



## 4. Assessment of Countryside users and their needs

4.1 The main aim of the users' needs assessment is to 'assess the extent to which local rights of way meet the present and likely future needs of the public'. This chapter outlines the key findings for different users of the countryside and public rights of way. The statement of action (Chapter 7) has been determined based on the findings of the overall needs assessment together with the network assessment in Chapter 5.

### 4.1.1 Walkers

4.1.2 Walking is the most common form of transport and recreation. It is vitally important for informal exercise and the associated health benefits, helping the environment and of course, it's free!

4.1.3 The GB Day Visits Survey 2002/03<sup>5</sup> found that walking is, in itself, the second most popular activity with over 780 million-day trips per year (eating / drinking out is the first). Moreover, walking accounts for 1.5 billion trips as the main mode of transport on a day out – fifteen times more journeys than cycling. It is estimated by the Ramblers Association that walkers contribute approximately £6.14 billion to the rural economy.<sup>6</sup>

4.1.4 During the last four General Household Surveys<sup>7</sup> walking consistently came out as the most popular physical activity (albeit the most popular leisure activity is watching television!).

4.1.5 Walking is by far the most popular activity carried out on rights of way and other countryside access in both the UK and Nottinghamshire, as demonstrated by the following:

- An ICM Research survey in 2000<sup>8</sup> demonstrated that 77% of UK adults say they walk for pleasure at least once a month

<sup>5</sup> GB Day Visits Survey, The Countryside Agency, 2002/2003.

<sup>6</sup> The Economic and Social Value of Walking in England, Christie and Matthews, The Ramblers Association, 2003.

<sup>7</sup> General Household Surveys, Office for National Statistics.

<sup>8</sup> Walking for Pleasure, ICM Research, 2000.

- The Nottinghamshire County Council Employee Countryside and Public Rights of Way Survey (2005)<sup>9</sup> showed that 73% of respondents said that the main reason for using PROWs was for walking
- The NCC Country Shows Surveys (2005)<sup>10</sup> identified that 65% of respondents said that the main reason for using PROWs was for walking
- The Environmental Research on Recreational Needs of the Public Relating to Rights of Way (2004)<sup>11</sup> concluded that walking is the most common reason for using the PROW network in the Greenwood Area (90% of respondents).

- 4.1.6 Walking is undertaken for many reasons and walkers are perhaps the most diverse of users. Walking can be split into two main categories – utility and recreational. Utility walkers are those who walk for practical reasons such as accessing employment, schools, shops and services. Recreational users are those that use the network for pleasure, for example, rambling, sight seeing, health benefits and dog walking. Recreational users can be split further in two main sub-groups; casual or informal walkers who enjoy circular walks up to 5 miles, normally close to their homes although they may also occasionally travel and walk further; and ‘serious’ walkers who are looking for more of a challenge taking into account the terrain, navigation and enjoying walking in very remote locations often in groups.
- 4.1.7 In theory 100% of the rights of way network is available for use for walkers and they also encounter fewer problems than riders and cyclists. This network is reasonably well distributed in the county with a few exceptions (for example, the former Dukeries’ estates). As a rule most people want to and will walk close to their homes and in Nottinghamshire this is focused on the city boundary and the county’s market towns. Comments from both the ‘members of the public’ and the ‘users group representatives’ focus groups highlighted that the majority of their PROW use is close to home. The assessments and survey work suggests that there is particular demand for circular walks of varying lengths close to where people live. Targeting resources where people live will ensure better provision and quality of life to the widest range of users thus increasing social inclusion and reducing the demand for the private car.
- 4.1.8 A large number of walkers also use the network solely for recreational purposes and sometimes this means travelling further afield and enjoying walking experiences in rural areas whether it’s off the beaten track or in one of the county’s honeypots such as the Sherwood Country Park area. The Nottinghamshire Walkers Survey<sup>12</sup> found that 37% of respondents travelled between 6 and 10 miles (with 68% of all survey respondents travelling by car), in order to access the path network. The most popular locations were cited as Sherwood Forest and Clumber Park. Again, there is demand for circular walks – tourism stakeholders highlight a significant demand for circular walks up to 4 to 5 miles long.
- 4.1.9 Findings from the Nottinghamshire Walkers Survey suggest that only 15% of respondents walked less than 3 miles. Compare this to the NCC Countryside and Rights of Way Employee Survey where 54.1% walked less than 3 miles. This difference can be accounted for when further analysis of the surveys is undertaken; The NCC Employee Survey was widely distributed to NCC employees - from ‘all walks of life’. 72% of respondents to the Nottinghamshire Walkers Survey walk as part of an organised walking group.
- 4.1.10 A large number of walkers (23%) cite keeping fit as the main reason for using Nottinghamshire paths - despite the high number using their cars to access the walk. Interestingly the Department of Health (2004)<sup>13</sup> estimated the costs of physical inactivity in England at £8.2 billion annually. Moreover, walking is a form of exercise that is within the physical capabilities of the majority of people.<sup>14</sup>

<sup>9</sup> NCC Employee Countryside and Rights of Way Survey, Nottinghamshire County Council, 2005.

<sup>10</sup> NCC Country Shows Surveys, Nottinghamshire County Council, 2005.

<sup>11</sup> Environmental Research on Recreational Needs of the Public Relating to Rights of Way, Report for Nottinghamshire County Council, Faber Maunsell, February 2004.

<sup>12</sup> The Nottinghamshire Walkers Survey, Nottinghamshire County Council, 2006.

<sup>13</sup> At least five a week: Evidence on the impact of physical activity and its relationship to health, Department of Health, 2004.

<sup>14</sup> Allied Dunbar National Fitness Survey, Allied Dunbar, 1992.

- 4.1.11 Nearly half of those questioned for the NCC Countryside and PROW Employee Survey use the network several times a year, however, the Nottinghamshire Walkers Survey showed that 40% of the respondents walked one to three times a week.
- 4.1.12 When asked about whether anything prevents NCC employees using the network, 28% stated lack of time. The Nottinghamshire Walkers survey differed inasmuch as the answers were more technical, with 16% suggesting overgrown path as a limitation. Again this can be accounted for by the type of respondent.
- 4.1.13 Like cyclists and horse riders, walkers are classified as vulnerable road users, and the primary requirement for walkers is to be in a traffic-free environment. In an urban setting pedestrians are reasonably well catered for in terms of footways and controlled road crossing points. Yet in the more rural areas, the potential conflict with vehicular traffic is arguably higher. In rural areas footway provision is sporadic and at the points at which the rights of way network meets metalled highways walkers usually have to cross at grade. This normally means no traffic control or refuges, or even having to walk along the carriageway to connect to an onward route.

