

Rights of Way Management Plan

2018 – 2026

DRAFT



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 over-arching 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 1st 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.¹

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

¹ 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 Authority².

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.

² 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'

Contents

Executive Summary	i
Why are we doing it?.....	i
What does it cover?.....	iv
Countryside Access in Nottinghamshire	iv
What have we done?	v
What did we find?	vi
Key Issues	viii
Policies and Procedures.....	x
What happens next?	xi
List of Tables, Charts and Maps.....	xv
Glossary	xvi
Chapter 1 - Introduction.....	1
1.1 The Network in Nottinghamshire	1
1.2 Types of Public Rights of Way in Nottinghamshire.....	2
1.3 Rights of Way Improvement Plan 2007-2012 (ROWIP).....	4
1.4 Rights of Way Management Plan (ROWMP2)	5
1.5 Legislation	5
1.6 Statutory role.....	6
1.7 Local Access Forum	7
1.8 Nottinghamshire’s Vision and Objectives	7
1.9. Research and Consultation	8
Chapter 2 - Scene setting.....	9
2.1 The Plan Area – Nottinghamshire	9
2.2 Coalfields.....	11
2.3.Farming.....	11
2.4 Forestry and heathland	11
2.5 Natural and man-made barriers.....	12

2.6 Nottinghamshire’s landscape and geology	13
Chapter 3 - Policy Context	15
3.1 Introduction	15
3.2 National.....	17
3.3 Nottinghamshire County Council Strategic Plan 2017-2021	18
3.4 Nottinghamshire County Council Local Transport Plan (LTP3) 2011-2026.....	20
3.5 Nottinghamshire Health and Wellbeing Strategy	25
3.6 Nottinghamshire Sustainable Community Strategy 2010-2020	26
3.7 Local Plans (formerly local development frameworks).....	27
3.8 Minerals and Waste local plans	27
3.9 Other strategies and initiatives.....	29
Chapter 4 - Assessment of Countryside Users and their Needs.....	30
4.1. Introduction	30
4.2. Walkers.....	30
4.3 Dog walking.....	33
4.4 Horse Riding	34
4.5 Carriage Driving	39
4.6 Cycling	39
4.7 Motor Vehicles in the Countryside.....	42
4.8 Illegal motor vehicle use.....	45
4.9 Access for All	46
4.10 Physical barriers.....	49
4.11 An inclusive network.....	51
4.12 Farmers and land managers	52
4.13 Summary of countryside users key needs and priorities	54
Chapter 5 - Assessment of the Network	57
5.1 The County Network.....	57
5.2 Making the Assessment.....	63

5.3	Social and Economic Characteristics of Grid Square areas	64
5.4	Local Consultation	67
5.5	Expressed Dissatisfaction.....	67
5.6	Analysis of use of the network in the assessment areas.....	68
5.7	Summary of key findings from the assessments.....	69
5.8	The Rural Network.....	73
5.9	The urban and semi-urban network.....	74
5.10	General findings from the network assessments.....	75
5.11	Accessibility audit in Warsop	77
5.12	Wider access.....	79
5.13	Key findings for wider access:	80
	Chapter 6 - Policies and Procedures.....	82
6.1	Introduction	82
6.2	Maintenance and enforcement.....	82
6.3	Signposting.....	83
6.4	Waymarking.....	84
6.5	Gates, stiles and barriers.....	85
6.6	Surfacing	86
6.7	Ploughing and cropping	88
6.8	Bridges	89
6.9	Enforcement to remove obstructions and other nuisances.....	90
6.10	Vegetation encroachment	90
6.11	Community and partnership working	91
6.12	Definitive Map and Statement.....	92
6.13	Public path orders.....	97
6.14.	Planning and development.....	98
6.15.	Dedications and creation orders.....	100
6.16.	Widths of new routes (made by Public Path Order).....	101

6.17. Extinguishment.....	102
6.18 Looking for opportunities	102
6.19 Open Access.....	104
6.20 Publicity and promotion	107
Chapter 7 - Statement of Action.....	110
7.1 Introduction.....	110
7.2 Layout.....	111
7.3 Delivery Partners	111
7.4 The Statement of Action: Aims and Actions	112
Appendices	116
Appendix 1	116
Appendix 2.....	117
Acknowledgements	123

List of Tables, Charts and Maps

Tables

Table 1 – PROW classifications and markings

Table 2- ROWMP2 contribution to LTP objectives

Table 3- Surfacing needs of different user groups

Table 4- PROW network breakdown by percentage and length

Table 5- Network provision, problems found, average distance per problem and average number of faults per failed route in each area of the Network assessment

Charts

Chart 1 Rights of Way Management Plan- Links to other Strategies and Legislation

Chart 2 PROW in Nottinghamshire by percentage of network (%)

Chart 3 PROW in Nottinghamshire percentage by length of path (%)

Maps

Map 1 Nottinghamshire Regional Context and District Boundaries

Map 2 Density of PROW within Nottinghamshire

Map 3 Density of PROW in Nottinghamshire available to equestrians and cyclists

Map 4 Network assessment area overview

Map 5 Open Access land in Nottinghamshire

Glossary

Access for all

Access for all is an aspiration term used to describe public access that is suitable for all members of society in its widest sense. For example, by replacing a stile with a kissing gate greatly improves the experience for people with limited mobility or by providing information in a format which suits an individual's particular need.

BHS

British Horse Society. National charity representing needs and interests of horse riders. A statutory consultee on DMMOs and PPOs.

Bridleway

A public right of way for walkers, users of mobility vehicles and those on horseback or leading a horse. Cyclists also have a

	<p>right of way, but must give way to walkers and horse riders. A bridleway can run along a way where certain individuals have a right to drive other vehicles, such as a farm access drive.</p>
Byway / Byway Open to All Traffic / BOAT	<p>Highway with vehicular rights, mainly used by walkers, riders and cyclists.</p>
CLA	<p>Country Land and Business Association, organisation safeguarding the interests of those responsible for land, property and business throughout rural England and Wales.</p>
CROW Act	<p>Countryside and Rights of Way Act 2000</p>
Definitive map and statement	<p>The legal record of public rights of way, detailing their position and status.</p>
Defra	<p>Department of Environment, Food and Rural Affairs</p>
DMMO	<p>Definitive map modification order modifies or reclassifies PROW's already recorded on the definitive map or legally records previously unrecorded public rights.</p>
Entec	<p>Consultancy commissioned to research current and future demand associated with public rights of way, and to develop</p>

	methods of assessment for utilisation by highways authorities.
Footpath	A public right of way on foot only, this includes use by people in wheelchairs and mobility scooters.
Footway	Surfaced roadside pavement.
Green Lane	A descriptive term for a way. Normally used when the way is bounded by hedges or stone walls and the surface is not, or does not appear to be, metalled or otherwise surfaced.
Green Lane Association (GLASS)	An organisation which promotes the responsible use of byways
Greenway	Recreational route open to the public which may not be a public right of way. Usually available to walkers, cyclists and horse riders. No motor vehicular rights of access. Sometimes known as Multi-user routes / trails.
Highway Authority	Public body responsible for maintenance of all highways, usually the Local Authority.
IPROW	Institute of Public Rights of Way and Access Management. A professional body representing the interests of individuals involved in the management of public

rights of way in England, Wales, Scotland and Northern Ireland.

LAF

Local Access Forum, Statutory body established under the CROW Act 2000 to provide strategic advice to safeguard the character, and improve access to and enjoyment of the countryside. A statutory consultee on the ROWIP.

LEMO

Legal event modification order is an event which is used to effect a change on the definitive map and statement such as diversions, creations, side road orders but not DMMOs.

List of Streets

A record kept by the Highway Authority of all routes in their area which are publicly maintainable.

LPA

Local Planning Authority, usually the District or Borough Council.

LTP

Local Transport Plan. Strategic plan covering highways and transport within Nottinghamshire.

Metalled road

A road with a hard surface of bitumen or tar (sometimes known as tarmac road). The term is normally used in reference to the publicly maintained 'road' network i.e. A, B, C and surfaced unclassified roads.

Multi-user route / trail	Recreational route open to the public which may not be a public right of way. Usually available to walkers, cyclists and horse riders. No motor vehicular rights of access. Sometimes known as Greenways.
Natural England	Formed when Countryside Agency, English Nature and Rural Development Service came together in 2006.
NCC	Nottinghamshire County Council
NCN	National Cycle Network, a network of safe and attractive routes to cycle, running throughout the UK.
NFU	National Farmers Union. Represents farmers and growers in England and Wales.
Open Access	Land opened as part of the CROW Act 2000, giving a right of access on foot.
OS	Ordnance Survey. The national mapping agency of Great Britain.
Pedals	Local campaigning organisation representing the needs of cyclists and working towards better cycling provision.
Permissive path	Path with no definitive access rights, but made available to the public by the landowner on a permissive basis. Type of

Poaching

use may vary dependent upon permission given.

