

# Rights of Way Management Plan

2018 – 2026

## Draft Executive Summary



## Executive Summary

### Why are we doing it?

In November 2007, Nottinghamshire County Council produced its first Rights of Way Improvement Plan (ROWIP1). This fulfilled requirements under section 60 of the Countryside and Rights of Way (CROW) Act 2000 and provided the Authority with a unique opportunity to survey Nottinghamshire's rights of way network and assess the modern day needs and demands of the public. The County Council is required, not more than 10 years after first publishing ROWIP1 to:

- a) Make an assessment of:
  - The extent to which local rights of way meet the present and likely future needs of the public
  - The opportunities provided by local rights of way for exercise and other forms of open air recreation and enjoyment of the authority's area
  - The accessibility of local rights of way to blind or partially sighted persons and others with mobility problems; and
  - Such other matters relating to local rights of way as the Secretary of State may direct.
- b) Review the plan and decide whether to amend it.

The authority shall, if it decides to amend the ROWIP, publish it as amended. If it decides to make no amendments to it, it is required to publish a report of its decision and reasons for it.

The main research undertaken and conclusions reached in ROWIP1 remain valid. However, ROWIP1 was only designed to run until 2012. Therefore, as a result of consultation with stakeholders, the Council has decided to publish a revised and updated plan in order to provide a long term strategy for how Nottinghamshire's public rights of way network will be managed for the next eight years. This document constitutes the amended plan and hereafter will be referred to as the Rights of Way Management Plan 2018-2026, ROWMP2 or 'the plan'. The previous Rights of Way Improvement Plan will hereafter be referred to as ROWIP1.

As a result of feedback from stakeholders and users of the previous plan, the title of this document has been changed from Rights of Way Improvement Plan to Rights of Way Management Plan. This is in response to views from users that ROWIP1 was too aspirational and in hindsight had too much emphasis on potential improvements. Therefore, the change in title signifies the shift in emphasis away from aspirational goals and potential improvement, to a more focused strategic document that places emphasis on our core statutory duties as a Highway Authority. Consultation with stakeholders has shown that this shift in emphasis is welcome and is what users want from this plan.

The strategic, economic and political context the County Council operates within has changed significantly since 2007 and will continue to evolve throughout the working life of this document. However, regardless of this, the County Council remains committed to ensuring the ROWMP continues to be fit for purpose. It is vital that Nottinghamshire's PROW network is maintained; not only for the direct benefits for those who use it but also the wider benefits the network brings to Nottinghamshire's economy. Nottinghamshire's PROW network is a key heritage asset which can support the Council's wider aims with regards to economic development and numerous businesses throughout the County.

This second plan provides the context for future management and maintenance of Nottinghamshire's rights of way network in order to meet the

needs of the people of Nottinghamshire and visitors to the county. ROWIP1 ran from 2007 to 2012 and this plan is designed to run from 2018 to 2026.

The primary focus of this plan and the Statement of Action within is to show how the County Council intends to deliver on its statutory obligations as a Highway Authority with regards to managing the PROW network. The decision to increase the duration of the strategy has been taken to allow the County Council to adopt broader long term strategy to ensure this focus is maintained.

The increased duration of the strategy is also designed to ensure continued integration with Nottinghamshire's current Local Transport Plan (LTP3) and district planning authorities' Local Plans (formally Local Development Frameworks), all of which are currently designed to run until 2026. However, this strategy will be reviewed not more than ten years post publication, as is the current statutory requirement to do so. Furthermore, there is considerable scope to review and update the strategy prior to this date should the need arise. Such circumstances include (but are by no means limited to):

- To consider any significant changes in the condition of the public rights of way network
- To consider the effectiveness of the plan to deliver its core aims
- To consider if the priorities and focus of the strategy are still relevant and address rights of way and countryside access issues in Nottinghamshire
- To consider changes in corporate priorities

This plan will set out the context for the new plan and will take into account new legislation and guidance, which affects the management of the PROW network.

## What does it cover?

In summary a Rights of Way Management Plan must contain the following:

- An assessment of the extent to which local rights of way meet the present and likely future needs of the public
- An assessment of the opportunities provided by local rights of way for exercise and other forms of open-air recreation and enjoyment of the authority's area
- An assessment of the accessibility of local rights of way to blind and partially sighted people and others with mobility problems
- A Statement of Action. This will outline strategic actions an Authority will propose to take for the management of rights of way, and for securing improvements to the network.

However, the Statutory Guidance also states that the Plan itself should not contain information on site specific assessments but draw broader, generic conclusions which are then the focus of a business plan for specific delivery on the ground. Although the local rights of way network is undoubtedly a major element of access to the countryside, alone, it does not show the full picture. There are many other routes that are used by the general public for informal countryside access that are not legally recorded as definitive public rights of way. This is recognised in the Statutory Guidance and, as a result, this plan will continue to consider the wider network of permissive routes, public open spaces and countryside sites.