## 4.2 Dog walking



*Rights of way are well used by dog walkers*

- 4.2.1 It is estimated that there are around 6.5 million dogs in the UK with 20% of all households owning a dog).<sup>15</sup> It goes without saying that large number of these households take their dog out for a walk. It has been suggested that around one third of all rights of way users are dog walkers.<sup>16</sup>
- 4.2.2 Walking a dog in the countryside is a traditional activity which brings enjoyment and pleasure to a lot of people. However, dog walking can be associated with negative aspects to both other users of the network and land managers, for example, dog fouling, dogs running loose with livestock, aggressive dogs and dogs disturbing wildlife.
- 4.2.3 An issue highlighted by all stakeholders during the ROWIP consultations was that of dogs fouling on rights of way. In recent years through education and attitude changes urban

<sup>15</sup> Pet Food Manufactures Association, 2003.

<sup>16</sup> IPROW: The Good Practice Guide, Institute of Public Rights of Way Management, 2006.

footways tend to be 'dog mess' free. Not only can dog fouling on rural public rights of way be unpleasant it can cause infections to both humans and animals. Provision of dog bins is highlighted as good practice but they can be difficult to manage because of the resources needed to empty them on a regular basis.

- 4.2.4 Information provision can help to educate dog walkers and the Countryside Agency have recently produced a leaflet named 'You and your dog in the countryside' highlighting opportunities and responsibilities. The Council is keen to promote responsible and good behaviour and will continue to promote and distribute this message.
- 4.2.5 Of course there are many positives and benefits in dog walking. For example, owners are getting exercise; dog walking is a form of stress relief; it encourages social inclusion through interaction with others; provides confidence when out walking alone; and assistance dogs help people with disabilities access the countryside.
- 4.2.6 The needs of dog walkers are similar to all other users who want traffic-free routes, circular walks, clearly marked paths and an attractive environment. In our consultations dog walkers noted the difficulty of using stiles with dogs. Some provision has been made locally by to provide dog gates. This is provided by a land manager's good will, there are no powers or duties to provide this type of facility. The primary requirement of the County Council is to adopt the principle of the least restrictive option so that everyone will benefit from the removal of stiles and other barriers.

### 4.3 Horse Riding



*Riding is a popular pastime across the county*

- 4.3.1 Horse riding is a popular pursuit in Nottinghamshire. There are a large number of livery stables throughout the county, many of which are concentrated in 'equestrian hotspots' such as Blidworth and Epperstone. One possible reason for this is the availability of suitable grazing land, byways and bridleways, and other riding opportunities such as Forest Enterprise land (although riding is restricted to those riders who have paid for an annual permit). Interestingly there are some excellent bridleway networks for horse riders in the north of the county but with little evidence of use on the ground.<sup>17</sup> This may be due to the low density population and perhaps the availability and cost of liveries.

<sup>17</sup> NCC Clarbrough Surveys, Nottinghamshire County Council, 2005.

- 4.3.2 It is difficult to estimate numbers of horses and riders in the county. During the development of Nottinghamshire's Pilot ROWIP it became apparent that there is a need for accurate numbers and locations to enable the Authority to target and prioritise bridleway improvements. Following on from the pilot a distribution study was undertaken. The methodology involved gathering information from farriers and equestrian businesses, cold calling at livery yards and general questionnaires. However, the responses received were insufficient to enable a fully meaningful analysis. Work will continue on this study including the feasibility of working with Defra and the National Equine Database.<sup>18</sup>
- 4.3.3 The Nottinghamshire County Council Equestrian Survey (2005/06)<sup>19</sup> provides only a partial picture of equestrian distribution. Map 2 highlights the location and frequency of respondents' stables and liveries (the darker the green the more respondents) together with the base layer of bridleways and byways. The map shows high numbers of horses stabled in parts of Ashfield, Warsop, Blidworth and Worksop areas. Despite the good network in the north of the county the maps show relatively low numbers of horses. The map also highlights the areas of the county poorly served by bridleways; the Sutton in Ashfield area reveals a high number of horses but little in the way of bridleways and byways; there is limited access by paid permit on Forest Enterprise managed land but few other opportunities.
- 4.3.4 In terms of equestrians travelling to sites and areas which provide good access, the opportunities are limited and necessitate the need for expensive horse boxes or trailers. NCC's Equestrian Survey suggests that the majority of horse riders ride locally (80% of riders said they rode from their stable). The Rights of Way Use and Demand Study<sup>20</sup> found that when compared with other users, horse riders are disproportionately active. The NCC Equestrian Survey showed that 51% of respondents – a total of 229 riders 'hacked' on Nottinghamshire's rights of way network 1 to 3 times a week for an average of 4.46 miles.
- 4.3.5 National statistics vary between studies and organisations. A report by Defra and the British Horse Industry Confederation<sup>21</sup> estimated that:
- 2.4 million people ride
  - There are between 600,000 and just under a million horses
  - The horse industry's gross output is approximately £3.4 billion per year.

An equestrian survey undertaken by BETA<sup>22</sup> (a trade association) found that around 4.3 million now ride annually spending approximately £4 billion per year on horse related activities.

<sup>18</sup> Central Government is working in collaboration with the equine industry in order to establish a National Equine Database that will record details of every horse issued with a passport.