Surface damage due to trampling by cattle, usually found around supplementary feeders, gates and stiles.

PPO

Public path order. The legal process to create, divert or extinguish a footpath or bridleway.

Private right

Private right of access, not a public right of access. In some circumstances there may be a private right for vehicles and public footpath or bridleway rights on the same line.

PROW

Public Right of Way.

The Ramblers'

Formally known as the Ramblers Association. National organisation representing the views of walkers.

Restricted Byway

A classification of public right of way, replacing Roads Used as A Public Path (RUPPs). Access rights for walkers, cyclists, horse riders and carriage drivers. No right of access for mechanically propelled vehicles.

ROWIP1

ROWMP2

Nottinghamshire County Council's first Rights of Way Improvement Plan published in November 2007

Rural Payments Agency /RPA

Rights of Way Management Plan 2018-2026 (this document). Nottinghamshire County Council's second Rights of Way Plan which replaces ROWIP1

An executive agency of Defra responsible for making Government payments to farmers through the single payment scheme.

Side Roads Order

A statutory order to close or change junction arrangements between a side road and a main road, usually as part of a road building or improvement scheme.

SSSI

Site of Special Scientific Interest, a statutory conservation designation denoting a protected area in the United Kingdom

Sustrans

A charity working on practical projects to help reduce motor traffic, including the National Cycle Network (NCN) and Safe Routes to Schools.

Toll Rides

Permissive horse-riding route whereby users pay the landowner a fee in return for the provision of off road riding opportunities on private land.

TRF

Trail Riders Fellowship. National organisation representing trail bike riders. A statutory consultee for DMMOs and PPOs.

UCR

Unclassified County Road. A road recorded (on the List of Streets) by the Highway Authority as 'maintainable at public expense', and normally having vehicular rights. May also be a definitive public right of way (e.g. Byway).





Chapter 1 - Introduction

1.1 The Network in Nottinghamshire

- 1.1.1 Nottinghamshire has an extensive network of public rights of way (PROW), encompassing nearly 2800 km of footpaths, bridleways and byways. Wider countryside access is provided through Open Access, country parks and permissive routes. The opportunities for outdoor recreation and wider utility access are numerous; for example, through walking, horse riding and cycling. By the very nature of PROW, the majority of this access is in an attractive traffic free environment, providing a welcome relief from the road network.
- 1.1.2 The paths in this county are geographically spread and vary in type, status and surface. They are provided in both rural and urban settings and importantly they also link these two environments together. Different classes of PROW are available for different classes of user, with all routes available to pedestrians. The surface of a path can also indicate the type and level of use.
- 1.1.3 The PROW network offers excellent travel opportunities and complements the wider transport network. Many paths, urban and rural, provide communities with links to the transport network enabling access to essential services and facilities, public transport and recreation. They provide a viable and valuable alternative to the car for short journeys and are a particular asset in encouraging social inclusion.

1.2 Types of Public Rights of Way in Nottinghamshire

Table 1 – PROW classifications and markings

Status	Used by	Waymark used
Public Footpath	Walkers (including push chairs, wheelchairs, mobility scooters)	Yellow arrow 
Public Bridleway	Walkers, horse riders and cyclists	Blue arrow 
Restricted Byway	Walkers, horse riders. cyclists and carriage drivers	Purple arrow 
Byway Open to all Traffic	Walkers, horse riders. cyclists, carriage drivers and road legal motorised vehicles	Red arrow 

1.2.1 Rights of way are both a significant part of our heritage and a major recreational resource. It is only in relatively recent times that the true value of public rights of way has been recognised by Central Government and the population at large. The visitor economy of Nottinghamshire alone is estimated to be worth 1.38 billion³. Nottinghamshire’s PROW network and the recreational opportunities it provides certainly contribute towards this.

1.2.2 The highway network we have today has developed over hundreds of years with the Fosse Way crossing the county dating back to Roman times. Historically the network was used locally for travelling between settlements, markets, employment and for access to land. This network was used by those walking, riding or on horse and cart and was primitively surfaced before the advent of improved road building techniques and tarmacadam. As modern transport developed the utility needs of this network reduced and in many cases these public highways were lost on the ground but not legally. Hence the legal maxim, ‘once a highway always a highway’.

³ <http://www.d2n2lep.org/Visit>

- 1.2.3 Over the years the recreational use of footpaths, bridleways and old carriageways increased and this was recognised by the introduction of legislation protecting these 'old' rights.
- 1.2.4 Rights of way have been developed through necessity i.e. travelling from A to B. This coupled with the fact that development has taken place to serve the needs of industry, housing and infrastructure, means that routes 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.
- 1.2.5 Added to this are the various pressures and changes which contribute in trying to manage a modern day rights of way network, such as:
- farming practices have changed
 - increased residential and business development
 - the population is increasing
 - pressures on conservation and bio-diversity
 - people are striving for more privacy
 - the fear and threat of crime
 - as a nation we are more affluent
 - we have more time to enjoy recreational pursuits
 - the type and amount of recreational pursuits are increasing
 - the transport infrastructure resource has grown providing increased opportunities but also problems and severance
 - anti-social behaviour problems have increased
 - the network the County Council has to manage increases year on year.
 - the decreasing resources available to the Council to maintain the network
- 1.2.6 These pressures show there is a need to manage the existing network more efficiently, pro-actively and objectively. This updated plan has provided the Council with another opportunity to consider how to plan the modern day

needs and pressures on the public rights of way network. There is scope for the Council to be smarter in how can benefit from partnership working and maximise benefits to all parties.

1.3 Rights of Way Improvement Plan 2007-2012 (ROWIP)

- 1.3.1 The Rights of Way Improvement Plan (ROWIP) was published by Nottinghamshire County Council in November 2007 to meet statutory requirements set out in the CROW Act (2000). The document and its Statement of Action (Chapter 7) were highly aspirational but with the necessary support from government and external agencies, were believed to be achievable. However, in the years since the ROWIP was published, the political and economic landscape within which the Council must operate has significantly changed. On a national level the Department for the Environment Food and Rural Affairs (Defra) has seen its budget considerably reduced since 2010 and this looks set to continue. This has an inevitable knock on effect on how Rights of Way Plans delivered by Local Authorities across the country have developed since 2007 and also a wider effect on a range of environmental and countryside issues.
- 1.3.2 The majority of stakeholders are aware of the current challenges the County Council is facing to balance its budget and continue to provide life enhancing services. Furthermore, consultation with stakeholders has highlighted that whilst ROWIP1 was a valuable resource and source of information, it was perhaps too aspirational in focus. Key information and policy were sometimes overshadowed by the level of detail given to prospective improvements. Therefore, this document's core focus is to show how the Council will meet its obligations as a Highway Authority in relation to managing Nottinghamshire's PROW network.

1.4 Rights of Way Management Plan (ROWMP2)

- 1.4.1 The ROWMP2 will re-assess the adequacy of the county's rights of way network and wider countryside access in meeting current and future demand. The plan will provide the Council with a statutory and strategic plan outlining Nottinghamshire's aims and objectives for the continued development and management of a modern public rights of way network. The ROWMP2 also includes a Statement of Action that will detail actions for the implementation of the Plan, for example, applying a countywide signing and waymarking programme. It is not intended to address individual issues on specific footpaths, bridleways and byways in the plan. Specific actions will be subject to a different decision making process and included in the Council's annual work programme.

1.5 Legislation

- 1.5.1 In order to comply with Section 60 of the CROW Act 2000, Nottinghamshire County Council prepared and published a ROWIP in November 2007. All highway authorities were required to do this. This section of the CROW Act commenced on the 21st November 2002 with the publication of Statutory Guidance.⁴
- 1.5.2 The County Council is required, not more than 10 years after first publishing the ROWIP to make a new assessment of the network, then review the plan and decide whether to amend it. Therefore, as ROWIP1 has now been amended, it must be published as a new document (ROWMP2).
- 1.5.3 The statutory guidance given in 2002 remains in place. Consequently, as with ROWIP1 this plan contains the following:
- An assessment of the extent to which local rights of way meet the present and likely future needs of the public

⁴ Rights of Way Improvement Plans, Statutory Guidance to Local Highway Authorities in England, Defra, November 2002.

- 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 or partially sighted people and others with mobility problems
- A Statement of Action. This will outline strategic actions an authority will make for the management of rights of way, and for securing improvements to the network taking into account identified issues which have arisen from the above assessments

1.6 Statutory role

1.6.1 Nottinghamshire County Council, in fulfilling its role as highway and surveying authority, has a statutory responsibility for the management and maintenance of Nottinghamshire's public rights of way network.

1.6.2 Public rights of way are highways and are legally protected – it is a criminal offence to obstruct a public right of way. The Council's principal duty in this regard is stipulated by primary legislation. The Highways Act 1980 section 130, states that 'the Authority is to assert and protect the rights of the public to the use and enjoyment of any highway' and 'to prevent, as far as possible, the stopping up or obstruction of' any highway.

