

Suffolk County Council

Public Rights of Way and Solar Farms - Position Statement

Public rights of way (PROW) are an important part of Suffolk's landscape and are legally protected. The National Planning Policy Framework specifically refers to PROW at paragraph 100, stating that "Planning policies and decisions should protect and enhance PROW and access..."

PROW are divided into the following classifications:

- Public Footpath – only for use on foot or with a mobility vehicle
- Public Bridleway – as per a public footpath, and on horseback or by bicycle
- Restricted Byway – as per a bridleway and by a 'non-motorised vehicle' e.g. a horse and carriage
- Byway Open to All Traffic (BOAT) – as per a restricted byway and can be used by all vehicles

All recorded PROW are shown and described on the Definitive Map and Statement, together forming the legal record of all currently recorded PROW. They are available to view as PDFs divided into parishes at <https://www.suffolk.gov.uk/roads-and-transport/public-rights-of-way-in-suffolk/view-definitive-maps-of-public-rights-of-way/>. There may be other PROW that exist which have not been registered on the Definitive Map. These paths are either historical paths that were not claimed under the National Parks and Access to the Countryside Act 1949 or since, or paths that have been created by years of public use.

In 2019 Suffolk County Council declared a climate emergency and stated the ambition to achieve net-zero carbon emissions by 2030. In 2020 the Suffolk Climate Emergency Plan was published, which documents priority actions all public sector partners can take in order to achieve our goal. We understand the need for greener ways to generate power and are happy to work with organisations to enable this process whilst protecting and enhancing our natural environment. Our position in relation to PROW and solar farms in Suffolk is as follows:

1. Early contact and discussion with the Green Access Team is essential to allow for best practice to be followed in developing new sites.
2. Applications for planning permission should include full information about PROW in and around the site, including a plan showing the local PROW network and how it interacts with the proposals. They should also include full information about the cumulative effects of other similar applications and sites in the area.
3. We require that a full PROW search (including for claims and anomalies) is carried out and the digital data is obtained and plotted on site plans. This includes details recorded on the Definitive Statement and any legally recorded widths. For information about this, and to enquire about fees contact DefinitiveMaps@suffolk.gov.uk
4. PROW must remain unobstructed at all times, i.e. no barriers or gates may be erected, and management measures should be put in place to enable PROW to remain open during construction. If closures are temporarily required then the appropriate permissions must be applied for from the Rights of Way & Access Team. More information can be found at <https://www.suffolk.gov.uk/roads-and-transport/public-rights-of-way-in-suffolk/rights-and-responsibilities/>
5. All PROW must be protected on their legally recorded alignment both within and around the site, and must be accommodated within wide green corridors. Any new planting proposed as screening should

be of mixed native species and a minimum of 10m from the edge of the PROW. This is to ensure routes remain well-lit and ventilated and do not create a corridor effect. The length of time it will take for new planting to mature and the impact on the user experience during that time must be considered. Planting should not be allowed to grow any taller than 1.8m. Future cutting and maintenance of hedges, trees and the corridor strip also needs to be taken into account from both a financial and access perspective. We may seek a financial contribution for the maintenance of green corridors unless an alternative agreement is in place. The siting of access tracks outside the fencing could be considered, as per the example shown in Image 1 below:



1 - L-R tree belt - public footpath - grassed solar farm access track - hedge planting – low-level wire fencing - solar arrays

6. In limited circumstances it may be possible for a PROW to be diverted if a development cannot otherwise take place. However any diverted route must be no less comfortable and convenient for users and mitigation for any impact such as loss of views etc will be required. Diversion options must be discussed with the Green Access Team and the appropriate legal process followed. We will seek to avoid 'dog-leg' alignments and retain desire lines.
7. For fencing, the use of open mesh is preferable. Close boarding or metal palisade type fencing are too intrusive in the landscape and create unpleasant and intimidating alleys, even if used on a relatively wide path. Metal palisade fencing with spikes on top should particularly be avoided anywhere used by horse riders, as it poses a particular hazard. Any fencing should be screened with planting on the PROW side of the fence with reference to the requirements in paragraph 5 above. Fencing must not be above 2m in height.
8. The effect of glint and glare on users of PROW must be properly considered. This is particularly relevant in the case of PROW that may be used by horse riders. The British Horse Society has produced guidance in relation to solar farms (available to download at <https://www.bhs.org.uk/advice-and-information/free-leaflets-and-advice>) and recommends that arrays should be avoided where glare is likely to effect users of an equestrian route.
9. Where site access tracks will intersect with PROW, particularly during construction, the safety of people using the PROW must be ensured. Management measures must be put in place to control construction traffic, e.g. employing banksmen, temporary closures with a convenient alternative route provided etc. All measures must be agreed with the Rights of Way & Access Team. All efforts must be made to avoid damaging the surface of the PROW, and any damage caused must be rectified at the earliest opportunity so that the surface is commensurate with the use of the PROW (e.g. for a footpath it must

be suitable for pedestrians to use it safely, for a bridleway it must be appropriate and safe for pedestrians, horse riders and cyclists etc.)

10. All structures (including container-style structures) should be sited as far from PROW as possible and should be screened. The noise from inverters may be disturbing to users of bridleways and byways, therefore higher standards of sound insulation on the housing of inverters may be required. Inverters should also be sited as far from bridleways and byways as possible.
11. Drainage provision must be taken into account to prevent potentially serious effects on PROW through and immediately adjacent to the site, and for some distance away depending on drainage patterns, outflow, and the terrain.
12. Potential loss of amenity value to users of the PROW network generally must be considered, with views of open countryside replaced with hedged paths, restricted views over the landscape, and the visual impact of solar farms both close up and from a distance. Mitigation measures such as wider enhancements to the local network (including the creation of new PROW) may be required, particularly in larger scale solar farm proposals. In some instances new PROW can be created and this option should be explored.

For further information and advice about public rights of way please contact:

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