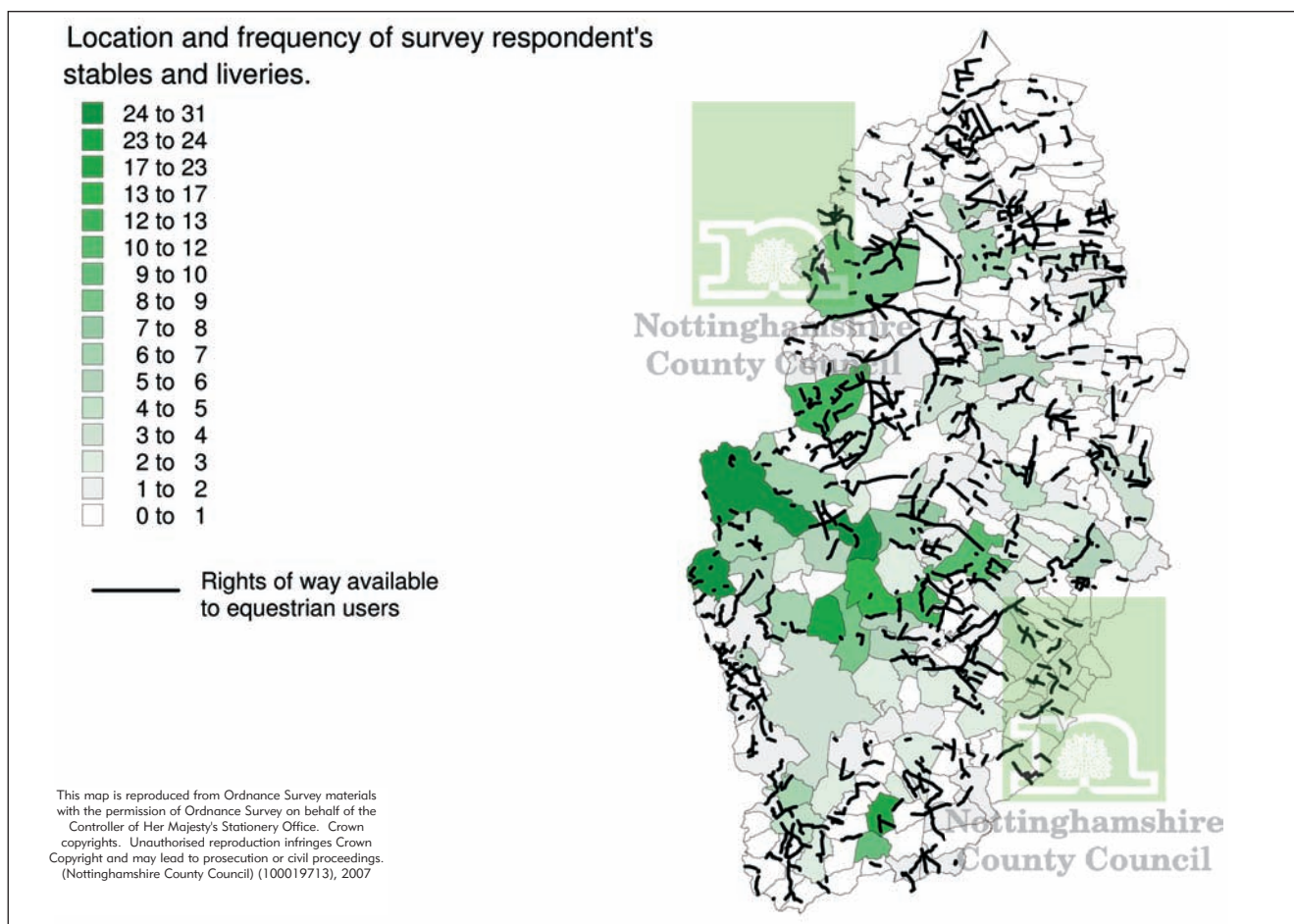
<sup>19</sup> The NCC Equestrian Survey, Nottinghamshire County Council, 2005/06.

<sup>20</sup> The Rights of Way Use and Demand Study, Entec, 2001.

<sup>21</sup> Joint research on the horse industry in Great Britain, Defra and the British Horse Industry Confederation, 2004.

<sup>22</sup> National Equestrian Survey, BETA, 2006.

## Map 2 Stable and livery distribution across the county



- 4.3.6 Other figures do vary from the above but what can be taken from all these reports and figures is that the popularity of horse riding is on the increase, so the demand for and pressure on facilities including the available PROW network will increase. As with other activities undertaken on rights of way, horse riding offers excellent leisure and health opportunities. Particularly significant are the riding opportunities offered to people with disabilities and 'older' riders. There are a number of disabled riding schools in the county and where possible the Council will identify improvements (e.g. gates, latches, signage etc.) in the network to support these establishments.
- 4.3.7 When asked what limits or prevents equestrians from riding on the county's bridleways and byways, 'lack of bridleways near to stables' was the most popular response. The 'lack of circular routes' was also a major concern. Unlike walkers, equestrians can only access 31% (in length) of Nottinghamshire rights of way network and where there is a relatively good network this is often severed by the metalled road network which ultimately deters riders. Even a small temporary obstruction can prevent an equestrian continuing their journey, whereas a walker may be able to step around it.
- 4.3.8 Network improvements for all users can be achieved by focusing on improving existing provision and road safety, as well as researching the potential for resolving incorrectly recorded routes. The County Council has powers to create new paths by agreement and / or by order. Although the difficulties of creating new access is well documented.<sup>23</sup> The Council will use these powers where there is a clear public benefit and the benefits are relative to the overall costs (see section 6.16.1 on creation orders).

<sup>23</sup> Environmental Research on Recreational Needs of the Public relating to Rights of way, for Nottinghamshire County Council, Faber Maunsell, February 2004.

- 4.3.9 The Nottinghamshire Pilot ROWIP (2004) recognised that with the need to exercise, horse riders must, ideally, venture daily onto the bridleway and byway network and other off-road routes. However, even in an area of good off-road provision there is no other alternative but to use the metalled road network. Many riders do not ride onto urban roads out of choice even though there is more potential conflict with vehicular traffic in a rural setting. During the Network Assessments of this ROWIP several roadside verges were identified as potentially providing good linear access for horse riders. Not all roadside verges are suitable for equestrian use, obstacles such as roadside signage and drainage can make access difficult or impossible. Where improvements are proposed by the County Council, it is suggested this undertaken in consultation with equestrian users and the Local Access Forum.
- 4.3.9.1 The pilot plan and ROWIP consultation also picks up on this theme. It is a duty under section 71 of the Highways Act 1980 for Highway Authorities to 'provide in or by the side of a made-up highway a grass or other margin as part of the highway' where this is 'necessary or desirable for the safety or accommodation of ridden horses'.
- 4.3.10 The NCC Equestrian Survey also confirmed that crossing the metalled road network is a significant barrier to riders. Where rights of way meet the road network, riders usually have to cross at grade with no traffic light controls or refuges. The potential of interaction with traffic is certainly more of a risk to horse riders when compared to other users. There are only three Pegasus controlled crossings in the county, which have been provided as part of major road schemes where a bridleway has been severed. Smaller scale improvements can also be an advantage such as providing 'boxes' or at least a safe area between a bridleway gate and the road.
- 4.3.11 The Equestrian Survey highlighted that other improvements such as the removal of upgrowth and overgrowth, improved gates and associated latches, general signing and waymarking will open up and enhance the network available for equestrians. Information provision, highlighting both opportunities and responsibilities, is also an important issue.
- 4.3.12 The type of surfacing on bridleways and other off-road routes can be a particular concern for riders and their horses (and other users). Riders generally prefer the surface of bridleways to be a natural surface which provides some 'give'. A high percentage of bridleways in this county are on arable land and by their very nature are a natural surface. Other bridleways are on farm tracks, some of which are surfaced and a few are on forest access roads. Traditionally some bridleways have been surfaced with stone or red shale (a locally sourced by-product from coal mining) and because of their historical context these are normally accepted by users.
- 4.3.13 Concern normally arises when a natural or a historically surfaced bridleway is surfaced for a wider range of different user groups. There are a few definitive bridleways in this county where this has happened and these now provide opportunities and benefits for all user groups particularly those with limited mobility. In addition there are some multi-user tracks such as those owned and managed by Sustrans and other organisations and authorities which have been surfaced to accommodate a wide number of users and to reduce future maintenance costs. See section 6.6 for further details on surfacing.
- 4.3.14 The table below highlights some of the requirements for route surfacing by different user groups.