1.6.3 To summarise Nottinghamshire County Council has a statutory role as:

- A highway authority to maintain routes on the ground and to keep them open and free from obstruction
- A surveying authority to map all of the county's paths on the definitive map
- An access authority to look after and promote the new open access sites and rights.

1.7 Local Access Forum

- 1.7.1 Nottinghamshire's statutory Local Access Forum was established in July 2003 to advise the County Council, the then Countryside Agency and other bodies on all matters relating to countryside access. The City of Nottingham has its own forum. There are currently 12 independent members who represent areas of interest rather than an organisation or body. Public meetings are held quarterly and various, more technical meetings are held on an ad-hoc basis. For further information, please see <http://www.nottinghamshire.gov.uk/enjoying/countryside/rights-of-way/local-access-forum/>

1.8 Nottinghamshire's Vision and Objectives

- 1.8.1. The overall corporate vision for the county is set out in the Nottinghamshire County Council Strategic Plan 2017 -2021. The Council's vision for Nottinghamshire is to be better place to live, work and visit. The Strategic Plan aims to:

- Put local people at the heart of everything we do
- Spend money wisely
- Be creative and work in new ways
- Stand up for local people

- 1.8.2. Rights of way and countryside access have a key role in helping deliver and complement the objectives of the Strategic Plan. The ROWMP2 will continue to serve as the over-arching focus for the protection, creation and enhancement of countryside access in Nottinghamshire.

- 1.8.3. The County Council will develop and manage this 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 needs 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
- 1.8.4. Nottinghamshire County Council will aim to deliver this vision by working with and involving our partners and stakeholders.

1.9 Research and Consultation

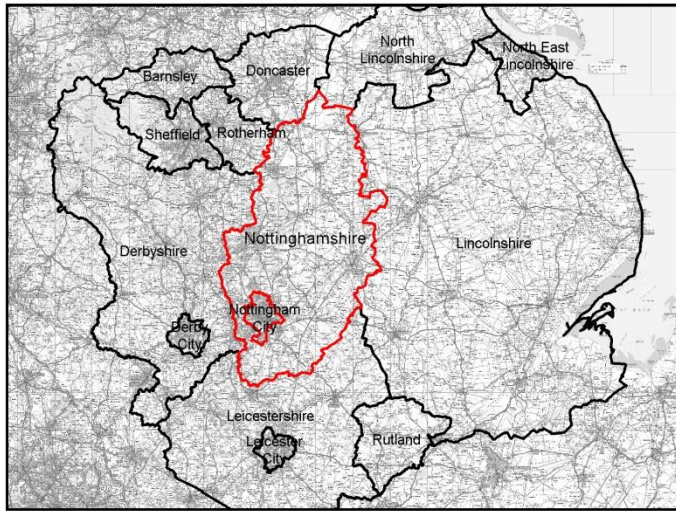
- 1.9.1 In producing this revised and updated plan the Council has consulted with a number of stakeholders to ensure that the plan meets the demands of all users. Updating relevant legislation and research into user needs (locally and nationally) has been undertaken via desktop research. This is to ensure the plan is as up to date as possible on publication and to ensure that current national and local trends are reflected within it.

Chapter 2 - Scene setting

2.1 The Plan Area – Nottinghamshire

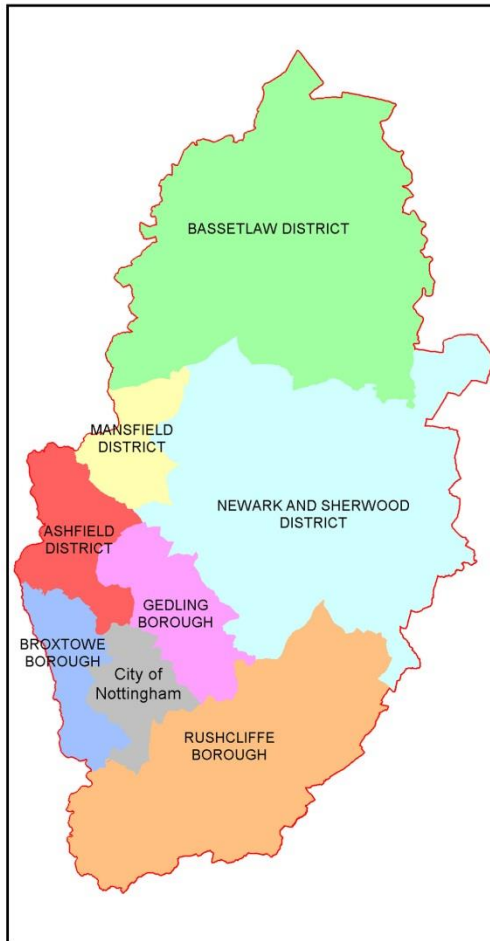
- 2.1.1 Nottinghamshire is situated in the heart of England and is located in the East Midlands region of the country. The shire and unitary authorities of Leicestershire, Lincolnshire, North Lincolnshire, Doncaster, Rotherham and Derbyshire, as well as Nottingham City border the county.
- 2.1.2 The ROWMP2 area covers the County Council's administrative area (please see Map1 on following page). Nottingham City Council is required to produce its own Rights of Way Plan and its own Local Transport Plan (LTP). The county is made up of seven districts - Ashfield, Bassetlaw, Broxtowe, Gedling, Newark and Sherwood, Mansfield and Rushcliffe.
- 2.1.3 The shire county of Nottinghamshire covers an area of 208,000 hectares with a population of nearly 785,800 people. The largest concentration of people is found in the 'Greater Nottingham' conurbation (Broxtowe, Hucknall, Gedling and Rushcliffe districts).
- 2.1.4 Other heavily populated areas of the county include the market towns of Mansfield, Kirkby in Ashfield, Sutton in Ashfield, Newark on Trent, Worksop and Retford. In general terms, these areas place substantial pressure on the surrounding countryside through, for example, development and associated 'anti-social' problems for landowners and managers.
- 2.1.5 In contrast, approximately a fifth of the population live in the smaller rural towns and villages in the county. In essence Nottinghamshire's rural countryside is made up of a low density population making some areas very remote.

Map 1- Nottinghamshire Regional Context and District Boundaries



Nottinghamshire

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2.2 Coalfields

- 2.2.1 The former coalfields of Nottinghamshire have now disappeared. However, the impact of their existence still survives both positively and negatively. Direct negative impact on employment and health are particularly noticeable in the north of the county whilst the former 'pit tips' are now a haven for recreation and biodiversity. There are also disused railway lines serving the former collieries which are now valuable green corridors reaching into both urban and rural areas. A few of these have been developed into useful linear access links. Other 'mothballed' railway lines still exist and potentially have an important role to play in improved countryside access.

2.3 Farming

- 2.3.1 As with much of the East Midlands, Nottinghamshire's rural countryside is predominantly made up of arable-farmed land with the notable exception of forestry in the centre of the county. Nottinghamshire's landscape has evolved significantly over the last couple of hundred years, the inclosure process of the 18th and 19th centuries perhaps having the largest impact. The inclosure process not only allotted land to private individuals but also involved the setting out of many of Nottinghamshire's present-day public carriageways, bridleways and footpaths. In the period following the Second World War, Government policy increased subsidies to farm production which saw the removal of many hedgerows. This created larger fields and changed the county's landscape.

2.4 Forestry and heathland

- 2.4.1 Forestry continues to play an important role in Nottinghamshire. The former ancient forests and heathland of Sherwood Forest have mostly given way to non-native coniferous plantations. However, the harvesting of timber has now taken second place to recreationat forestry sites such as Sherwood Pines and other large tracts of Forestry Commission managed land. To further bolster

these recreational areas much of this land has been dedicated as Open Access Land under section 16 of the CROW Act 2000.

2.4.2 Nottinghamshire is also famous for the 'Dukeries' estates in the north of the county. These five large 'man made' estates have also shaped the county and the PROW network with a distinct sparse network of definitive paths in these areas. However, the former estate of the Duke of Newcastle at Clumber which is owned and managed by the National Trust, offers excellent recreational facilities for all. Thoresby Hall on the Thorseby estate is now a luxury hotel but Thoresby Courtyard is free for the public with access to extensive wood and parkland surrounding the estate via a series of waymarked walks.

2.5 Natural and man-made barriers

2.5.1 Natural and man-made corridors create a variety of linear components in Nottinghamshire's landscape, including roads, rivers, canals and railways. These corridors offer both access opportunities and real problems; the River Trent in the county offers some superb access and tourism opportunities along its banks but conversely creates significant severance for communities accessing services and recreation with only a handful of river crossing points in the county.

2.5.2 Moreover, the county's road network again offers great opportunities and problems. The road network has enabled Nottinghamshire to prosper economically with excellent links within the county and beyond, such as the M1 motorway and A1 trunk road. However, these roads can restrict access for non-motorised users i.e. walkers, cyclists and riders through either making it impossible to cross due to the physical barrier, safety (real and / or perceived) and generally being an unpleasant experience to cross.