## Countryside Access in Nottinghamshire

The Rights of Way Management Plan will continue to serve as the overarching focus for the protection, creation and enhancement of countryside access in Nottinghamshire. The Council will continue to develop and manage

this countryside network for all, enabling opportunities for the widest possible type and number of users contributing to Nottinghamshire's economy, health, social well-being and environment.

To continue to realise this vision the Council has determined that it must focus on achieving the following 6 key aims;

1. To protect, maintain and seek to enhance the network for all lawful users.
2. To improve access to the network for all by adopting the principle of the least restrictive option.
3. To improve the safety and connectivity of the metalled road network with the rights of way network.
4. To increase awareness of accessing the countryside 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.
5. To provide a revised and updated definitive map and statement
6. To enhance and increase community involvement in managing and improving the network, where resources allow.

### What have we done?

The County Council has considered national, regional and local research, and best practices from other authorities. National research by the Department for Environment, Food and Rural Affairs (Defra), Natural England and a range of other national organisations with an interest in countryside access, have provided a good overview of user needs and national challenges. The County Council has re-examined and updated the network assessment carried out in 2006 for ROWIP1. It was found that this assessment is still fit for purpose and accurately reflects the state of the network in Nottinghamshire.

The principles regarding public need which underpinned ROWIP1 and the network assessment made at that time are all still relevant. Furthermore, recent consultation has indicated that public attitudes towards the PROW network in Nottinghamshire remain very similar to those expressed in ROWIP1, as do many of the problems faced by users and land managers

The draft Plan was subject to a period of public consultation from the XX of XXXX 2018 to XX of XXXX 2018. The Local Access Forum was also given the opportunity to discuss and comment upon the draft plan at their quarterly meetings during 2015 and 2016. The responses were considered by County Council officers and the draft plan was amended accordingly. This plan was then approved by the Planning and Licensing Committee of the County Council on the XX of XX 2018 and formally adopted by the Policy Committee of the County Council at its meeting on the XX of XXXX 2018.

### What did we find?

The PROW network in the county continues to be viewed primarily as a recreational resource but it also highlighted how important the network is in accessing essential services. The most popular activities are cited as walking and cycling, although horse riding continues to be a popular activity in Nottinghamshire.

The PROW network in Nottinghamshire is a vital resource in promoting health and wellbeing for Nottinghamshire residents and visitors. Public rights of way provide a means for people to walk, cycle and horse ride that is free of charge and can improve physical, mental and social wellbeing. The link between promoting health and wellbeing and what the PROW network can offer, should be championed at every available opportunity as a means of safeguarding the management and maintenance of the network for future generations to enjoy.

There continues to be a particular demand for circular walks and rides close to where people live. Where people do travel further afield the most popular locations are Sherwood Forest and Clumber Park.

Walkers, riders and cyclists are classified as vulnerable road users and their primary requirement is to be in a 'safe' and traffic free environment. Where the rights of way network meets the road network, PROW users usually have to cross at road level with no traffic light controls or refuges and in rural areas footways and managed verges are sporadic.

Some of the key problems faced by users and land managers of the rights of way network include;

- *Obstructions* – non reinstatement of cross-field paths after ploughing, non-removal of crops, overgrown vegetation etc. are all deterrents to usage
- *Difficulty in negotiating structures* – some stiles and gates are in states of disrepair and gates have latches that are difficult to open
- *Poor connectivity of the network* – many potential circular routes involve crossing busy roads or a high percentage of road walking / riding
- *Lack of off-road provision for cyclists and equestrians* – limits the possibility of identifying circular rides without the need for riding along busy roads
- *Litter, control of dogs and dog fouling* – lack of respect for the countryside and public rights of way network causes concern for landowners and deters users.

- *Illegal motorbike access*- problems around trespassing and anti-social behaviour can deter legitimate users and cause problems for land managers.

## Key Issues

There are various pressures and changes which contribute in trying to manage a modern day rights of way network. For example, changes to farming practices, increased residential and business development, an increasing number of definitive paths and an increasing population. Because of these pressures there is a need to manage the existing network more efficiently, pro-actively and objectively. The County Council must continue to prioritise its limited and decreasing resources and work strategically to provide long term improvements.

The desire to provide 'access for all' continues to be a focus of this plan. A number of barriers, both perceptual and physical to people with disabilities continue to exist. Some of these barriers are due to the geology and topography of the county and are very difficult to remove. However, there are a number of local, 'simple' tasks which can be achieved, such as continuing to replace stiles with kissing gates and progress has been made on this issue since ROWIP1 was published. Any 'accessibility' improvements to the network equates to better access for everyone regardless of their needs.

