

HS2 – Public Rights of Way report: baseline impacts and associated strategy

Introduction

In response to and in preparation for future consultation on HS2, the Historic & Natural Environment Team at Buckinghamshire County Council here undertakes a 'Rights of Way Assessment' of potential impacts and suggested mitigation for the rights of way network along 'Preferred Route 3'. It is hoped this will inform the public when considering their response to the 5-month HS2 consultation and provide further information of requirements to maintain the integrity of the public's countryside access and sustainable transport network.

Proposals for a high speed railway through Buckinghamshire will, without adequate crossings, have substantial negative impacts on the public rights of way network; affecting route connectivity, public amenity and the quiet enjoyment of the countryside. Each of the three proposed routes will cut-off green, non-vehicular sustainable transport corridors between communities, their services and routes to school and work. The many trails promoted by the County Council and other organizations would be greatly affected; and there will be a knock-on effect to the rural economy.

The 3,300km network of public rights of way in Buckinghamshire is a considerable economic asset, an important part of the county highway infrastructure and a key element within the county's tourism sector. Maintaining a fully integrated network is essential to protect opportunities for the public to both safely enjoy the countryside for recreation and health; and for non-vehicular access to services and between communities.

The council is continually striving to improve the connectivity of the network and to improve accessibility for the less able. These themes are of primary importance when assessing the impacts of development on the network.

Initially this report provides an assessment of the likely impacts on the ROW network. Further it sets out the broad principles that would need to be adopted should the government decide to proceed with HS2.

HS2 Ltd are requested to take on-board this baseline report and to ensure that Buckinghamshire County Council and relevant partners are engaged in the design and implementation of alternatives or mitigation at an early stage of any development for HS2 proceeding.

Route severance

The number of public Rights of Way directly severed is outlined in the Table 1 below. In addition, data is also shown for 200m, 500m and 1000m corridors which may be affected by visual and noise impacts. Please note: a 200m corridor is equal to 100m on either side of the proposed railway line; and 'permissive paths' and unrecorded rights have not been included in this 'buffer analysis'. Each public footpath has a number, recorded on a legal document called the Definitive Map and Statement. In Table 1, 'whole routes' have been counted rather than each footpath 'link'.

Table 1: Severance and impact summary on the Buckinghamshire Rights of Way network along Preferred Route 3.

| Corridor | Footpath | Bridleway | Byway or Restricted byway | TOTAL |
|--------------------------------|-----------------|------------------|----------------------------------|------------------|
| Directly severed | 47 | 18 | 1 | <u>66</u> |
| Routes within a 200m corridor | 95 | 21 | 1 | 117 |
| Routes within a 500m corridor | 145 | 31 | 2 | 178 |
| Routes within a 1000m corridor | 236 | 46 | 3 | 285 |

Impacts to promoted routes and Ridgeway National Trail

Buckinghamshire benefits greatly from The Ridgeway National Trail passing through it. The route is not directly affected by HS2, as it passes over a 'Green Bridge' along Pound Street, Wendover, but there will be noise and visual impacts.

A number of ROW routes, promoted by Buckinghamshire County Council and other organizations, will be directly affected by proposed HS2 lines, potentially having their routes severed. These include the Chiltern Link, South Bucks Way, Cross Bucks Way, Thame Valley Walk and Icknield Way. The Chiltern Way is heavily promoted by the Chiltern Society and the route is directly affected at Wendover Dean.

Tackling routes severed and affected by HS2 proposals

If the HS2 route is given the go-ahead, HS2 Ltd should have an early dialogue with the County Council to discuss underpasses, bridges and proposed diverted routes.

Prior to planning, design and construction, each path should be walked by county officers and HS2 design or structural engineers to imagine the railway line constructed on the ground and how the network will fit with options for crossings and diversions. Following this process, continual dialogue should be maintained during construction, to account for issues such as subsidence, unaccounted springs and drainage problems. The Council would also wish to enter dialogue with local communities on possible local impacts and would look to HS2 to support the necessary processes.

Where it is agreed that the construction of a bridge or underpass is not possible, a diversion should be made to the nearest crossing point. The council would seek diverted routes to be diagonal in order that they are more direct. Consultation with adjoining landowners will be required in such cases. Failing this, it is important that 'L-shaped' diversions are installed, using part of

or an extension along the HS2 corridor leading from the footpath/HS2 junction to the nearest crossing point. The Council would require a minimum specification of 4m width.

The County Council would seek to ensure that any ROW that are proposed to be 'stopped-up' or diverted are done so under Act of Parliament and that this is not left for the County Council to pursue through the Highways Act 1980. It would be a requirement that a County officer be given the opportunity to speak at any parliamentary sub-committee where Buckinghamshire associated Rights of Way are being discussed.

