



meeting **ENVIRONMENT AND SUSTAINABILITY STANDING SELECT COMMITTEE**

date **31 OCTOBER 2005**

from: **Director of Environment**

agenda item number

RIGHTS OF WAY ISSUES IN NOTTINGHAMSHIRE

Purpose of Report

1. To summarise the activities of the County Council with regard to the Rights of Way network.

Background

2. The Rights of Way network in Nottinghamshire extends over 2600 kms, comprising:
 - Footpaths – which may only be used for walking.
 - Bridleways – which may be used for riding a horse, cycling and walking.
 - Restricted Byways – which may be used by walkers, cyclists, horse-riders and horse-drawn vehicles but not mechanically propelled vehicles.
 - Byways open to all traffic – which may be used for walking, riding and cycling as well as the right to use any kind of wheeled vehicle, including motor cars and horse-drawn vehicles.

It should be noted that wheelchairs and motorised buggies used by people with disabilities are not classified as vehicles.

3. Legal responsibilities for Nottinghamshire County Council, as highway authority, fall into 2 main categories
 - Management of the existing network. This work includes signposting, bridges, vegetation clearance and condition of the path surface. There is also a duty to ensure landowners keep paths free of growing crops and paths free from other obstructions.
 - Keeping the Definitive Map and Statement (DMS) up to date. The Authority has a duty to keep the DMS under continuous review. This includes processing all user applications to add new paths to the DMS within 12 months of a valid application. Such applications are usually based on a blend

of historic and user evidence. Any unresolved objections have to be determined at a local public inquiry under the guidance of an independent inspector and this may take up to 2 years.

The Countryside and Rights of Way Act 2000 (CROW) has placed a deadline of 2026 by which time all claims based on historic evidence must be submitted. There are a number of existing dead ended paths which, if left unclaimed beyond 2026, will be lost. A similar situation exists with urban jitties. The Department is currently processing over 100 of these per year.

In 2006, "Lost Ways", a Government driven initiative, will work within Nottinghamshire on an intensive programme (12-18 months) looking at historic evidence within the County. Case Files produced by Lost Ways will eventually be submitted to the authority as part of the claims process. From earlier work in Cheshire and Wiltshire this could generate in excess of 600 case files.

Rights of Way Improvement Plan (ROWIP)

4. Under Section 60 of the CROW Act 2000 Nottinghamshire is required to produce a statutory Rights of Way Improvement Plan (ROWIP) by November 2007. The ROWIP will also need to be integrally linked to the Provisional Local Transport Plan (LTP). A provisional set of objectives are currently undergoing consultation:
 - (a) To protect, maintain and seek to enhance the network for all lawful users.
 - (b) To improve access to the network for all, including those with visual impairment or mobility problems, by adopting the principle of the least restrictive option.
 - (c) To improve the safety and connectivity of the metalled road and rights of way network.
 - (d) To increase awareness of the network and the understanding of the wider benefits arising from its use, such as leading an active and healthy lifestyle, and making a positive contribution to the local economy.
 - (e) To ensure that both the Local Transport Plan and Rights of Way Improvement Plan complement and assist each other in the delivery of their common objectives.
 - (f) To provide a complete and up-to-date definitive map and statement, with particular reference to map anomalies and the 'Lost Ways' project.

A five year costed action statement will accompany the Plan. This statement will address:-

(i) Network Maintenance

Maintenance of the Path network needs to be of a standard to reduce conflict between farmers and owners and minimise claims against the Authority for

negligence. Paths need to be well sign posted and waymarked with gates and stiles easy to use. The needs of the less able will also be addressed in this action statement.

Enforcement to minimise unlawful use is a growing issue. A continuous review of the definitive map and good quality information will help combat such abuse. A policy statement on the illegal use of rights of way is being drafted, to be brought to Cabinet for approval at the end of the year to be incorporated into the final ROWIP document in 2007.

(ii) Network Enhancement

Quality paths that are easy to use are all important in a modern day network. There will be a strong focus on improving access for all users. Mechanisms will be proposed for continuous improvement of the national performance indicator BVPI 178, "Ease To Use". Conditions for the less able are important as well as creating new routes that help increase the connectivity of the whole network. Acquisition of former railways will be addressed as they often form effective, level, traffic free, multi-user routes.

(iii) Network Awareness

The rights of way network can provide a wide range of benefits for its users including greater understanding and appreciation of the local environment and health benefits from an active lifestyle. However, the network is underused by some sections of the community and this is often due to a lack of awareness of the opportunities it offers. The Authority already publishes a number of leaflets and guides to promote the network. Public confidence can be boosted by better signposting, exhibitions, parish/or site information and use of web pages. A marketing strategy will be a key action point in the action statement.

(iv) Definitive Map

The rights of way network is extremely complex and legal disputes over status or location of a route can be distressing, time consuming and costly. The statement will set a timetable to address the back log in processing claims and disputes over status – The "Lost Ways" initiative described in paragraph 3 will allow early determination of whether forgotten routes do, in reality, exist.

(v) Partnership Working

The County Council works closely with a range of partners, particularly farmers and parish councils, to provide the best possible value in delivering the actions referred to above. However with an ever expanding network, over 2600 kms, enhanced maintenance, and better promotion will require additional funding. LTP 2 may provide some additional funds, but further sources of finance will need to be identified to realise the full potential of the ROWIP.

(vi) Member involvement in ROWIP preparation

It is expected that the current data gathering exercise will be completed by spring 2006 and approval sought from Cabinet to consult on a draft ROWIP by the end of 2006. The final submission to DEFRA is required by November 2007 which will require Cabinet/County Council approval. Members will be invited to a series of events between now and November 2007 which will raise awareness of the issues involved in the Plan. (See para 6 below.)

5. The local Access Forum

The Countryside and Rights of Way (CROW) Act 2000 requires all local highway authorities to establish a Local Access Forum (LAF) for their entire area by August 2003. The first meeting of the Nottinghamshire LAF took place in July 2003 and it has met about four times each year since then. It is an independent statutory consultative body which is designed to offer advice and guidance to the County Council, the Countryside Agency and others on the ROWIP and implementation of access to open country.

The LAF consists of 18 members including two elected Councillors nominated by the County Council as appointing authority. These are currently County Councillors Napier and Hemsall. The activities of the LAF are reported to the Cabinet Member for Environment and Sustainability on an annual basis.

6. Rights of Way Conference

I have outlined key issues that need to be addressed in the Rights of Way Improvement Plan. It is important for Members to understand the scope of the Plan and how they can input to the consultation process. As mentioned above two members already attend the LAF. To ensure the best level of awareness raising the County Council is organising a Rights of Way Conference to which all County Councillors have been invited. It is to be held on 25 November 2005 at Boughton Pumping Station. The main purpose of the day is to describe to Members and partners the range of work carried out by the Council on the County's rights of way network. There will be plenty of opportunity for discussion with workshop sessions focusing on some current 'live' issues referred to in the paragraphs above.

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ep.sc/rs/ep4775
18 October 2005 (20.10.05)