**Table 4 Surfacing needs of different user groups<sup>24</sup>**

User group	Surfacing preferences
Utility and leisure walkers	Hard, all weather surfacings
Recreational walkers	Surfacings in keeping with the character of the route
Utility and leisure cyclists	Smooth well maintained surfaces
Recreational cyclists	Hard surfacings are preferred, except by mountain bikers.
Horse riders and carriage drivers	Soft surfacings free of small loose stones and chippings, including glass.

<sup>24</sup> On the right track: surface requirements for shared use routes, CA 213, The Countryside Agency, 2005.

- 4.3.15 Surfacing may also be necessary in certain areas to accommodate a high number of horse riders where a significant amount of poaching or erosion has taken place, resulting in access becoming difficult for all users.
- 4.3.16 Over the past few years the County Council, in partnership with others such as Sustrans and Scott Wilson Pavement Engineering Ltd, have been trialling various surfacing initiatives for their suitability taking into account user needs, maintenance and the initial capital cost. These initiatives include soil stabilisation products and the use of recycled tyres. The Council is also looking at a natural product which retains moisture, providing a semi-hard surface. See section 6.6 for the Council's policy statement on surfacing.

#### 4.4 Carriage Driving

- 4.4.1 Carriage driving, though not widespread, does occur in small numbers on the county's byways and on the tracks available (through a paying permit system) in Forest Enterprise sites. The low level of use may be partly due to the expense and space needed for keeping horses and storing carriages. Another likely factor is the inherent dangers of carriage driving on the metalled highway network to connect up the limited and fragmented carriageway network (Byways, Restricted Byways and unsurfaced unclassified roads) in Nottinghamshire. There is certainly little evidence of use on the county's public carriageway network.
- 4.4.2 The carriage driving community share many of the attributes of horse riders in terms of being vulnerable road users. Because they tend to take up more road space than ridden horses, motorists are less likely to try and squeeze past them, yet due to the lack of connecting 'traffic-free' carriageways in the county they are likely to drive for significant distances on the metalled road network.
- 4.4.3 Other constraints to their needs are identified as the condition of routes such as vegetation encroachment and surface condition; and other restrictions including gates and barriers.

#### 4.5 Cycling



Cyclists enjoy a bike ride along a bridleway.



- 4.5.1 Cycling has long been a popular and low cost method of transport, and the mountain biking phenomenon of recent years has enabled far greater cycle access to the countryside in general. The construction of the National Cycle Network routes 6, 15 and 64 through Nottinghamshire using a mixture of rights of way, permissive access and roads, contributes to the increasing popularity of cycling in the area. Nationally, cycling has been in decline correlating directly with an increase in the number of car journeys taken and safety on roads. Nevertheless, there has been a small resurgence in recent years with greater recognition of the benefits which cycling can bring, particularly as it's a relatively inexpensive form of transport. Central Government policy and the introduction of Local Transport Plans has enabled authorities and other organisations to introduce cycling strategies and in turn improved facilities.
- 4.5.2 Nottinghamshire has always had a close association with cycling, being the home of Raleigh Cycles. The Greater Nottingham area includes a large cycling population probably due to the large number of students and good cycling infrastructure.
- 4.5.3 The Newark area is also popular with cyclists, with up to 10% of work journeys taking place by bike<sup>25</sup>. In Retford and Worksop, cycling accounts for 4% of journeys to work compared to the national average of 3%<sup>26</sup>. The districts of Gedling, Mansfield and Ashfield still have relatively low levels of cycling which may be related to the topography (NCC Cycling Strategy 2006-2011).<sup>27</sup>
- 4.5.4 A study undertaken in 2005, the East Midlands Personal Travel Survey<sup>28</sup> confirmed that there are relatively high levels of cycle ownership throughout the county. 42.1% of Nottinghamshire's respondents declared that they owned a bicycle. The relatively high figures for cycling in this county are not only applicable to utility journeys to work and services but also relevant to leisure and recreation. Nearly 80% of respondents cited leisure and exercise as being the main purpose for riding on Nottinghamshire's bridleways and other off-road routes (Nottinghamshire ROWIP Cycling Survey 2006).<sup>29</sup>
- 4.5.5 In summary:
- 32% of the population own a bicycle (UK Day Visits Survey 1996)<sup>30</sup>
  - At least one bicycle is available to 47% of homes (National Travel Survey 2005)<sup>31</sup>
  - 1.6 million people ride daily (UK Day Visits Survey 1996)
  - 5.4 million ride at least weekly (UK Day Visits Survey 1996)
  - 17 million of us ride occasionally, equivalent to some 30% of the population (UK Day Visits Survey 1996).
- 4.5.6 Again, cyclists, like walkers and horse riders are classified as vulnerable road users, and the primary requirement is to be in a safe and traffic-free environment. In an urban setting it is argued that cyclists are relatively well catered for in terms of cycle tracks and shared-use footways, and with controlled road crossing points, yet in the more rural areas, the potential conflict with vehicular traffic remains. In non-urban areas on-highway provision is very limited and at the points at which the public rights of way network meets highways, cyclists usually have to cross at grade with no controls or refuges, or cycle along the carriageway to connect to an onward route.
- 4.5.7 The potential interaction with vehicular traffic is certainly less of a risk to cyclists than to horse-riders. Whilst cyclists tend to travel quicker along or across the carriageway than walkers, the

<sup>25</sup> North Nottinghamshire Local Transport Plan 2006 to 2011, Nottinghamshire County Council, 2006.

<sup>26</sup> 2001 Census, National Statistics, 2001.

<sup>27</sup> NCC Cycling Strategy 2006-2011, Nottinghamshire County Council, 2006.

<sup>28</sup> East Midlands Personal Travel Survey, Transport & Travel Research Limited, 2005.

<sup>29</sup> NCC ROWIP Cycling Survey, Nottinghamshire County Council, 2006.

<sup>30</sup> UK Day Visits Survey, The Countryside Agency, 1996.

<sup>31</sup> National Travel Survey 2005, Department for Transport, 2005.

smaller proportion of public rights of way or other off-road routes accessible to them mean that cyclists are likely to risk interacting with vehicular traffic for a greater distance in order to connect to the onward traffic-free route.

