

7 November 2019**Agenda Item:6****REPORT OF THE CORPORATE DIRECTOR, PLACE****RIGHTS OF WAY MANAGEMENT PLAN (2018 – 2026) PROGRESS REPORT****Purpose of the Report**

1. To report on the progress of Nottinghamshire's Rights of Way Management Plan (2018-2026).

Information

2. The public rights of way 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 continued support of key partnership organisations and agencies, land managers and the public, its key aims can be achieved. This will ensure the network in Nottinghamshire can continue to be managed and maintained effectively as a key asset the county can be proud of.
3. Under Section 60 of the Countryside and Rights of Way Act 2000 (the CROW Act), all highway authorities had to prepare and publish a statutory Rights of Way Improvement Plan (ROWIP) by November 2007. On the 1st November 2007 Nottinghamshire County Council adopted its inaugural ROWIP. On 14th November 2018 the Authority adopted a revised Rights of Way Management Plan (2018 – 2026).
4. The Rights of Way Management Plan provides the Authority with a statutory and strategic plan outlining the Council's aims and objectives for the management of a modern and changing rights of way network and it recognises the interests of agriculture, forestry and other land occupiers in the management of rights of way.
5. The Authority will continue to develop and manage the access 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 realise this vision the Council proposed in its ROWMP to focus on achieving the following 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 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;
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.

Aim 1 - To protect, maintain and seek to enhance the network for all lawful users

6. The county's Public Rights of Way (Row) network consists of nearly 3000 km of public paths and byways. The Authority's statutory role is to protect the public's right to use and enjoy these highways and to provide and assist land managers and other stakeholders in undertaking their responsibilities ensuring paths are free from obstruction and are easy to use. Building on the successes of the previous Rights of Way Improvement Plan and positive customer feedback, the Authority aim to ensure the network of paths and byways remain fit for purpose and continue to deliver improvements.
7. Day to day maintenance work on the network is undertaken in partnership with colleagues in Via EM Ltd. A key element of this is grass cutting on field-edge paths with 1300km of paths cut in 2019. A percentage of these paths were cut as part of the Authority's successful Farm Partnership Scheme, where local farmers are paid to cut field-edge paths on their land.
8. Several surfacing schemes have been completed, mainly in urban areas using a sealed tarmac surface or crushed stone with 1900m of surfacing work undertaken.
9. The Authority's Ploughing and Cropping scheme continues to develop. The aim of this strategy is to help and encourage land managers to reinstate paths across arable land. Twice a year the Authority contacts arable land managers to remind them of their responsibilities. This year an information leaflet has been produced with the support of the NFU and colleagues attended a NFU conference discussing reinstatement with its regional members. Officers have also attended Flintham Ploughing Match as part of the strategy.
10. The Authority has a legal duty to sign paths where they leave a public road and to waymark where it considers it necessary to assist users, 124 signs and posts were installed this last year.
11. The Authority is responsible for providing bridges across natural watercourses. These structures range from simple ditch type boards to substantial structures over major watercourses, 60 bridges have been replaced or repaired in the last year.
12. There are a good number of structures on the network such as stiles and kissing gates. Many these are the responsibility of the land manager either because of stock control or the path has been historically dedicated with a gate. The Authority may also install gates or safety barriers at locations where there's a need to protect the public from a safety hazard. In addition to land managers repairing and replacing their own structures, the Authority provided and replaced 13 structures.

13. Planning and development continues to impact on the network with a total of 298 Planning Application responses to Local Planning Authorities. The aim is to protect and where possible improve paths through local negotiation, planning conditions and agreements. Attention is paid to improving accessibility and 'designing out crime', for example, providing open routes rather than narrow fenced-in paths.
14. Larger schemes using funding through the ITM programme and in partnership with others have included major improvements to the path and subway at Retford Railway Station, path improvements at Ruddington, new concrete steps on both sides of the MARR / A617 at Mansfield, Beeston Railway Footbridge anti-slip surfacing and path improvements at Newark Riverside.

Aim 2 - To improve access to the network for all by adopting the principle of the least restrictive option

15. The ROWMP has helped to deliver a wide range of positive improvements to the Rights of Way network. Work continues to provide an inclusive network. Barriers exist, both perceptual and physical, to members of the community. Some of these barriers are due to the geology and topography of the county and are very difficult to remove and resolve. Other barriers such as physical barriers restricting access to illegal motor vehicles can and do prevent legitimate access. The Authority continue to work with the Police and user groups to reduce the impact of illegal vehicular access.
16. The Authority continue to provide kissing gates to replace stiles where opportunities arise. Any improvement provides for improved access for everyone regardless of individual needs. 10 kissing gates were provided during the first year of the ROWMP.
17. In partnership with colleagues in Public Health, the Countryside Access Team are also developing several accessible walks aimed at all members of the community. The leaflets, based on previous work with colleagues from Greenwood Community Forest, will allow users to make an informed decision on whether it's suitable for their needs. For example, they will highlight any structures, type of surface and gradients on the walk. The information will be supplemented by online photos and videos. Positive feedback and support from partners demonstrates the need for this type of information.

