

Development and Public Rights of Way

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Howys

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A Practitioners Guide

GUIDING PRINCIPLES IN AVOIDING CONFLICT BETWEEN DEVELOPMENT AND PUBLIC RIGHTS OF WAY

1. Consult the Definitive Map

Powys County Council is required by law to keep a record of public rights of way in the county. This record is known as the Definitive Map and Statement.

As its name suggests it provides definitive evidence of the existence of a public right of way even where the path or way might not physically exist on the ground.

The only absolutely up-to-date copies of the respective Definitive Maps are those kept by Countryside Services (see 'Contact Details') but many libraries across Powys have been provided with reference copies. However, these will not record the existence of recent changes, such as diversions or creations.

Each of the Planning Services offices in Neuadd Brycheiniog, Brecon, Neuadd Maldwyn, Welshpool and The Gwalia, Llandrindod Wells also hold copies of the Definitive Map. However, these copies may not be up-to-date but staff there will be able to check with Rights of Way officers for any recent changes.

The Definitive Map for Powys outside of the Brecon Beacons National Park may be inspected at Countryside Services, St John's Offices, Llandrindod Wells, Powys

For land within the Brecon Beacons National Park, the Definitive Map may be inspected at National Park Office, Cambrian Way, Brecon, Powys.

The Definitive Map is a minimum record of public rights of way. There may also exist additional public rights of way which have not yet been formally recorded on the Definitive Map, or there may be rights which have been incorrectly recorded.

Ordnance Survey maps may or may not show the existence of rights of way. They can also indicate routes which are used by the public but are not recorded on the Definitive Map.

Title deeds to property rarely refer to public rights of way. It is therefore important for anyone seeking to undertake or manage any development or planning application, to consult the Definitive Map at the earliest opportunity.

It is difficult to advise potential developers on public rights of way not recorded on the Definitive Map. Such instances are fairly uncommon and some physical evidence of use would normally be expected. It may be advisable to check with local landowners for knowledge of use of unrecorded rights of way.

2. The Appropriate Response

2.1 If the search of the Definitive Map reveals that there is no public right of way crossing the site of the proposed development (and there is no reason to believe that an unrecorded public right of way exists) then the only action necessary is to record this fact on the planning application forms.

2.2 If the search of the Definitive Map reveals that a public right of way would be physically blocked by the planned development then there are a series of options:-