



meeting **ENVIRONMENT AND SUSTAINABILITY SELECT COMMITTEE**

date **30 JANUARY 2006**

agenda item number

REPORT OF THE DIRECTOR OF ENVIRONMENT

COUNTRYSIDE ACCESS CONFERENCE - 'ON THE RIGHT TRACK' 25 NOVEMBER 2005

Purpose of the Report

1. To present a summary of the main themes of the Conference.

Background

2. The Countryside and Rights of Way Act 2000 (CROW) is the first major piece of countryside legislation since the Wildlife and Countryside Act 1981. The Act will have a significant impact on countryside access and rights of way throughout Nottinghamshire. The key elements to the Act are: Open Country, Closure of the Definitive Map, Lost Ways, Local Access Forums and the production of a statutory Rights of Way Improvement Plan.

Purpose of the Conference

3. In order to raise the profile of these new duties and to explain some of the challenges that face the County Council, the Department organised a Countryside Access Conference, held at Boughton Pumping Station on 25 November 2005, open to all those with an interest in public rights of way. Invitations were sent to all elected Members, MPs, user groups, Parish Councils, Path Wardens, the Notts Association of Local Councils, the National Farmers Union, and the Country Landowners and Business Association. Over 130 people attended the event.

Conference Themes

4. Councillor Stella Smedley, Cabinet Member for Environment and Sustainability, opened the Conference, drawing on memories of her childhood to illustrate the increasing importance of being able to access the countryside to enjoy stunning landscapes and wildlife and more importantly escape the pressures of everyday life.

5. Paddy Tipping, MP for Sherwood set countryside high up the Government agenda, quoting the 'Right to Roam' and the CROW Act as recent successes. The Forestry Commission is now charged with dedicating 1,600 ha of land in Nottinghamshire as open country, and Government will continue to support countryside recreation as part of their healthy living programmes.

Existing Challenges

6. Four senior officers from the Countryside Access Team gave presentations on existing challenges for the Authority to comply with the requirement to 'assert and protect' the rights of the public to use any highway (Highways Act 1980, Section 130). Excluding partnership agreements, 5 area officers manage 2,500 kms of path within 191 parishes. A budget of £148k is available equating to £774 per parish. With this cash limited budget, maintenance priorities are set against safety, need and usage. The County Council's performance is measured against a national performance indicator, BVPI 178. Attention to ploughing and cropping infringements, illegal obstructions and better signposting has improved the County's performance from a lower quartile position to a mid-field survey result of 62.2% for 2004/5, a move in the right direction.
7. The Authority works in a partnership with the remaining 74 parishes and with 62 farmers. Additionally, volunteers assist with the national BVPI surveys, waymarking and practical tasks. The Conference heard of benefits from these schemes – local involvement, targeting according to local need, good value returns using local contractors, release of officer time to carry out specialist work. It was however noted that the scheme was now at financial capacity with 5 parishes wishing to join and a number of farmers interested in managing paths on their own land.
8. Walkers have access to 100% of the path network, riders and cyclists a mere 20%. The less able and families with pushchairs and buggies have access to only 10% of the network. Much of the network is fragmented, with busy roads, rivers, and development becoming significant barriers. Disused railways, canals and river corridors provide important links to the existing fragmented network of paths. A programme of acquisition and partnership is seen as the way forward to complement existing routes.
9. The Definitive Map and Statement are the legal documents that underpin all rights of way work. However, even these documents are not 'definitive'. Since 1985, 150 kms of path have either been added to the path system or the existing path status has been changed. The Definitive Map section are investigating obvious anomalies and omissions from the Definitive Map as well as receiving applications from third parties.

New Challenges

10. Amanda Earnshaw from the Countryside Agency spoke to the Conference as national lead officer for the Government initiative, Discovering Lost Ways. Government had completed its pilot work in Wiltshire and Cheshire, and was now looking to roll out its national programme. Nottinghamshire would be in the first tranche, beginning in late summer 2006 for 12 to 18 months. This independent

team would look at historical records of unrecorded paths in the County with a view to submitting claims for routes supported by good evidence. As many as 400 new paths could be claimed. Processing of these claims would fall to the County Council.

11. Claire Herring, an independent consultant, reported to the Conference on open access land and common land in Nottinghamshire to which walkers now have unrestricted access. There are 99 parcels of land, 91 of which were registered common land. The remainder are lowland heath. A total of 446 hectares of land is affected. These sites were rated on a priority of 1-4, where one is the highest priority. The 99 parcels of land examined have been prioritised as follows:

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| • Priority 1 – action required to facilitate open access | 8 |
| • Priority 2 – action beneficial to improve access or information | 22 |
| • Priority 3 – advise landowner and provide basic signage | 25 |
| • Priority 4 – no action at this time | 44 |

Nottinghamshire County Council has certain duties as the Access Authority to owners and users of this land. Additional land is being declared 'open access' by the Forestry Commission.

12. The morning session of the Conference ended with a presentation on the Authority's new statutory duty to produce a Rights of Way Improvement Plan (ROWIP) for Nottinghamshire. The plan would incorporate policies to cover all the responsibilities outlined in the Conference presentations, local and national government initiatives and duties. Publication date for the ROWIP is November 2007.

Topical Issues

13. The afternoon session of the Conference was opened by Sir Edward Nall, Chairman of the Local Access Forum (LAF). This statutory forum is to advise the Authority on the ROWIP and other rights of way matters. It contains 2 County Council Members. It meets 4 times a year, with subgroups looking in detail at the ROWIP and vehicles in the countryside. The LAF has been in existence for 2 years and thus a number of members were due to be retired from the Forum. Sir Edward asked for interest from the Conference to join the LAF.
14. The remainder of the Conference was run as two workshops. Workshop 1 was an in-detail discussion on the methodology that would be used to uncover 'Lost Ways', unrecorded rights of way. This workshop was led by Ashley Parry Jones, the Government's lead consultant on this project. Workshop 2 was a presentation on a draft policy for addressing vehicle use in rights of way. This policy has been drafted by the County Council Environment Department and forms a separate discussion paper to this Committee meeting.
15. In conclusion, the Conference set out to inform as wide an audience as possible of the existing statutory duties the Authority has to meet, offered an update on new legislation, and outlined the challenges that must be faced in the future. It was well attended, and feedback suggests it was well received.

PETER WEBSTER
Director of Environment

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