Aim 3 - To improve the safety and connectivity of the metalled road network with the rights of way network

18. Historically, Rows have been developed through necessity i.e. travelling from A to B. Development has taken place to serve the needs of industry, housing and infrastructure, meaning that paths do not always match today's user needs. For example, creating a circular ride or a riding route without having to use the busy road network is often difficult.
19. The Access team look for opportunities to improve connectivity and safety by working in partnership with stakeholders and with colleagues in the Authority. Opportunities are sought for non-motorised users with colleagues and partners on road improvement schemes such as those on the A614 corridor. The team have taken the opportunity to improve existing light-controlled facilities on the A617 MARR route at Lindhurst working with Highway colleagues and Developers. Discussions and meetings have been held with a view to improving access across the A60 at Welbeck. The Authority also continues regular dialogue with developers

ensuring the Row assets are protected as well as providing improvements to connectivity and road safety.

20. The County's bridleway and byway network is often fragmented limiting traffic free routes for horse riders and cyclists, necessitating the need for riding on often busy roads. The British Horse Society have contacted the Authority highlighting a scheme in the north of the country where new signage has been erected reminding drivers of the need to undertake certain actions when approaching equestrians and their horses. The team are researching known areas, particularly around bridleway 'hotspots' with a view to providing warning signage for motorists. This is in partnership with the Road Safety Team.

Aim 4 - 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

21. The County Council has a remit to develop and promote a strategic multi-user network in the county. The aim is to provide a safe, easy access, off-road recreational facility for walkers, horse riders and cyclists. These are normally partnership projects involving various organisations and different departments across the Authority. Earlier in the year colleagues successfully opened the old railway line to the former Cotgrave Colliery as a safe traffic free route. This received wide positive support from local and visiting walkers, cyclists and horse riders. The Access Team, with colleagues in Green Estates and the Miner to Major (M2M) Project are currently discussing the use of the former Calverton Colliery railway line as a multi-user route - initially the section from Bestwood to Papplewick.

22. The Countryside Access Team are working with the M2M team and their wider volunteers, looking at access across the project area, which encompasses the central belt of the county from Bestwood to Ollerton. Key projects include connectivity between all aspects of access, publicity, waymarking and accessibility. The Access Team have recently been contacted by the Environment Agency to examine access improvements along the River Trent. There are aspirations to revise the long-distance trail – The Trent Valley Way.

23. The Team are also helping and assisting the Friends of Trent Valley Trail, whose aim is to achieve an access route aimed at all members of the community. The intention is to provide a route alongside the eastern side of the Trent from Newark to North Clifton linking with the County Council's trail from Fledborough to Harby and beyond to Lincoln. The Friends of group have recently been successful in obtaining £170k from the Leader funding. This will enable the completion of Phase 1 from Collingham to Besthorpe through the local nature reserve.

24. There is an excellent network of paths and byways here in Nottinghamshire providing opportunities throughout the county. They can and do provide opportunities for both recreation use and sustainable access to essential services. They play an important part in the Authority's Tourism agenda and strategy. The Countryside Access Team have, in recent years, produced two well received and successful publications, both having reprints earlier this year. These two booklets, Routes and Rides, provide several walks and rides geographically spread throughout the county. The booklets also promote the Countryside Code, which the team do at every opportunity such as attendance at local events. It's an important message to get across ensuring that land management and private land is respected by all users.

25. In addition, the Team are currently working on a project in partnership with colleagues in Public Health, the NHS and Doctors Surgeries. Easy and accessible walks are being designed aimed at encouraging patients and the wider community to enjoy short walks starting at a local surgery. The intention is these leaflets will be available at the surgeries and their staff will distribute these to those patients who will benefit from gentle exercise and general well-being.

Aim 5 - To provide a revised and updated Definitive Map and Statement

26. The Authority is responsible for maintaining Nottinghamshire's Definitive Map and Statement (DMS). The map and statement are legal documents; the map records the status and the line of each path and the statement lists definitive rights of way shown on the map together with a short description.

27. The County Council has a legal duty to keep the DMS up to date. Applications or claims (Definitive Map Modification Orders - DMMOs) to make changes to the map can be made by members of the public, Parish Councils and other organisations. As with many other authorities country-wide the team are dealing with a large number of claims. There are currently over 100 claims for public rights of way in the county which equates to approximately 250 paths. The number of claims are increasing exponentially due to both increasing development on land traditionally used by the public and the national 'Lost Ways' project. This project is part of legislation to cap claims by 2026 for public rights of way based on pre-1949 historical evidence, for example, using legal documents such as Inclosure Awards to prove that, on the balance of probabilities, a path or byway exists, even if the path hasn't been used, for example, for over 100 years.