2.5.3 The railway network has a large presence in the county with the major mainline routes of the East Coast Mainline, and the Midland Mainline. Added to this are the Gainsborough, Grantham, Lincoln and Worksop 'branch' lines

and the surviving freight only lines. Once again these lines offer opportunities and problems to the PROW network; railways can contribute to social inclusion and sustainable transport but they can also create barriers for the network.

- 2.5.4 As with the road network railways can offer a physical barrier and a safety issue, for example, there are 19 definitive bridleways (and many more footpaths) crossing the county's railways by 'at grade' level crossings. There is also increasing pressure to close unstaffed railway crossings and in the 1950's and 60's many crossings were closed or downgraded to exclude higher rights users such as horse riders and vehicles. Examples do exist in this county of rights of way being severed by railways creating two potential cul-de-sac paths.
- 2.5.5 Network Rail has lobbied Central Government for a change in legislation which would make it easier for them to divert 'at grade' level crossings, including public rights of way, on the grounds of public safety. Since 2010, the number of level crossings in the UK has been cut by 10%⁵ and Network Rail has also been granted additional funding by the Office of Rail Regulation to remove or divert at grade level crossings which are deemed to be the most dangerous and replace them with alternatives, such as a bridges. The Council will monitor these developments and act in accordance with any new legislation. The Council's commitment to this is detailed in the Statement of Action in Chapter 7 (SOA 3.1).

2.6 Nottinghamshire's landscape and geology

- 2.6.1 The popular image of Nottinghamshire is often of forestry and sandstone. However, the county benefits from a diverse range of geology from limestone to heavy clay. This local distinctiveness influences both the use and maintenance of public rights of way.

⁵ <http://www.telegraph.co.uk/finance/newsbysector/transport/10585436/Dangerous-drivers-flout-level-crossing-rules.html>

2.6.2 These landscapes provide a variety of backdrops and areas in which to walk and ride and often influence people's decisions on where to go. For example, the Sherwood area obviously attracts a large number of users due to its character (and the provision of facilities) but can cause problems through the erosion of paths. This can be due both to the large number of visitors and the geology of this area – well drained sandy soils.

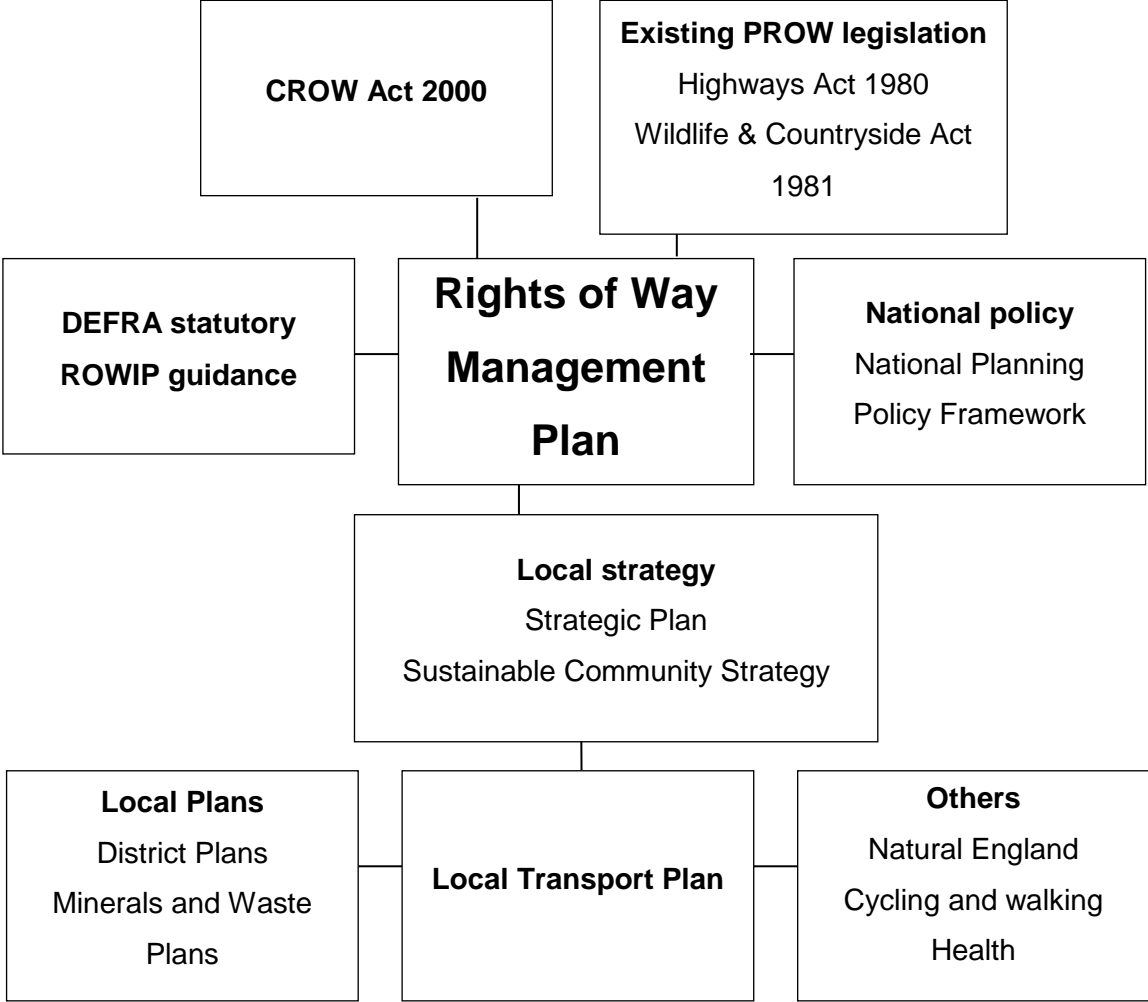
2.6.3 The heavy clays of the Mid-Nottinghamshire Farmlands can also cause problems to the surface of rights of way in this area. The dark clay soils have poor drainage and as a result can cause heavy waterlogging making walking and riding difficult in places. Expensive localised surfacing and drainage work can sometimes help but is ultimately confounded by the area's geology.

Chapter 3 - Policy Context

3.1 Introduction

- 3.1.1 One of the most important considerations in developing the Rights of Way Management Plan for Nottinghamshire is to ensure that it addresses the key themes and complements the aims and objectives of existing national and local plans and strategies.
- 3.1.2 Rights of Way Management Plan Policy statements are quoted throughout this document and items in the statement of action are attributed to the relevant policy statement, as well linking to the policies of the other relevant plans. Policy statements are related to each of the plan's six main aims (prefix's A1, A2, A3, A4, A5, and A6).
- 3.1.3 There are a number of plans and strategies on a national and local level that relate to the Rights of Way Management Plan which can have an impact on the management of the public rights of way (PROW) network and countryside access in Nottinghamshire. In addition, previous internal plans and reports from NCC's Countryside Access team have also identified areas for improvement in fulfilling statutory duties and responsibilities in respect of the county's PROW network.

Chart 1 Rights of Way Management Plan- Links to other Strategies and Legislation



3.1.4 Identifying and reflecting the strategies and policies in other relevant documents will help deliver the objectives of this plan and lend weight to funding bids from both the Council (as the Highway Authority) and the bodies with complementary aims and objectives. It also provides potential opportunities for partnership working, the pooling of resources and ensuring best practise is adopted.

3.1.5 The following strategies and documents have been considered in the course of the development of the ROWMP2:

- National Planning Policy Framework
- Nottinghamshire County Council Strategic Plan 2017-2021
- Nottinghamshire County Council Local Transport Plan 2011-2026
- Nottinghamshire Sustainable Community Strategy 2010-2020 and its evidence base 'The State of Nottinghamshire 2009'
- Nottinghamshire County Council Minerals Local Plan
- Nottinghamshire County Council Waste Local Plan
- Nottinghamshire County Council Waste Core Strategy
- Local planning authority (district council) existing and emerging local plans
- NHS health improvement plans
- Neighbouring transport authorities' ROWIPs and transport plans.

3.2 National

- 3.2.1 The main considerations at national level are the effect of developments on PROW, the promotion and development of sustainable transport options and the benefits of recreation to health and communities.
- 3.2.2 In March 2012 Government published the National Planning Policy Framework (NPPF) replacing all of the previous planning guidance and statements. There is one specific reference to rights of way within the NPPF; within the promoting healthy communities section, paragraph 75 states that *“Planning policies should protect and enhance public rights of way and access. Local authorities should seek opportunities to provide better facilities for users, for example by adding links to existing rights of way networks including National Trails.”*
- 3.2.3 Paragraph 28 states that local plans should support sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside. Whilst paragraph 35 states that local plans should protect and exploit opportunities for the use of sustainable transport modes for the movement of goods or people.

