty to keep all PROW available to the public, as such the council can take enforcement action and instigate prosecutions to ensure that PROW remain open.

What if there's a PROW through the site?

It is important to note that the granting of planning permission does not give the successful applicant a right to alter, obstruct or move a PROW. This can only be achieved by following a statutory procedure.

A PROW can be diverted or extinguished to enable development; following the procedures outlined in the Town and Country Planning Act 1990. No construction work affecting the PROW should commence on site until a Public Path Order to divert or extinguish has been confirmed: The council's PROW Officer must be consulted on any application affecting PROW. To protect the public's use of PROW the PROW Officer will try to safeguard against any:

- Changes to the surface
- Reductions in width
- Storage of building materials or vehicles on the PROW
- Damage or change in alignment of the PROW
- Vehicular or increased vehicular use of a PROW
- Additional barriers on PROW
- Obstructions of PROW and to ensure the safety of users of the PROW

The planning consent may incorporate conditions relating to PROW. The applicant will need to liaise with the PROW Officer as further legal procedures may be required.

What comes first; planning permission or a Public Path Order?

The effect of development on a PROW is a material consideration in determining applications for planning permission. Consultation is key to any successful application.

If planning permission is granted for development affecting a PROW, a Public Path Order will be necessary to authorise the stopping up or diversion of the PROW. If there are objections to the Public Path Order then a public inquiry may be held with an independent planning inspector making decisions. If the inspector supports the position of the objectors, then a new planning application will need to be made showing and accommodating the alignment of the PROW as determined by the inspector. It is therefore in the applicant's interest to consult on the PROW with the PROW Officer and user groups whilst drawing up proposals for the planning application; as this may help to reduce risk of delays and increased costs.

Accessibility

Any development proposal should give consideration to making any structure or facility accessible for all members of the community. The Disability Discrimination Act 1995 makes it unlawful for those providing services to discriminate against members of the community on the basis of disability. The council's Supplementary Planning Document 'Access for All' provides advice and guidance to achieving accessibility. Details of this document are available from the council's website at: www.wigan.gov.uk/Services/Environment/BuiltEnvironment/AccessForAll.htm or by contacting the planning advice line on 01942 488234.