

HIGH SPEED 2 BRIEFING NOTE
Rights of Way (ROW)
Report by Jonathan Clark

The 3,300km network of public rights of way in Buckinghamshire is a considerable economic asset, an important part of the county's sustainable transport network and a key element within the county's tourism sector. It is used for non-vehicular journeys to school, work, shops and other local amenities and is a vital resource for the public seeking peaceful fresh air and exercise in the countryside. Maintaining a fully integrated network is essential to protect opportunities for non-vehicular access to services and between communities.

HS2 will have substantial negative impacts on the public rights of way network unless adequate crossings and noise mitigation are provided. Without this mitigation, route connectivity, public amenity and the quiet enjoyment of the countryside will be greatly affected. The many trails promoted by the County Council and other organisations would be impacted, with a knock-on effect to the rural economy. In addition, 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.

Baseline assessment indicates that HS2 would have a significant negative impact on the public ROW network. The HS2 Environmental Impact Assessment should therefore include a detailed assessment of the public ROW severed by the HS2 line, crossed by new road layouts or affected by noise or visual intrusion.

HS2 Ltd should ensure Highway Authorities and relevant partners such as the Buckinghamshire Local Access Forum, are engaged in the design and implementation of alternatives or mitigation from an early stage. We would expect to be consulted on all aspects relating to the rights of way network, including tunnels, bridges and diversions.

Legislation to be used to divert ROW

Clarification is needed on the legislation and procedure to be used to divert ROW under the Act of Parliament. Any related costs incurred by local authorities should be met by HS2 Ltd as part of the overall cost of scheme mitigation.

Crossings

Mapped assessments need to be made of where ROW cross the HS2 route and associated roads. These will then inform proposals for appropriate underpasses, bridges and convenient diversions across the railway itself and the associated new roads. Path severance is dealt with in Section 15.6.14 of the EIA Scope and Methodology Report, with proposed classification into no, minor (<250m), moderate (250-500m) and major impacts (>500m) according

to length of pedestrian inconvenience. Only a mapped assessment will be able to measure the proposed greater pedestrian lengths.

Routes that are an integral part of the local footpath and bridleway network, together with promoted routes should be given a high priority to be bridged or crossed via an underpass, on or near their current line. Section 7.4.1 deals with the permanent severance and diversion of ROW that affect access to community facilities. Results from this section of the report need to be linked with the findings from Section 16.6.14.

Here, an assessment of appropriate road crossings should be outlined such as controlled crossings (Pegasus, Pelican or Toucan crossing), diversions to safe crossing points and refuges for equestrian users.

Bridge, underpass and viaduct design

Construction design should match the likely traffic: be that pedestrian, cycling, carriage driving or equestrian use. Details need to be provided of underpass standards for lighting, width and headroom, such as can be found under motorways. These are particularly important on bridleways where horse riders and cyclists need to be accommodated, but all underpasses should be wide enough for the public not to feel hemmed-in or intimidated. An ongoing maintenance commitment should be set out.

Standards need to be provided for bridge construction on footpaths and bridleways, which should have the required parapet heights for walkers, cyclists, horse riders and carriage drivers, depending on the three type of ROW that cross the route. Assessments need to be made of likely gate structures on rural paths into pasture land. These will either be British Standard (BS5709:2006) pedestrian gates on footpaths or British Standard (BS5709:2006) bridle gates on bridleways. The positioning also needs to be assessed, as the likelihood of horses being spooked trying to open a gate on a bridge adjacent to the line is high, so structures would need to be positioned a distance away from the railway, with noise mitigation.

Assessment should be made of approach gradients to bridges and underpasses as all connections should be accessible to disabled users accessing the countryside in all-terrain mobility scooters, thus complying with Disability Discrimination Act 1995. In this respect it is anticipated no steps should lead up to bridges unless they have ramps alongside.

Viaducts can provide archways through which ROW can pass commodiously under the railway. However, assessments will need to be made of the archway heights to ensure headroom for users of the ROW network and the legal path diversions necessary to avoid pillars.

Diversions

ROW information should only be obtained from the electronic version of the definitive map from respective local councils.

Where it is not possible to construct a bridge or underpass an assessment should be made of commodious diversions to the nearest main crossing point, such as road bridge or viaduct. This should, where ever possible, be diagonal so as to be more direct and to reduce journey times. Landowners will need identifying so the diversions can be included in the Act. If direct 'desire-line' diversions are impossible, an 'L-shape' should be assessed, using part of, or an extension along, the HS2 footprint leading to the nearest crossing point. Generous widths should be assessed to accommodate equestrians on bridleways or pedestrians on footpaths within the HS2 footprint.

The standard 'test' for diverting ROW should be adopted (outlined in s.119 Highways Act 1980) is normally that a path diversion should 'not be substantially less convenient to the public'. Path severance is dealt with in Section 15.6.14 of the EIA Scoping Report and proposed impacts are classified into the length of pedestrian inconvenience (see above). The Highways Act 'test' is subjective, but the Scoping Report suggests impacts be quantified. The Report provides no information on the likely mitigation attached to each impact. It is suggested that community impact (7.4.1) needs to overlap with severance impact (15.6.14) to provide results to inform a public consultation to decide upon mitigation.

Surfaces should be laid in situations of high public use or in areas of poor drainage, and ramps constructed leading up to all bridges. Construction design will need to be provided. Paths should be accessible to all-terrain mobility scooters as the County Council has high ambitions for the network with regard to improving disabled access.

An assessment of appropriate road crossings should be outlined such as controlled crossings (Pegasus, Pelican or Toucan crossing), diversions to safe crossing points and refuges for equestrian users.

Opportunities to provide a public access corridor alongside the route

It will be necessary in some instances to divert ROW alongside the HS2 corridor, but an assessment could be made of the opportunities the line provides in enhancing connectivity of the network, particularly between communities. Walking and cycling connections could be provided, which link between quiet roads and bridleways, for example, providing a cycle link alongside the HS2 line between Aylesbury and Waddesdon.

Where this is possible either as a diverted route or new opportunity, they should be screened from the railway with native vegetation and an assessment is needed of sites requiring noise mitigation. This is especially important alongside bridleways where equestrian safety is of great concern, otherwise HS2 will render much of the bridleway network unusable.

Permissive paths and unrecorded routes

There will be some permissive paths (a route with public access by permission of the landowner) directly affected, which would need to be considered alongside the public footpath network. In addition, an analysis needs to be made of the historical unrecorded rights of way along the route,

that is the routes along the line which are publically accessible, but have yet to be recorded on the Definitive Map. This would be a similar process in Natural England's 'Discovering Lost Ways' Project.

Temporary diversions during construction

Assessments need to be made of temporary path closures required during the construction phase. These will be reopened post-construction, but will need to be set out in the Parliamentary Act, and should take into account public convenience. Structures required as part of temporary diversions, such as pedestrian and kissing gates, should be of British Standard design (BS5709:2006) and surfaces laid in situations of high public use or poor drainage. An assessment should be made of signposting and proposed maintenance. Risk assessments should be made of likely subsidence, springs appearing or likely drainage problems along these temporary routes.