This plan highlights the high number of applications for definitive map modification orders (DMMO) i.e. adding unrecorded routes or recording higher rights over paths already included in the definitive map and statement. The CROW Act 2000 (and later the De-regulation Act 2015) sets a deadline of 1<sup>st</sup> January 2026 for applicants to claim rights of way created before 1949 using documentary evidence. Therefore this cut-off date means the number of DMMO applications could potentially grow significantly. Additionally within the definitive map there are an estimated 700 'map anomalies' to be resolved.

Rights of way often are affected by planning and development. It has been found that planners and developers do not always fully consult or take into consideration the needs of all PROW users. Often users end up with a token number of badly designed paths when development takes place. The plan points to the need for Access for All, 'designing out' crime and nuisance and providing an attractive path, certainly not any less convenient than the original line of the path.

There are a number of sites and routes across the county offering informal recreational opportunities over and above the definitive rights of way network. The type of access varies from large 'Open Access' sites designated as Open Country (CROW Act 2000) to small routes owned by private landowners. Permissive routes can be beneficial to all users in providing missing links in the PROW network, offering recreation in the County's large forestry areas for families and groups and providing safe routes away from the busy road network. However, a general lack of information as to where these permissive routes and sites are, is a challenge that needs to be addressed.

The wider community plays an important role in helping the County Council achieve its aims and objectives in managing Nottinghamshire's rights of way network. The Council works with a number of voluntary organisations and individual volunteers to manage and maintain rights of way, which can assist both the Council with its responsibilities and help farmers and landowners with theirs. In working with volunteers, the Council must consider both the resources that are required to effectively manage volunteers and the requirements relating to health and safety.

Clearly rights of way maintenance and an up-to-date definitive map are fundamental in 'keeping paths open and available for the public to enjoy'. Nevertheless, the plan recognises that the promotion of the network is essential in highlighting the opportunities, increasing usage and maximising the potential of rights of way for both recreational and utility type journeys.

## Policies and Procedures

One of the most important considerations in providing an updated Rights of Way Management Plan for Nottinghamshire is to ensure that it addresses key themes and complements the aims and objectives of existing county plans and strategies. As with other local level strategies, the aims and objectives of the Rights of Way Management Plan 2018-2026 have been designed to assist delivery of core national and local policies.

This plan is designed to reflect the values of the Council's Strategic Plan 2018-2021 and to assist in delivering its key priorities. This strategy also complements Nottinghamshire's third Local Transport Plan (LTP3) and each should be viewed as mutually supportive strategies. It is a vital mechanism for delivering on LTP3 objectives and their shared aims, in particular, walking and cycling.

Nottinghamshire's LTP3 addresses the rights of way network as an integral part of urban and rural transport systems and in contributing to the achievement of transport goals. The current framework allows the Rights of Way Plan and the LTP3 to work in tandem to achieve shared goals. This integration is advanced further by the publication of this updated strategy, as it gives the Council an advantage in delivering positive benefits for people and the natural environment. It can help Nottinghamshire's residents and visitors enjoy a more active lifestyle in a greener, healthier, low carbon, quieter and safer environment.<sup>1</sup>

The preparation of this plan has offered another opportunity for the Council to prepare and present a summary of the key rights of way issues taking into account both established and new legislation and working practices. These are supplemented by a series of policies relating to network management and maintenance, community and partnership working, definitive map and planning and development. They will guide the Council, land managers and all

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<sup>1</sup> LTP and ROWIP Integration Good practice note (NE325) 2009

stakeholders in the maintenance and management of public rights of way in the county.

### What happens next?

Under the CROW Act 2000, the Council has a statutory duty to prepare and publish a Rights of Way Improvement Plan, but not to implement it.

Accordingly, no additional funds have been allocated to Highway Authorities for this purpose. This is unlikely to change for the duration of this plan.

The Statement of Action will define the scope of the actions the Council can take. The overall aims and the specific actions of this plan are focused on delivering on our statutory obligations as a Highway Authority<sup>2</sup>.

The County Council will continue to report progress through annual progress reports and work with the Nottinghamshire Local Access Forum in identifying key issues and priorities.

Although the Council faces a significant challenge to deliver financial savings, it is determined to continue to deliver life enhancing services. The PROW network has a vital role in ensuring Nottinghamshire's heritage is preserved and that its countryside can be accessed and enjoyed by all. The ethos of Rights of Way Management Plan 2018-2026 supports this strategic vision and with the support of key organisations and agencies, land managers and the public, its key aims can be achieved. This will ensure the PROW network in Nottinghamshire can continue to be managed and maintained effectively as a key asset the county can be proud of.

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<sup>2</sup> Nottinghamshire County Council is the Highway Authority for Nottinghamshire (excluding Nottingham City). For ease of reference, Nottinghamshire County Council will be referred to as 'the Council' throughout this document, unless it directly quotes from legislation and statutory guidance which makes reference to the Council in its capacity as the 'Highway Authority'. Furthermore, in Council policy the Council is often referred to as 'the authority'