3.2.4 The maintenance and development of the PROW network will also help deliver the objectives detailed within the NPPF in supporting a prosperous rural economy through helping facilitate rural tourism and leisure development; and promoting sustainable transport through the use of the network to reduce car use and sustainably access services by walking and cycling.

3.3 Nottinghamshire County Council Strategic Plan 2017-2021

3.3.1 The County Council's Plan "Your Nottinghamshire, Your Future" provides a clear statement of the Council's priorities, promises and values. The plan sets out the County Council's commitments and explains how the Council will measure its success with emphasis on providing the best possible service for local people, improve the place in which we live and give good value for money.

3.3.2 The Strategic Plan aims to;

- Put local people at the heart of everything we do
- Spend money wisely
- Be creative and work in new ways
- Stand up for local people
- Empower people and support their independence

3.3.3 'Your Nottinghamshire, Your Future' is focused around four vision statements;

- A great place to bring up your family
- A great place to fulfil your ambition
- A great place to enjoy your later life
- A great place to start and grow your business

3.3.4 The Rights of Way Management Plan also supports the aims and objectives of the Plan (to varying degrees) as shown below.

- Nottinghamshire's PROW network is an integral part of the County's wider Highway network. The ROWMP can assist the Council in managing the network effectively to ensure efficient movement of people and goods.
- The ROWMP2 clearly asserts that the PROW network in Nottinghamshire is an asset and should be regarded as such across the Council and by members of the public. The PROW network can contribute to the Council's efforts to promote Nottinghamshire's assets and opportunities to investors, particularly with regards to promoting sustainable tourism and green infrastructure
- The ROWMP2 assists the Council in ensuring that our countryside is protected and also in its aim to attract more visitors. The ROWMP2 highlights the numerous recreational activities for residents and visitors to Nottinghamshire both on the PROW network and through other mediums such as Open Access Land, Country Parks and the National Cycle Network.
- The ROWMP2 assists the Council by providing another platform on which to highlight Nottinghamshire's unique heritage.
- The PROW network is a vital part of Nottinghamshire's Countryside and the ROWMP2 can assist the Council in ensuring Nottinghamshire's environment is well managed and that the countryside continues to be protected.
- The ROWMP2 can assist the Council in ensuring Nottinghamshire has attractive and economically vibrant towns. The PROW network can enable Nottinghamshire residents and visitors to access towns and villages to access services and also offer local recreational opportunities for residents.

- The ROWMP2 can assist the Council in narrowing the health equalities gap and improve both health and well-being. The ROWMP demonstrates the positive effect the PROW network can have on improving the health and well-being of residents and visitors to Nottinghamshire. The desire to provide ‘Access for all’ regardless of physical or socio/economic barriers is a consistent theme throughout the ROMWP and supports the Council’s wider aim to improve health and wellbeing.
- The ROWMP also supports this priority by highlighting the work of the Council in promoting barrier free routes so younger children (in buggies, prams etc.) can enjoy the PROW network, along with their families.
- The ROWMP2 can help develop and maximise the benefits of partnership working with Public Health partners
- Again, the ROWMP2 highlights the opportunities and facilities available for children and families to enjoy on the PROW network, open access land and our Country Parks

3.4 Nottinghamshire County Council Local Transport Plan (LTP3) 2011-2026

3.4.1 The Nottinghamshire Local Transport Plan 2011-2026 (LTP) details the transport strategy for the whole of the county of Nottinghamshire for the fifteen year period 2011-2026. The strategic transport goals for the county as set out in the LTP were developed locally through consultation with the public, County Council elected members, and other stakeholders. Particular consideration was made to the national transport priorities (as identified through national strategies) and the Nottinghamshire Sustainable Community Strategy 2010-2020. Supporting the economy was identified as the highest transport priority throughout the county. The overarching strategic transport goals for Nottinghamshire are therefore to:

- provide a reliable, resilient transport system which supports a thriving economy and growth whilst encouraging sustainable and healthy travel
- improve access to key services, particularly enabling employment and training opportunities, and
- minimise the impacts of transport on people's lives, maximise opportunities to improve the environment and help tackle carbon emissions.

3.4.2 Consultation also identified 12 local transport challenges to delivering the strategic goals. Addressing these transport challenges will play a major role in delivering transport improvements and the strategic goals in Nottinghamshire. The locally identified challenges have therefore become the transport objectives that the Council want to achieve during the lifetime of the LTP. They are:

- Objectives related to **supporting economic growth**
 1. Tackle congestion and make journey times more reliable
 2. Improve connectivity to inter-urban, regional and international networks, primarily by public transport
 3. Address the transport impacts of planned housing and employment growth
 4. Encourage people to walk, cycle and use public transport through promotion and provision of facilities
 5. Support regeneration
- Objectives related to helping **protect the environment**
 6. Reduce transport's impact on the environment (air quality, buildings, landscape, noise etc.) and encourage modal shift to sustainable transport.
 7. Adapt to climate change and the development of a low-carbon transport system and reduce carbon-dioxide emissions.

- Objectives related to **improving health and safety**

8. Improve levels of health and activity by encouraging active travel (walking or cycling) instead of short car journeys
9. Address and improve personal safety (and the perceptions of safety) when walking, cycling or using public transport

- Objectives related to **improving accessibility**

10. Improve access to employment and other key services particularly from rural areas
11. Provision of an affordable, reliable, and convenient public transport network

- Objectives related to **maintaining and improving existing infrastructure**

12. Maintain the existing transport infrastructure (roads, footways, public transport services etc.).

3.4.3 Implementation of the ROWMP2 can assist in the delivery of most of the LTP objectives (to varying degrees) as shown in table 2 below. Rights of Way improvements that help deliver the LTP objectives are considered for funding from the LTP annual integrated transport block.

Table 2 ROWMP2 contribution to LTP objectives

LTP objectives	ROWMP2 contribution
Objectives related to supporting economic growth	PROW will assist in delivering each of the transport objectives relating to economic growth through: <ul style="list-style-type: none"> • Helping to reduce congestion through the provision of well-maintained walking and cycling routes to enable people to make short journeys on foot or cycle. Routes close to areas with recognised

	<p>congestion will be prioritised for enhancements and maintenance</p> <ul style="list-style-type: none"> • Helping facilitate rural tourism and leisure development by maintaining and enhancing the existing network • Improved communication with local planning authorities and developers will help to reduce the impact of planning applications on existing and potential PROW network.
<p>Objectives related to helping protect the environment</p>	<p>PROW will help deliver one of the two transport objectives relating to reducing transport’s impact on the environment through:</p> <ul style="list-style-type: none"> • Helping reduce emissions from transport through promotion, development and where possible creation of off-road routes • Linking users with the natural environment, while the network itself provides a green corridor and refuge for flora and fauna.
<p>Objectives related to improving health and safety</p>	<p>PROW will assist in delivering the transport objectives relating to improving health and safety through:</p> <ul style="list-style-type: none"> • The provision of safe off-road routes for people to access services and recreation by enhancing and maintaining the existing PROW network • Providing facilities to enable people to undertake more active travel • The development of promoted routes and promotional publications

	<ul style="list-style-type: none"> • Undertaking walking, cycling and riding activities to encourage people to undertake more active travel on the PROW network
<p>Objectives related to improving accessibility</p>	<p>PROW will help deliver the transport objective to improve access to employment and other key services particularly from rural areas through:</p> <ul style="list-style-type: none"> • Prioritising the enhancements and maintenance of PROW to employment centres and training facilities; as well as the promotion of such routes • Auditing routes to ensure they are accessible by all and undertaking enhancements where possible (and within available budgets) to make routes more accessible by all • Prioritisation of enhancements and maintenance along routes that improve access to work and training.
<p>Objectives related to maintaining and improving existing infrastructure</p>	<p>PROW will help maintain and improve existing infrastructure through:</p> <ul style="list-style-type: none"> • Effectively prioritising the maintenance of the PROW network • Consideration of whole life costs of planned enhancements to the PROW when developing work programmes • Working with partners and other NCC sections to deliver best value in maintenance delivery.

3.5 Nottinghamshire Health and Wellbeing Strategy

3.5.1 The Health and Wellbeing Strategy was agreed by the Health and Wellbeing Board on the 6th of March 2014. The strategy sets the priorities on which the Health and Wellbeing Board will focus its efforts to improve the health and wellbeing in Nottinghamshire. A second strategy has recently been subject to a public consultation (October 2017), a revised plan is expected to be published Spring 2018.

3.5.2 The Health and Wellbeing Board have identified four key ambitions for the people of Nottinghamshire:

- For everyone to have a good start in life
- For people to live well, make healthier choices and live healthier lives
- That people cope well and that we help and support people to improve their own health and wellbeing, to be independent and reduce their need for traditional health and social care services where we can
- To get everyone to work together

3.5.3 The Rights of Way Management Plan can complement the Health and Wellbeing Strategy to various degrees though supporting its overall priorities and actions.