28. The procedure is very time consuming and is an emotive process requiring extensive lengthy research and sensitive discussion with all parties. Feedback from partners and stakeholders recognise the difficulties and challenging nature in dealing with these cases. However, stakeholders appreciate the help and assistance from the Authority's knowledgeable Definitive Map Officers in providing clarity on sometimes very difficult cases.

29. Where there are outstanding objections, the County Council has a legal duty to present the case at a public inquiry or for it to be dealt with by written representations. The team are dealing with a large case load. DMMOs at Granby and Elkesley have been recently confirmed. Current cases referred or being prepared for referral for a decision by the Planning Inspectorate include paths at Mansfield Woodhouse, Clipstone, East Markham, East Stoke, Kneeton and Annesley. Applications have also been turned down at Upton, Worksop and Clipstone. In addition, the Authority are dealing with several appeals by applicants.

30. Nottinghamshire's first DMS was published in the 1960s, the process having started in the early 1950s. Since these original maps there has been many additions, modifications and changes. All these 'events' have to be incorporated legally in to the DMS. This is a time-consuming and meticulous task. The Authority is currently working on the Broxtowe Area which involves checking the alignment and accuracy of every path.

31. Within the DMS there are an estimated 700 anomalies. The anomalies are a result of several factors including; paths off-line, poorly drafted historical legal Orders, wrong status and paths severed by MOD and former coal mining. The identification of anomalies has increased in the last three years due to changes in searches for rights of way. When a house or land is purchased, the buyer will undertake a search which includes a search of the DMS and

Commons and Town or Village Green (TVG) registers. It is now compulsory to do a Row search, and this has resulted in the discovery of a large number of anomalies.

32. A small number of these issues can be solved by researching the original legal events. However, where no evidence can be found a new legal process has to be followed such as a diversion, extinguishment or creation, collectively known as a Public Path Order (PPO). PPOs in this case have been made for paths in the last year in Rampton, Carlton, North Clifton, North Muskham, Hayton and Balderton.
33. PPO proposals to change the Row network can also and do arise from applications or requests from residents, path users, developers, farmers, schools or the highway authority itself may propose to make a change. Diversion orders are the most common form of Public Path Order. It is a discretionary function and applicants can be charged to cover the legal costs. PPOs dealt with this year include paths in Owthorpe, Gonalston, Bingham, Rampton, Newark, Treswell, Collingham, Thurgarton, Misson and Cossall.
34. The County Council is also the registration authority for Town and Village Greens (TVG) and Common Land. Tasks include the processing of TVG applications, attending and representing the Authority at Public Inquires and dealing with property searches, change in land ownership and general enquires. In 2019, the team have dealt with Common Land and TVG issues at Normanton on Trent, Sutton cum Lound and Gunthorpe.

Aim 6 - To enhance and increase community involvement in managing and improving the network, where resources allow

35. The Authority continues to work with organisations and individuals on voluntary tasks where opportunities and circumstances allow. Benefits can be achieved for both the Authority and for the wellbeing and satisfaction of volunteers. Activities continue in the form of surveys and assistance with walk and ride publications as well the close working relationship with Nottinghamshire's Local Access Forum. Working with volunteers takes time and attention needs to be given to health and safety matters but the results can be positive for all.
36. As alluded to in Aim 4, the Countryside Access Team are working closely with the M2M project team. A key element of this project is working with the volunteering and local community. This includes work on the initial project start up but also on the 'legacy' of M2M. By working with the M2M team who have the expertise, knowledge and logistical infrastructure this will have a larger and more successful positive impact on the wider Row Network.

Reason for Recommendation

37. This report provides an update on the progress of Nottinghamshire's Rights of Way Management Plan (2018 – 2026). The publication of a ROWMP is required by Section 60 of the Countryside and Rights of Way Act 2000 (the CROW Act).

Statutory and Policy Implications

38. This report has been compiled after consideration of implications in respect of crime and disorder, data protection and information governance finance, human resources, human rights, the NHS Constitution (public health services), the public sector equality duty, safeguarding of children and adults at risk, service users, smarter working, sustainability and

the environment and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

Public Sector Equality Duty implications

39. The ROWMP embraces the principals of access for all and seeks to ensure a public rights of way network as accessible as possible to all members of the community.

Implications for Sustainability and the Environment

40. Public rights of way and wider countryside access can play a key and important role in providing access to both essential services and recreational facilities providing wider physical and mental health benefits.

RECOMMENDATION/S

It is recommended that:

1) The Committee approve the Rights of Way Management Plan (2018 – 2026) progress report in line with Section 60 of the Countryside and Rights of Way Act 2000 (the CROW Act).

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Constitutional Comments (LW 12/09/2019)

41. Communities and Place Committee is the appropriate body to consider the content of the report.

Financial Comments (RWK 12/09/2019)

42. There are no specific financial implications arising directly from the report

Background Papers and Published Documents

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

- Nottinghamshire Rights of Way Management Plan 2018 - 2026

Electoral Division(s) and Member(s) Affected

- All