- 4.5.8 Due to the diverse range of cycles now available, especially with the prevalence of mountain bikes, the needs of each cyclist will vary with regard to route provision away from the metalled highway, as described below. In general terms for the average cyclist the need is for reasonably good (but not necessarily sealed) surfaced routes to enable the wheels to grip, and adequate width for cyclists to pass one another and other sorts of user with the minimum of disruption to either party's journey. The NCC ROWIP Cycling Survey 2006 identified that improving the surfacing of an 'off-road cycling' route is a key priority for the respondents.
- 4.5.9 Mountain bikers on the other hand are looking for challenging routes with differing conditions relating to surfacing and topography. Cycling on bridleways is a relatively new entitlement. Before the late 1960s, a cyclist who rode on a bridleway committed trespass. This was changed by the Countryside Act 1968 enabling the public to legally ride bicycles on definitive bridleways – provided they give way to walkers and horse riders. Given that rural Nottinghamshire is predominantly an arable-farmed county very few bridleways are suitable for general cycling apart from the very committed, enthusiastic few. However, a few bridleways have been surfaced for all users. In these instances they do enable a wider section of the community to use these routes - for example, family cyclists, utility cyclists, people with mobility problems and anyone who wishes to remain relatively clean when out walking.
- 4.5.10 These surfaced routes may detract from the enjoyment of some, who wish to use bridleways and other routes for the character and rural environment they offer. Furthermore, many horse riders haven't got the flexibility and the means to travel the county to find suitable bridleways. There needs to be balance when considering the current and future needs of all users when planning improvements for cyclists; principally in relation to the surfacing and 'improvement' of rural bridleways and byways.
- 4.5.11 In a research paper to the Rights of Way Law Review, Palmer (2003) suggested that the rural bike rider can be placed in several categories as follows:<sup>32</sup>
- Family Groups, who need the security of knowing that they are unlikely to get lost or meet major difficulties (steep hills etc.)
  - Casual and Occasional Cyclists, who have similar needs to family groups
  - Ramblers on Two Wheels, who are usually more map-literate and so will probably venture onto the local rights of way network and tend to be more accepting of the variable conditions they will find
  - Active Lifestyle riders are usually looking for a good surfaced circular route
  - Serious Enthusiasts. The Cyclists' Touring Club (CTC) suggest that the key need of the serious enthusiast is a route of up to 5 hours duration, over terrain suited to their interest. This is validated through research using household surveys and focus groups by Entec (Rights of Way Use & Demand Study 2001) which reveals that mountain bikers (as distinct from those who may ride a mountain bike) prefer more challenging, unsurfaced routes.

<sup>32</sup> Extract from 'Environmental Research on Recreational Needs of the Public relating to Rights of way' – for Nottinghamshire County Council, Faber Maunsell, February 2004.

## 4.6 Motor Vehicles in the Countryside



4x4 driving on a byway

- 4.6.1 Access for motor vehicles is widespread throughout the county via the metalled highway network and is therefore the main focus for the highway authority regarding resources and spending.
- 4.6.2 Motor vehicles can also legally use the byway network (Byways Open to All Traffic or BOAT). This equates to 3% of the network. Riders and drivers can also use Nottinghamshire's Unsurfaced Unclassified County Roads (UCRs) as recorded on the Authority's List of (publicly maintainable) Streets.
- 4.6.3 Over the last five years these unsurfaced UCRs have slowly been given the legal protection they deserve. The majority of UCRs are now recorded on the definitive map (and the List of Streets) therefore clarifying their legal status, and who can use them. As a result of this they are now clearly marked on Ordnance Survey maps and signed.
- 4.6.4 Out of the 315 originally recorded Roads Used as Public Paths in Nottinghamshire there are only twelve remaining. The majority of RUPPs in this county were reclassified in the early 80s under the 'suitability tests' (Countryside Act 1968) as bridleways and since the introduction of the Wildlife and Countryside Act 1981 virtually all the remaining RUPPs have been reclassified on historical evidence as either byways or bridleways. The few remaining reclassification orders are still awaiting determination via referral to the Secretary of State and the holding of a public inquiry.
- 4.6.5 The type of use of byways varies locally, almost all will serve private landowners and residents for access to their land and property. A handful of byways in the county are used by recreational motorists such as trail bike riders and 4x4 enthusiasts, albeit this usage is normally limited to byways which form a circuit with the minimum of road work. A study published by Defra in 2005<sup>33</sup> found that there is an average flow of four motor vehicles per day. 60% of this

<sup>33</sup> Report of a research project on motor vehicles on byways open to all traffic, Defra, January 2005.

use is attributed to land management and access to dwellings and the remaining 40% is by recreational motor vehicles. The research identified three types of recreational use:

- Activities which could be described as 'rambling in a motor vehicle' i.e. trail bike riding and 4x4 driving in road legal vehicles
- Using byways to pursue country sports, particularly, hunt following, shooting and fishing
- Use of byways to access land for other activities such as climbing, canoeing, cycling, wildlife watching and walking.

4.6.6 The report found that byways are an important resource for people with disabilities and the County Council has found through local contact with the Green Lane Association (GLASS)<sup>34</sup> - an organisation which promotes the responsible use of byways, that some of their members are disabled and the byway network allows them greater access to the countryside.

4.6.7 Byways are particularly attractive to all users due to their 'green lane' character. This includes:

- Wide available width
- Enclosed by attractive hedgerows
- Obvious route on the ground to follow
- In some cases, good surfacing
- Historical significance
- Ecological value
- Informal parking at the end of a byway.

4.6.8 Some conflicts can arise between different users on 'popular' byways in the county. However, the actual number of complaints about legal motorised users on Nottinghamshire's byway network is very small. The county does not suffer from overuse and there are only a handful of localised surfacing problems associated with motor vehicle use and the suitability of the byway. Where there are surfacing problems the damage is normally attributed to agricultural and forestry operations.

4.6.9 The key issue highlighted in the NCC Nottinghamshire Recreational Motorist Survey was the need for better information and signposting. This is a theme picked up in both national and local byway research. Where conflict does arise it is usually due to a lack of knowledge by both non-motorised and motorised users about the status of a particular route. Respondents to the survey also suggest other positive management issues such as a code of conduct, volunteer labour and regular liaison meetings.