3.5.4 The ROWMP2 can assist in reducing the number of people who are overweight and obese by highlighting recreational opportunities which are available on the PROW network and how these can be accessed. The ROWMP2 can help encourage practical steps for the Countryside Access Team and Public Health to work together to achieve shared aims, such as sharing the Nottinghamshire Routes and Rides Leaflet with Health Centres and working more closely with walking for health groups.

3.5.5 More generally, the ROWMP2 can help to support other Health and Wellbeing Priorities around Prevention, behaviour change & social attitudes, through

complimenting work in areas such as Workplace Health and Mental Health and Emotional Wellbeing. Again, this is largely though assisting in promotion of opportunities and facilities for exercise.

3.6 Nottinghamshire Sustainable Community Strategy 2010-2020

3.6.1 Nottinghamshire's Sustainable Community Strategy was developed in partnership with a range of partner organisations in the county, including borough and district councils, the emergency services, the health service and the community sector. Its six key priorities are;

- **A greener Nottinghamshire** – this includes improving the environment, recycling, public transport, decent and affordable housing, the countryside, biodiversity, green space and cutting greenhouse gas emissions
- **A place where Nottinghamshire's children achieve their full potential** – this includes education, safety, health, opportunities to enjoy sports, leisure and arts facilities, and economic issues affecting children and young people
- **A safer Nottinghamshire** – this includes crime and anti-social behaviour
- **Health and well-being for all** – this includes improving general health and life expectancy, tackling obesity, helping disabled people, as well as ensuring older people and vulnerable people are well looked after
- **A more prosperous Nottinghamshire** – this includes helping businesses to start up, grow and flourish, making sure that there are enough jobs, and people have the right skills and qualifications
- **Making Nottinghamshire's communities stronger** – this includes access to services, culture, heritage and sport, community life, and a sense of community belonging and identity.

3.6.2 Whilst there is a statutory obligation to have a Sustainable Community Strategy in place there is no statutory requirement to enforce its contents. Nevertheless, the Rights of Way Management Plan 2018-2026 broadly supports these aims.

3.7 Local Plans (formerly local development frameworks)

- 3.7.1 Each of the seven district authorities within Nottinghamshire are in the process of updating their local plans (formerly local development framework or LDFs) and significant community involvement is undertaken at each stage of the development of these documents.
- 3.7.2 Local plans are made up of local development documents which set out what will be built in each of the districts in the future. Each local plan has a core strategy which sets out a vision and strategy for growth and sustainable development in the district; and includes broad locations for development and strategic policies for homes, business, retail, transport and the environment. The purpose of these documents is to make sure that new development meets the needs of the respective districts' residents, whilst protecting what is best about the built and natural environment.
- 3.7.3 There is a general recognition at district level of the importance of the PROW network and wider access provision as a recreational resource; and a realisation of how protection and enhancement of this can assist greatly in delivering other targets such as healthier lifestyles and reduction of traffic levels. This recognition can only help in improving links and partnership working with district authorities in respect of planning applications and the granting of planning permission for developments affecting existing and potential PROW.

3.8 Minerals and Waste local plans

- 3.8.1 These set out the County Council's approach towards mineral extraction and waste management within the county (the Waste Local Plan also covers Nottingham City). They include a comprehensive range of general environmental protection along with policies outlining future provisions. The County Council is required to replace its existing minerals and waste local plans and this work is underway. The new plans will guide all future minerals

and waste development in the county. The development of the plans will result in separate documents being produced for minerals and waste and will cover the following areas.

- 3.8.2 The current status of the local plans and progress in the preparation of the new documents is detailed below.

New Minerals Local Plan

- 3.8.3 The current adopted Nottinghamshire Minerals Local Plan is out of date and work is now underway to draft a replacement plan. The new Minerals Local Plan will cover the period 2018 to 2036 and will set out how much mineral we are likely to need, site specific allocations to meet identified demand and a range of planning policies against which future minerals development will be assessed.

- 3.8.4 The Issues and Options consultation is the first, but an important, stage in preparing the new Plan. The document will set out the key issues that are expected to arise over the plan period to 2036 and what reasonable options we think exist to meet them. A series of questions has been included in the consultation document to aid discussion. It is important to note that the Issues and Options consultation document will not be considering or identifying new quarries. This process will be undertaken at a later stage in the Plan preparation process.

- 3.8.5 Policy M3.26 of the existing Minerals Local Plan relates specifically to public access. It states that *“planning permission will not be granted for minerals development which would temporarily or permanently disrupt public rights of way unless alternative routes of at least equivalent interest and quality are available”*. The sub-section on public access also encourages mineral operators, where possible, to enhance the public rights of way network through their developments.

Adopted Waste Local Plan

- 3.8.6 Until these new policies are in place, the saved policies of the existing Waste Local Plan (2002) remain in force. Policy W3.26 of the existing Waste Local Plan relates specifically to public access. It states that *“planning permission for a waste management facility which would temporarily or permanently disrupt public rights of way will not be granted unless alternative routes of at least equivalent interest or quality are available”*. This policy approach is the same as applies to mineral extraction as set out above in Policy M3.26.

3.9 Other strategies and initiatives

- 3.9.1 There are a number of national strategies and initiatives directly supported by this plan. The Rights of Way Management Plan has a role in helping deliver these strategies and initiatives through its delivery of facilities and encouragement to undertake more active travel (walking, cycling and riding) which in turn will help reduce congestion, improve health, improve air quality and increase economic activity. These strategies and initiatives include:

- Walking for Health - run by the Ramblers in partnership with Macmillan Cancer Support
- Greenwood Community Forest strategic plan
- Nottinghamshire cycling strategy
- Nottinghamshire smarter choices strategy
- Nottinghamshire integrated passenger transport strategy (which includes getting to and from bus and rail stations)
- Air quality management area action plans within the county

Chapter 4 - Assessment of Countryside Users and their Needs

4.1. Introduction

- 4.1.1 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 policies and procedures detailed in Chapter 3 and the network assessment in Chapter 5.

4.2. Walkers

- 4.2.1 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!
- 4.2.2 9.1million adults in England, or 22% of the population, walk recreationally for at least 30 minutes in four weeks. This is almost twice the numbers that swim (5.6million, 13.4%), more than double the number that go to the gym (4.5million, 10.7%) and nearly three times the number that cycle (3.5million, 8.5%)⁶
- 4.2.3 Walking is the joint most popular activity (along with eating out) for people taking days out in England, and the most important reason for 18% of the 3.6 billion trips per year. Walking is also the main activity on 36% of countryside visits⁷
- 4.2.4 Running is also a very popular activity and PROW can be utilised for this purpose. Participation in Athletics (including running) is rising. The latest Sport England 'Active People Survey' found that 2.034m people took part in athletics

⁶ Sport England Active People Survey 2007/08: Individual sports participation 2009

⁷ Natural England; England Leisure Visits: Report of the 2005 Survey 2006

for the year from October 2011 to October 2012 based on once a week participation of 30 minutes⁸.

- 4.2.5 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.
- 4.2.6 In theory 100% of the rights of way network is available for use by 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. This was reflected in comments from participants in focus groups set up during the consultation process for ROWIP1. More recent consultation has shown that there continues to be a 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.
- 4.2.7 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 most popular areas such as the Sherwood Country Park area and

⁸<http://runengland.org/news.asp?itemid=2414&itemTitle=Athletics+participation+breaks+the+two+million+in+2012§ion=23>

Clumber Park. Demand for circular walks, particularly from tourism stakeholders, highlights a significant demand for circular walks up to 4 to 5 miles long.

- 4.2.8 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. Footway provision is often 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.
- 4.2.9 Walkers and runners in Nottinghamshire continue to cite keeping fit as a primary reason for using Nottinghamshire paths. The Council recognises that exercise is essential for physical and mental health for people of all ages and backgrounds. Keeping fit reduces the risks of getting a variety of illnesses and can also help to alleviate stress. Indeed, being active is equally as important as avoiding inactivity. Estimates for the annual costs to the NHS as a result of physical inactivity are between £1 billion and £1.8 billion, according to the Department for Health. Furthermore, the costs of lost productivity to the wider economy have been estimated at around £5.5 billion from sickness and £1 billion from premature death⁹. Therefore, the PROW network has a vital role in supporting public health and healthy lifestyles in Nottinghamshire.
- 4.2.10 As of April 1st 2013, responsibility for Public Health has transferred from Primary Care Trusts to Local Authorities. Nottinghamshire County Council is responsible for promoting the health of people in Nottinghamshire and keeping active is an important element of Nottinghamshire's Health and Wellbeing strategy Nottinghamshire's rights of way network is just one of a number of facilities walkers can utilise within the county. Further information on walking in

⁹ NHS Choices 2013 <http://www.nhs.uk/Livewell/nhs-anniversary/Pages/How-exercise-can-improve-your-health.aspx>

Nottinghamshire and associated health benefits can be found at <http://www.nottinghamshire.gov.uk/caring/yourhealth/staying-healthy/beingactive/>

4.3 Dog walking

- 4.3.1 It is estimated that there are around 8.5 million dogs in the UK with 23% of all households owning a dog.¹⁰ 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.¹¹
- 4.3.2 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.
- 4.3.3 An issue that continues to be highlighted by all stakeholders is that of dogs fouling on rights of way. However, through education and attitude changes urban 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.
- 4.3.4 Information provision can help to educate dog walkers. Natural England have produced an updated information booklet named 'You and your dog in the countryside' (2011)¹² highlighting opportunities and responsibilities of dog walkers. The Council is keen to promote responsible and good behaviour and will continue to champion this message and work with District and Borough Councils who provide this function.