It is recommended that user organizations be consulted at each stage of HS2 planning when path diversions are being proposed. These should include Parish Councils, The Ramblers, Sustrans, the Cyclists Touring Club and British Horse Society. The standard 'test' for diverting ROW should be adopted, that is path diversions should 'not be substantially less convenient to the public'. There will be a requirement on HS2 Ltd to support any such processes that will arise as a result of ROW impacts.

Any structures required as part of permanent diversions, such as pedestrian and kissing gates, should be of British Standard design. Surfaces should be laid in situations of high public use or poor drainage and ramps constructed leading up to all bridges. Paths should be accessible to all-terrain mobility scooters. It is a requirement that a County officer be given suitable opportunity to discuss design and proposals.

Underpasses and bridges

Routes that are an integral part of the local footpath and bridleway network, together with promoted routes, should be given a high priority with options to bridge or cross via an underpass, on or near their current line.

Where pedestrian, cycling and equestrian routes are suggested on road-bridges, an appropriate separated width of footway should be allocated away from motorised traffic.

Underpasses should be lit, with wide entrances and generous headroom, particularly on bridleways where horse riders and cyclists need to be accommodated. They should be wide enough for the public to feel safe and not hemmed-in or intimidated.

Bridges should have the required parapet heights for walkers, cyclists and horse riders, depending on the four types of usage: footpaths, bridleways, restricted byways and byways. It is a requirement that a County officer be given suitable opportunity to discuss design and proposals.

'Dead ends'

It is an aspiration to have no 'dead end' ROW. After the Kent HS1 was constructed a number of paths were deemed 'not needed for public use' and had to be stopped-up under s.118 Highways Act 1980. This left Kent County Council with the financial burden of making the necessary legal orders and publishing them in local newspapers. Following consultation, it is a requirement in Buckinghamshire that all ROW can, at the very least, be diverted along corridors adjacent to the line, which could be screened with native vegetation. If there are instances where paths need to be stopped-up

under s.118 Highways Act, this process should be funded in its entirety by HS2 Ltd.

Temporary diversions during construction

It is assumed that paths closed, as part of temporary diversions, in order that construction can take place, but be reopened post-construction, will be set-out in the Parliamentary Act.

Such diversions will need to take into account public convenience. Any structures required as part of temporary diversions, such as pedestrian and kissing gates, should be of British Standard design and surfaces be laid in situations of high public use or poor drainage. Signposting should be maintained by HS2.

Rights of Way Map Assessment

Content

An assessment has been made of the likely rights of way diversions and new creations, so that HS2 would have minimal impact on the current network and wherever possible, to add to its connectivity. Suggestions for routes under viaducts, bridges over cuttings and tunnels or under embankments will be discussed at a later date for further discussion with HS2 Ltd. On many occasions crossings rely on passing under sections marked 'fill', but it is not currently known if there is headroom available under the rail corridor.

Maps are based at a scale of 1:7,000, detailing all rights of way that cross or fall near to the railway line, to give a more strategic overview of the surrounding rights of way and access network. Open access land has been included, though the line does not directly pass through land designated under the Countryside and Rights of Way Act 2000. In Buckinghamshire this includes chalk grass land, common land and Section 16 land dedicated by the Forestry Commission.

GIS data for Route 3 has been provided by HS2 Ltd which includes rail structures, proposed earthwork boundaries and 'associated structures', such as proposed new road layouts and ventilation shafts. Information on tunnel shafts has been provided, but more substantive GIS data on access roads is not available. In addition, no GIS data has been provided to show 'associated structures' north of the Chilterns AONB, such as new road layouts and bridge crossings, so rights of way impacts can only be assessed by eye from maps available from the Department for Transport website.

Limitations

No assessment can be made here of noise or visual impacts and the resulting loss of tranquillity and public enjoyment of the countryside, but these will be significant in some cases. Unrecorded rights cannot be included as they have not been brought to the County Council's attention through claims under s.53(2) Wildlife & Countryside Act 1981, but a survey, similar to Natural England's Discovering Lost Ways Project, will be necessary. It is not known what permissive paths there may be *en route*. Temporary path closures during construction can be discussed at a later date.

Mitigation will be different for different rights of way users. A bridleway bridge needs higher parapets than a footbridge and the headroom required in a tunnel is greater for equestrians than walkers. In addition, the width required for two horses to pass is greater than for two pedestrians. Bridleways alongside rail corridors will allow cycling, but may be prohibitive to equestrians due to noise impacts disturbing horses.

No assessment has been made of on-road cycle routes, such as the Chiltern's Cycleway or Sustrans' National Cycle Network. Nor has an assessment been made of likely impacts on rural businesses linked to the walking, cycling and horse riding, such as pubs, cafes or bike shops in 'gateway' towns such as Great Missenden or Wendover.

Contact information

This work has been undertaken by the Historic & Natural Environment Team at Buckinghamshire County Council. The Team Manager, Sandy Kidd, can be contacted at: skidd@buckscc.gov.uk or Tel: 01296 382927.