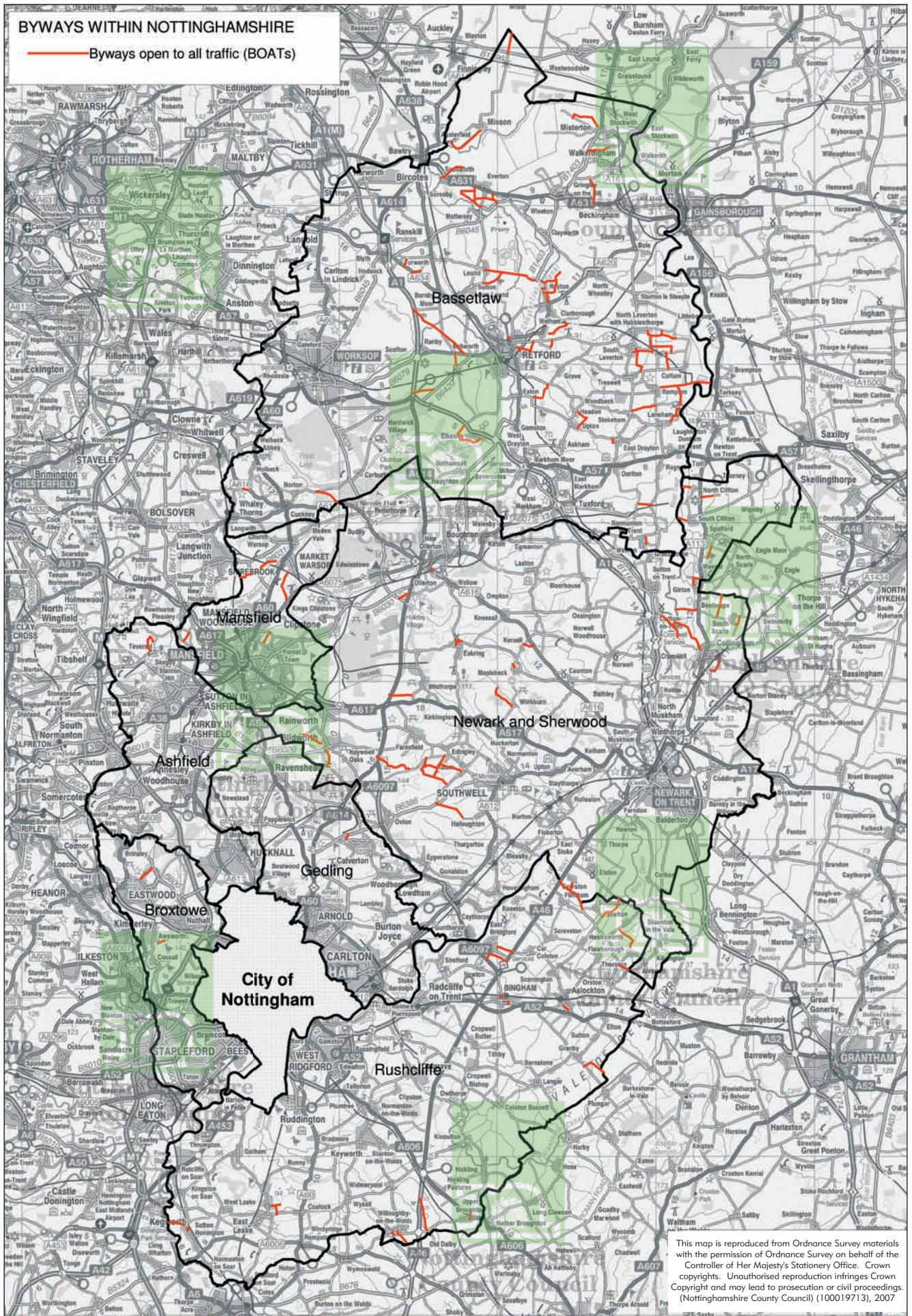
4.6.10 In 2006 the County Council adopted a policy on motorised vehicle use on public rights of way in the countryside. The policy statement clarifies the Authority's position of positively managing motor vehicles on public rights of way. A copy of the policy is available at [www.nottinghamshire.gov.uk/countryside](http://www.nottinghamshire.gov.uk/countryside)

### **POLICY A1-1**

The County Council will have due regard for the needs of all lawful byway users and will positively manage the network with all stakeholders in a sustainable and cost effective way.

<sup>34</sup> [www.glass-uk.org](http://www.glass-uk.org)

Map 3 Byways in Nottinghamshire



## 4.7 *Illegal motor vehicle use*

- 4.7.1 As elsewhere in the country, the county does suffer from illegal motor vehicles accessing private land, rights of way and countryside sites. The obvious consequences of this are damage to surfaces, fauna and flora, disturbance of the peace, vandalism to structures, stolen vehicles and threatening behaviour. The improvement and development of new routes is often confounded by both the real and perceived use of that route by motorbikes with many stakeholders citing barriers as the answer. Unfortunately the effect of barriers has little impact on motorcycle users but has a very big impact on legitimate users such as those with a mobility problem, push chairs, horse riders and cyclists.
- 4.7.2 The vast majority of this use is by motorbikes and often young riders although it is known that there is some use by 4x4 vehicles typically in the Mansfield urban fringe. The access tends to be in concentrated pockets, with woodland, old pit tips and disused quarry workings being especially popular with many riders for the challenging terrain these sites provide. Rights of way are often used in their own right as an attraction but they are also used as linear access to these types of areas. The increase in the 'minimoto' type motorcycle has seen a significant number of illegal motorbikes using both urban and rural rights of way.
- 4.7.3 This illegal use is very difficult to control. The Nottinghamshire Local Access Forum successfully campaigned for the reinstatement of the Nottinghamshire Police Off-road unit who have had a number of successful campaigns targeting illegal use despite limited resources. Other initiatives have taken place, for example, targeting traders, using poster campaigns and setting up large Police operations at known sites. Some work has taken place to look at providing managed off-road facilities although due to resources, management, insurance, suitable sites and the 'not in my back yard' feeling little has been achieved. Small scale events do take place for motorcycle club enthusiasts through '14-day' planning rules although a typical illegal motorcycle rider may not have either the inclination, money or transport to participate. In essence to reduce the impact of this activity either the source of the problem needs to be removed i.e. the controlled sale of off-road motorbikes; widespread enforcement by the Police; or all stakeholders accept the need for the provision of suitable sites and make it happen.

### **POLICY A1-2**

Nottinghamshire County Council will continue to work with its partners in a bid to reduce the impact of illegal motor vehicle use. This will be undertaken within the parameters of current highway legislation.

## 4.8 *Access for All*

- 4.8.1 It has long been acknowledged that accessibility in urban fringe and rural countryside locations can be poor, not only for users with disabilities but also those with pushchairs and small children



Accessible route in the Greenwood Community Forest

and people who are fit and enjoy walking but have limited mobility. One stile to climb can instantly exclude a whole section of society from using a path. It is estimated that one person in five in the UK is a disabled person (approximately 11 million people).<sup>35</sup>