¹⁰ Pet Food Manufactures Association, 2013.

¹¹ IPROW: The Good Practice Guide, Institute of Public Rights of Way Management, 2011.

¹² You and your dog in the countryside (CA205) Natural England 2011

- 4.3.5 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.
- 4.3.6 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 in some cases to provide dog gates. This is provided by land manager's good will, there are no powers or duties to provide this type of facilities. 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.

4.4 Horse Riding

- 4.4.1 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 Forestry Commission land (although riding on Sherwood Pines for instance is restricted to those riders who have paid for an annual permit). There are some excellent bridleway networks for horse riders in the north of the county but there continues to be little evidence of use on the ground. This may be due to the low density population and perhaps the availability and cost of liveries.
- 4.4.2 Equestrian Distribution in Nottinghamshire has changed little since ROWIP1 was published in November 2007. The Nottinghamshire County Council Equestrian Survey (2005/06)¹³ showed a high numbers of horses stabled in parts of Ashfield, Warsop, Blidworth and Worksop areas. Despite the good

¹³ The NCC Equestrian Survey, Nottinghamshire County Council, 2005/06.

network in the north of the county there are a relatively low number of horses stabled in this area. The Sutton in Ashfield area in particular 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.

4.4.3 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 Study¹⁴ 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.

4.4.4 National statistics on horse riding vary between studies and organisations. A report by Defra and the British Horse Industry Confederation¹⁵ estimated that:

- 4.3 million people ride in the UK and 2 million people ride once a month
- There are around 1 million privately owned horses
- The economic value of the equestrian sector excluding racing is approximately £4.3 billion per year

An equestrian survey undertaken by BETA¹⁶ (a trade association) found that around 3.5 million now ride annually spending approximately £3.8 billion per year on horse related activities.

4.4.5 Other figures do vary from the above but it is clear that the popularity of horse riding is remained at consistently high level, so the demand for and pressure on facilities including the available PROW network will increase. As with other

¹⁴ The Rights of Way Use and Demand Study, Entec, 2001.

¹⁵ Joint research on the horse industry in Great Britain, Defra and the British Horse Industry Confederation, 2009

¹⁶ National Equestrian Survey, BETA, 2011.

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.

- 4.4.6 Concerns continue to be expressed about the lack of bridleways near to stables and also the lack of circular routes. 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.
- 4.4.7 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 Council has powers to create new paths by agreement and / or by order. Although the difficulties of creating new access is well documented.¹⁷ The Council will use these powers where there is a clear public benefit and the benefits are relative to the overall costs (see section 6.15 on dedications and creation orders).
- 4.4.8 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. The assessment of the network identified several roadside verges 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

¹⁷ Environmental Research on Recreational Needs of the Public relating to Rights of way, for Nottinghamshire County Council, Faber Maunsell, February 2004.

are proposed by the Council, it is suggested this is undertaken in consultation with equestrian users and the Local Access Forum.

- 4.4.9 Comments and feedback from users also frequently pick up 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'
- 4.4.10 Crossing the metalled road network continues to be 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 a number of 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.
- 4.4.11 Concerns continue to be expressed by horse riders regarding the removal of vegetation, up growth and overgrowth. Information provision, highlighting both opportunities and responsibilities, is also an important issue. The Council supports the view that improved gates and associated latches, general signing and waymarking will open up and enhance the network available for equestrians.
- 4.4.12 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 natural surfaces. Other bridleways are on farm tracks, some of which are surfaced and a few are on forest access roads. 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.

4.4.13 Concern normally arises when a natural or a historically surfaced bridleway is surfaced for a wider range of different user groups, particularly increased vehicle use. 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.

4.4.14 The table below highlights some of the requirements for route surfacing by different user groups.

Table 3 Surfacing needs of different user groups

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

4.4.15 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

4.5 Carriage Driving

- 4.5.1 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) on Forestry Commission land. The low level of use could be due to the expense and space needed for keeping horses and storing carriages and the inherent dangers of carriage driving on the metalled highway network to connect up the limited and fragmented carriageway network (Byways, Restricted Byways and un-surfaced unclassified roads) in Nottinghamshire. There is certainly little evidence of use on the county's public carriageway network.
- 4.5.2 Recent consultation has shown that there may be scope for carriage drivers to come to local agreements with landowners to give permissive access to use private roads, as an alternative to the rights of way network.
- 4.5.3 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.
- 4.5.4 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.

4.6 Cycling

- 4.6.1 Cycling has long been a popular and low cost method of transport. However, the recent success of British professional cycling on the world stage has had a considerable impact on increasing the profile of recreational cycling nationally.

- 4.6.2 In summary, 43% of population (27 million people) own or have access to a bicycle, 8% of population (3 million people) cycle 3 times per week or more and 34% of population (20 million people) cycle once a year or more.¹⁸ Cycling is also the third most popular recreational activity in the UK. An estimated 3.1 million people ride a bicycle each month¹⁹
- 4.6.3 Within Nottinghamshire, National Cycle Network routes 6, 15, 64 and the Dukeries Trail use a mixture of rights of way, permissive access and roads. This continues to contribute to the popularity of cycling in the area, in conjunction with Nottinghamshire's historic association with Raleigh Cycles and its large population of students. Furthermore, Nottinghamshire's Local Transport Plan (LTP3) has allowed the Council to develop more long term cycling strategies.
- 4.6.4 The County Council faces concurrent challenges of continued increasing demand on the rights of way network from recreational cyclists and encouraging more people to cycle as an active mode of transport. However, as LTP3 acknowledges, the promotion of cycling within the county is funded primarily from limited Council funding. Reduction in funding from Central Government means that funding for future cycling initiatives will be constricted even further. Therefore, the challenge that the Council has to face as a whole is to meet raised expectations from service users of the rights of way network with an increasingly limited budget.
- 4.6.5 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

¹⁸ National Cycling Charity 2012 <http://www.ctc.org.uk/resources/ctc-cycling-statistics>

¹⁹ NHS Choices 2013 <http://www.nhs.uk/Livewell/fitness/Pages/Cycling.aspx>

controls or refuges, or cycle along the carriageway to connect to an onward route.

- 4.6.6 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 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.
- 4.6.7 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.
- 4.6.8 Mountain bikers on the other hand are looking for challenging routes with differing conditions relating to surfacing and topography. 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.
- 4.6.9 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.

4.6.10 Overall, it is important to recognise that rural cyclists are not a homogenous group and their needs should not be treated as such. Rural bike riders can be placed in several categories as follows:²⁰

- 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

4.6.11 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, un-surfaced routes.

4.7 Motor Vehicles in the Countryside

4.7.1 Access for motor vehicles is widespread throughout the county via the metalled highway network and is therefore the main focus for the Council regarding resources and spending.

4.7.2 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 Un-surfaced Unclassified County Roads (UCRs) as recorded on the Council's List of (publicly maintainable) Streets.

²⁰ Extract from 'Environmental Research on Recreational Needs of the Public relating to Rights of way' – for Nottinghamshire County Council, Faber Maunsell, February 2004.

4.7.3 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.

4.7.4 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 2005²¹) found that there is an average flow of four motor vehicles per day. 60% of this 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.

4.7.5 The report found that byways are an important resource for people with disabilities. The Council has found through continued local contact with the Green Lane Association (GLASS)²² - an organisation which promotes the responsible use of byways say that some of their members are disabled and the byway network allows them greater access to the countryside.

4.7.6 Byways are particularly attractive to all users due to their ‘green lane’ character. This includes:

- Wide available width

²¹ Report of a research project on motor vehicles on byways open to all traffic, Defra, January 2005.

²² www.glass-uk.org

- 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.

4.7.7 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 byway network is very small. The county does not suffer from overuse and there are a handful of localised surfacing problems associated with motor vehicle use and the suitability of the byway (a number of these byways now have seasonal Traffic Regulation Orders in place which prevent use by motor cars from November to the end of April). Where there are surfacing problems the damage is normally attributed to agricultural and forestry operations.

4.7.8 The key issue highlighted by users is 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.

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.

4.8 Illegal motor vehicle use

- 4.8.1 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.
- 4.8.2 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 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.
- 4.8.3 This illegal use is very difficult to control. The Nottinghamshire Local Access Forum successfully campaigned in 2006 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 progress has taken place in providing managed off-road facilities. For instance in 2012, part of the

old Rufford Colliery site, locally known as 'The Desert' was converted into a supervised motocross track. However, this facility has since closed.