- 4.8.2 Additionally, elderly people with limited mobility and people with temporary impairments (e.g. broken bones) may also encounter problems with accessibility (estimated to be 18 million people).<sup>35</sup> This may impact on family and friends too, who would normally accompany people who are prevented from using a route.
- 4.8.3 Therefore, large number of users or potential users can be restricted by even legitimate barriers such as authorised stiles, or by network problems such as rutting and poor surfacing.
- 4.8.4 Key statistics from the 2001 census illustrate the proportion of those who live in Nottinghamshire who face potential mobility problems:
- An average of 10.6% of households have dependant children 4 years of age and under, and are therefore likely to use pushchairs, prams etc. when out for a walk.
  - an average of 36.4% of households has one or more persons with a limiting long-term illness – a key indicator of disability. (In Ashfield District this figure is over 40 %)
  - 16.5% of the population of Nottinghamshire are aged 65 and above.
- 4.8.5 Theory (Oliver *et al* 1975) suggests there are two different ways of explaining the disadvantages and discrimination disabled people face, and the 'medical' and 'social' models of disability illustrate this. The Medical or Individual Model suggests that it is the failure or limitations of the individual's body that causes disadvantage to them. The Social Model states that it does not matter how an individual's body works because people are 'disabled' through lack of access to places or information or support, or by the attitudes of others.
- 4.8.6 The introduction of the Disability Discrimination Act 1995 (DDA 1995) made it unlawful for service providers to discriminate against people with disabilities in the provision of goods, facilities and services. Public rights of way are classed as a service under the terms of the Act. This means that Highway Authorities are service providers and should consider the needs of disabled users in all the work they carry out. This includes the revision of existing policies, procedures and practices that make it impossible or unreasonably difficult for people with disabilities to use or access a provided service.
- 4.8.7 Potentially the implication for all work in the field of public rights of way is huge as demonstrated by the following extract: 'service providers will have to take reasonable steps to remove, alter or provide reasonable means of avoiding physical features that make it impossible or unreasonably difficult for disabled people to use a service', Disability Discrimination Act 1995 S21 (2).
- 4.8.8 The 1995 Act does not set out exact requirements. However, the Disability Rights Commission (DRC) have produced a (now revised) Code of Practice.<sup>36</sup>
- 4.8.9 The commencement of the DDA 2005 placed a duty on all public agencies to promote equality of opportunity for access to services and encourage participation by people with disabilities. Under this Act rights of way and access are covered by the new duty. Therefore the County Council needs to be pro-active in providing an 'inclusive environment' for people with disabilities who wish to use Nottinghamshire countryside access provision. This is in line with current national and regional policy as well as being a legal necessity.
- 4.8.10 A specific duty of the DDA 2005 is to produce and publish a Disability Equality Scheme. This scheme will ensure that monitoring and reporting arrangements are in place for disability

<sup>35</sup> Planning and Access for Disabled People: A Good Practice Guide, Office for the Deputy Prime Minister, March 2003.

<sup>36</sup> Rights of Access: services to the public, public authority functions, private clubs and premises, Disability Rights Commission, 2006.

equality within the Authority's employment and service delivery. Further information and a copy of the Disability Equality Scheme is available at [www.nottinghamshire.gov.uk](http://www.nottinghamshire.gov.uk)

- 4.8.11 The Nottinghamshire Accessibility Study for Warsop 2006<sup>37</sup> defines an inclusive environment as, 'easily used by as many people as possible without undue effort, special treatment or separation. It will also offer people the freedom to choose how they access and use it, and allow them to participate equally in all activities it may host'.
- 4.8.12 When taking into consideration the geology, topography and geography of the PROW network, the County Council cannot provide fully accessible routes throughout the county. Traditionally country parks are usually considered as providing good access for all. Amongst the various reasons, many parks are designed from scratch, thus enabling an inclusive path network to be incorporated as compared to the rights of way network which has naturally developed from historical routes regardless of the conditions and physical barriers.
- 4.8.13 The Rights of Way Use & Demand Study (Entec, 2001) found that most users with disabilities feel that they are victims of tokenism regarding the network currently either available or promoted for their use. All users should have the opportunity to experience different environments and have choices when out and about, from country parks to deep rural landscapes. The provision of barrier free access as an everyday and integral part of the management of Nottinghamshire's rights of way network can greatly assist in achieving this.
- 4.8.14 The County Council has developed policy and procedures to ensure that requirements under the DDA are met. This includes the authorisation of structures on rights of way and procedures for access improvements to public rights of way. Work so far includes replacing stiles with kissing gates, surface improvements and information provision.

## 4.9 Physical barriers

- 4.9.1 Barriers, as in physical barriers restricting some form of countryside access, are a major problem to users. The types of barriers can range from legitimate structures for stock control, barriers erected for public safety such as an attempt to prevent illegal motorcycle access, or illegal structures like locked gates to stop 'anti-social behaviour'. Whatever the problem, barriers are likely to end up preventing legitimate users rather than deterring 'illegal' users.
- 4.9.2 The CROW Act 2000 (s69) has now introduced a requirement to consider the needs of disabled people when authorising the erection of gates, stiles and other works on public rights of way.

### **POLICY A2-1**

The Authority will seek to keep the number of structures erected on the rights of way network to a minimum, consistent with legislation, good husbandry and public safety. The least restrictive option available will always be the priority.

- 4.9.3 Due to the huge diversity of people's abilities and attitudes, it is impossible to clarify the needs of all without being prescriptive. However, information from a number of organisations concerned with disability access, as well as the findings of The Rights of Way Use & Demand Study, The Sensory Trust et al points to the following general principles in the provision of access to the PROW network and countryside sites for users with disabilities:
- Good physical condition of a route: barrier free access is desirable but where this is not possible the least restrictive option should be used. Further considerations include surfaces, linear and cross gradients, clear walking tunnels, widths and tread obstacles. Route length of between 1.5km and 5km is stipulated as desirable in The Rights of Way Use & Demand Study (Entec, 2001).

<sup>37</sup> Nottinghamshire Accessibility Study for Warsop, a report for Nottinghamshire County Council, Fieldfare Trust, 2006.



- Availability of facilities: accessible public transport and parking areas and toilets are particularly important to disabled users when planning a day out, as are well designed passing and resting places.
- Consistency in information provision: the biggest problem for many potential users is lack of information and lack of confidence to deal with the unexpected. Routes of a suitable physical condition may exist but if there is no information provided, people with mobility problems will not normally just choose a route on a map and go exploring, and are therefore unlikely to gain the benefits from using that route. The decision to access the countryside is normally made at home and if there isn't sufficient information it is difficult for someone to make an informed decision.

## 4.10 An inclusive network

4.10.1 It is not only physical barriers which exist that prevent people from accessing the rights of way network; Accessibility should be addressed in its widest sense. The Rural White Paper (2000) identified that certain groups are under represented in the countryside. The Countryside Agency suggest that about 25% of the population rarely or never take a trip into the countryside. This includes people from black and minority ethnic backgrounds, disabled people, young people, people who live in inner cities, women, older people and people on low income.

4.10.2 There are many needs and factors specific to each group. There has been some national research and guidance identifying the needs, from bodies and organisations such as The Mosaic Project<sup>38</sup>, the Countryside Agency<sup>39</sup>, Sensory Trust<sup>40</sup> and The Fieldfare Trust<sup>41</sup>. It is recognised that the Authority cannot address all the issues. This needs to be in partnership with others but there are many local, simple tasks which can be achieved with foresight and a 'little understanding'. It is a fact that accessibility improvements to the network equates to better access to everyone regardless of their needs.

4.10.3 The County Council has both a specific duty under the Race Relations Amendment Act (2000) and the forthcoming provisions in the Equalities Act (2006) to produce a Race Equality Scheme and Gender Equality Scheme respectively. The schemes will outline how the Authority eliminates discrimination and promotes equality good practice in the county. Further information is available on [www.nottinghamshire.gov.uk](http://www.nottinghamshire.gov.uk)

### **POLICY A2-2**

In developing and improving the local rights of way network, Nottinghamshire County Council will embrace the principles of access for all as specified through legislation, guidance and research. The Authority will seek to make the local rights of way network as accessible as possible to all users with emphasis on the provision of clear information and by adopting an approach of the least restrictive option.

## 4.11 Farmers and land managers

4.11.1 Farmers and landowners obviously have a key role to play in the management of public rights of way. The majority of rural rights of way in Nottinghamshire cross actively farmed, predominantly, arable land.

4.11.2 The Council has a good working relationship with the majority of farmers and land managers in the county and any problems and issues are normally resolved without the need for further action. The County Council's rights of way officers are there to work with farmers to give advice and help. On the few occasions where goodwill and co-operation fails the Authority will have to resort to enforcement.

<sup>38</sup> [www.ben-network.org.uk/resources/publs.aspx](http://www.ben-network.org.uk/resources/publs.aspx)

<sup>39</sup> [www.naturalengland.org.uk](http://www.naturalengland.org.uk)

<sup>40</sup> [www.sensorytrust.org.uk](http://www.sensorytrust.org.uk)

<sup>41</sup> [www.fieldfare.org.uk](http://www.fieldfare.org.uk)



4.11.3 As part of the reform in Common Agricultural Policy (CAP), farmers who claim subsidy are now required to meet conditions relating to agricultural and environmental protection known as 'Cross Compliance'. To qualify for subsidies or the Single Payment Scheme as it is known, farmers must meet a range of 'Good Agricultural and Environmental Condition Standards (GAEC)'. One of the 17 GAECs is concerned with public rights of way – GAEC 8. This requires farmers to fulfil their rights of way obligations. The agency which administers the scheme (Rural Payments Agency - RPA<sup>42</sup>) has asked Local Authorities to report breaches of rights of way obligations. It is hoped that this will help maintain and improve public access particularly where consistent and annual problems arise.

**POLICY A1-3**

Nottinghamshire County Council will share information with the Rural Payments Agency on issues relating to cross compliance and rights of way to ensure that land managers meet the requirements of 'Good Agricultural and Environmental Condition Standards (GAEC 8)'.

4.11.4 Land managers have a legal responsibility to ensure that any rights of way across their land are free from obstruction and are easy to use. In summary, they are responsible for:

- Providing and maintaining stiles and gates for stock control
- Reinstating crossfield paths after disturbance within a set timescale
- Not ploughing fieldedge paths
- Cutting back overhanging vegetation
- Keeping paths free from obstructions.

4.11.5 The County Council also works very closely and successfully with land managers through its Farm Partnership Scheme. For example, the scheme pays farmers to undertake maintenance tasks on their own land such as annual grass cutting on fieldedge paths, changing stiles for kissing gates and replacing signposts.

**POLICY A6-1**

The County Council will continue to support and develop the Farm Partnership Scheme.

4.11.6 There is more scope to work with farmers and land managers. The Council work with land managers on various issues such as the ploughing and cropping bi-annual campaign and through the Local Access Forum, currently with five representatives from landowning organisations. The Authority also attends local county shows and a ploughing match primarily giving advice on ploughing and cropping issues. Nottinghamshire County Council is limited in

<sup>42</sup> www.rpa.gov.uk

their powers in respect to the many issues landowners face, for example, security and fly-tipping. However, there is scope to work closer with other organisations and agencies in an attempt to reduce the impact of anti-social behaviour issues.

4.11.7 Unfortunately, land managers do suffer from a small minority of irresponsible users, for example, the dropping of litter, nuisance dogs and leaving gates open being the most common issues. The County Council will continue to provide information and education such as the countryside code to users and will support initiatives by other organisations.

4.11.8 Trespass is also an important issue to land managers. The Authority can help on public rights of way by the use of correct signing and providing waymarks to help keep users on the right path. The use of 'margins' on fieldedges as part of the Common Agricultural Policy is causing some problems to land managers either through people trespassing on them on foot or horseback, and in some cases by motor vehicles. It is believed that Defra and the RPA are looking into this.

4.11.9 As part of the Authority's ROWIP assessments, land managers were asked to rank the five most important issues to them regarding public rights of way. See Appendix 4.

## **4.12 Summary of countryside users key needs**

### 4.12.1 Walkers:

- Paths close to where walkers live
- Circular walks
- Deep rural walks for 'more serious' walkers
- Increased maintenance and enforcement
- Improved road safety where rights of way exit and connect with other paths
- Better control of litter and dog fouling.

### 4.12.2 Horse riders:

- More bridleways and byways
- Bridleways close to where riders' horses are stabled
- Circular rides with no or minimal road riding
- Increased maintenance and enforcement
- Improved road safety where rights of way exit and connect with other bridleways / byways
- Better verge maintenance linking bridleways and byways
- Where gates are necessary - improved gates and associated latches
- More information provision regarding where riders can hack
- Surfacing suitable to their needs, preferably natural and firm but with some give.

### 4.12.3 Carriage drivers:

- More restricted byways and byways open to all traffic
- Increased maintenance and enforcement
- Improved road safety where rights of way exit
- Removal of barriers.

### 4.12.4 Cyclists:

- Improved road safety where rights of way exit and connect with other bridleways and cycle tracks

- Good surfaced route and adequate width (for average cyclist and family)
- Challenging routes relating to surface and topography for the mountain biker
- Increased maintenance and enforcement.

#### 4.12.5 Motor vehicles:

- Better information and signing
- Production of a code of conduct
- The use of volunteer labour in maintaining byways
- Regular liaison meetings between users and the Authority
- More byways open to all traffic
- Increased enforcement in tackling illegal users .

#### 4.12.6 Access for all:

- Removal of physical barriers (e.g. stiles and gates)
- Improved surfacing
- Provision of wide paths
- Better information before making a journey
- Provision of resting places
- Good facilities at the start of the walk / ride (e.g. toilets, parking public transport links etc.).

#### 4.12.7 Land managers:

- Fly tipping
- Dogs (not on a lead, fouling)
- Trespassing
- Farm security
- Presence of illegal motor vehicles
- Difficulty in diverting paths
- Litter
- Liability and health and safety.