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.

4.9 Access for All

- 4.9.1 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 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.
- 4.9.2 It is estimated that there are approximately 11 million people in the UK with a limiting long term illness, impairment or disability²³.
- 4.9.3 There are approximately 4.5 million households which included one or more people with a reported mobility problem²⁴. This may impact on family and friends too, who would normally accompany people who are prevented from using a route.
- 4.9.4 Therefore, large numbers 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.
- 4.9.5 Key statistics from the 2011 census illustrate the proportion of those who live in Nottinghamshire who face potential mobility problems:

²³ Family Resources Survey 2010/11

²⁴ Papworth Trust, 2010

- 10.8% of households in Nottinghamshire contain at least 1 child of pre-school age (0-4 years). The number of pre-school aged children in the county has increased by nearly 10% between 2001 and 2011 (41,200 to 45,300)²⁵. Therefore it is likely that the use of pushchairs, prams etc. when out for a walk will increase
- 91,433 people (27.4% of households) in Nottinghamshire have a limiting long-term illness – a key indicator of disability²⁶.
- 18.1% of the population of Nottinghamshire are aged 65 and above²⁷.

4.9.6. The Equality Act (2010) replaced previous anti-discrimination laws with a single act. As part of the Equality Act, a new public sector equality duty came into force on 5th April 2011. This means the Council must carry out a range of general and specific duties. The general duty requires the Council to have due regard to the need to;

- Eliminate unlawful discrimination, harassment and victimisation.
- Advance equality of opportunity between people who share a protected characteristic and those who do not.
- Foster good relations between people who share a protected characteristic and those who do not

4.9.7. The specific duty requires public authorities to publish information annually to demonstrate how we have used our evidence base to have due regard to the aims of the general duty. Further information on the Council's Equality Policy and Equality Objectives can be found at

<http://www.nottinghamshire.gov.uk/thecouncil/democracy/equalities/>

4.9.8. S.149 (4) of the Act states that the steps involved in meeting the needs of disabled persons, include steps to take account of disabled persons'

²⁵ UK Census 2011

²⁶ UK Census 2011

²⁷ UK Census 2011

disabilities. This emphasises the fact that equality of opportunity for disabled people cannot be achieved simply by treating disabled and non-disabled people alike. This principle is recognised in the Act through the duty to provide reasonable adjustments.

- 4.9.9. The Act contains a number of provisions allowing steps to be taken to take account of disabled persons' disabilities. They make it lawful to treat a disabled person more favourably than a non-disabled person. A disabled person can also be treated more favourably than disabled people with other impairments by relying on the positive action provisions.²⁸ To comply with the general equality duty, relevant bodies should consider meeting the needs of disabled people by treating them more favourably than others.
- 4.9.10. As yet, there is no body of case law that can be referred to in the application of either the Equality Act or the DDA to rights of way. Nonetheless, it is clear that the Council must have regard to our obligations under the Equality Act wherever changes or additions to the rights of way network are proposed and to make improvements to structures wherever appropriate opportunities arise.
- 4.9.11. The Council is committed to being pro-active in providing an 'inclusive environment' for people with disabilities who wish to use Nottinghamshire countryside access provision. The Nottinghamshire Accessibility Study for Warsop 2006²⁹ defined 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'.

²⁸ For more details see the Commission's Code of Practice on Services, Public Functions and Associations at para 10.27.

²⁹ Nottinghamshire Accessibility Study for Warsop, a report for Nottinghamshire County Council, Fieldfare Trust, 2006.

- 4.9.12. When taking into consideration the geology, topography and geography of the PROW network, the 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.
- 4.9.13. 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 is an everyday and integral part of the management of Nottinghamshire's rights of way network. This includes the authorisation of structures on rights of way and procedures for access improvements to public rights of way. Work that has been completed includes replacing stiles with kissing gates, making surface improvements and increasing and improving information provision.

4.10 Physical barriers

- 4.10.1 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.
- 4.10.2 The CROW Act 2000 (s69) states the requirement to consider the needs of disabled people when authorising the erection of gates, stiles and other works on public rights of way.

POLICY A2-1The 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.

4.10.3 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 point 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).
- 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.

4.11 An inclusive network

- 4.11.1 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. Natural England and The Mosaic Trust have identified that certain social groups continue to be underrepresented in the countryside.
- 4.11.2 The Monitor of Engagement with the Natural Environment Survey (MENE) suggests that Black, Asian and Minority Ethnic (BAME) groups, urban deprived, socio economic group DE, the over 65s and those living with a disability or long term illness are visiting green space far less than the rest of the population. The average adult in England visits the natural environment 65 times a year. By contrast people from the DE socio economic groups visit on average 50 times, for people living in deprived urban areas it drops to 40 visits, but for people from BAME communities the frequency falls to less than half the national average with only 27 visits a year to the natural environment³⁰
- 4.11.3 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 Project³¹, Natural England³², Sensory Trust³³ and The Fieldfare Trust³⁴. Whilst it is recognised that the Council cannot address all these issues, by working in partnership with others there are many local, simple tasks which can be achieved. It is a fact that accessibility improvements to the network equates to better access to everyone regardless of their needs.

³⁰ Monitor of Engagement with the Natural Environment Survey (2009-2012): Difference in access to the natural environment between social groups within the adult English population (DATA003) 2012

³¹ www.ben-network.org.uk/resources/publs.aspx

³² www.naturalengland.org.uk

³³ www.sensorytrust.org.uk

³⁴ www.fieldfare.org.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.

4.12 Farmers and land managers

- 4.12.1 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 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 Council will have to resort to enforcement.
- 4.12.2 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.
- 4.12.3 As part of the Common Agricultural Policy (CAP), farmers who claim subsidy are 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 - RPA³⁵) has asked Local Authorities to report breaches of rights of way obligations. It is hoped that this will help

³⁵ www.rpa.gov.uk

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)'.

4.12.4 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.

4.12.5 The Council also works very closely and successfully with land managers through its Farm Partnership Scheme i.e. annual grass cutting on field edge paths

POLICY A6-1 The County Council will continue to support and develop the Farm Partnership Scheme.

4.12.6 There are more opportunities to work with farmers and land managers, which the Council will continue to pursue. 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 two representatives from landowning organisations. The Council is limited in its powers in respect to the many issues landowners face, for example, security and fly-tipping. However, there is scope to work more closely with other organisations and agencies in an attempt to reduce the impact of anti-social behaviour issues.

- 4.12.7 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 Council will continue to provide information and education such as the countryside code to users and will support initiatives by other organisations.
- 4.12.8 Trespass is also an important issue to land managers. The Council 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 field edges 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.
- 4.12.9 As part of our assessments for this updated and revised plan, land managers were once again asked to rank the five most important issues to them regarding public rights of way. For the results of the survey, please see Appendix 1.

4.13 Summary of countryside users key needs and priorities

4.13.1 All rights of way users:

- Safe, accessible routes
- Circular routes
- Clear way marking
- Maintenance and enforcement

4.13.2 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.

4.13.3 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 PROW exit and connect with other bridleways and 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.

4.13.4 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.

4.13.5 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.

4.13.6 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 Council
- More byways open to all traffic
- Increased enforcement in tackling illegal users.

4.13.7 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.).

4.13.8 Issues for Farmers and Land Managers

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

Chapter 5 - Assessment of the Network

5.1 The County Network

- 5.1.1 The main aim of a network assessment is to assess.
- the extent to which local rights of way meet the present and likely future needs of the public and
 - the opportunities the PROW network provides for exercise and other forms of open-air recreation.
- 5.1.2 Nottinghamshire County Council's previous Rights of Way Improvement Plan included an assessment of the PROW network in Nottinghamshire, which was undertaken prior to the plan being published in November 2007. In reality, very little of the network has changed since the first plan was published. Furthermore, the majority of the findings of the initial network assessment remain valid and are likely to remain valid for the foreseeable future. As a result; there is no added value to be gained from undertaking a full re-assessment of the network at this time.
- 5.1.3 This chapter provides a summary of the findings of the network assessment which was completed for ROWIP1. A summary of physical changes to the network is also provided in conjunction with any new issues and concerns that have developed since ROWIP1 was published in 2007. A more detailed reassessment of the network may be considered in future, should the need for such an assessment arise.
- 5.1.4 The Statement of Action (Chapter 7) has been determined based on these findings and the wider consultation that has been carried out for the analysis of countryside users and their needs (Chapter 4). The Statement of Action has also been shaped by the current economic climate.

5.1.5 As there is only a minimal level of open access land within the county of Nottinghamshire, the PROW network is the primary method for public access to the countryside. The vast network of urban routes provide links to urban fringe and the wider countryside and also provide traffic free routes to schools, shops, local services and the public transport network.

5.1.6 In addition to the PROW network there is a good provision of permissive open access and linear routes throughout the county. This is discussed in further detail under the heading 'Wider Access' later in this chapter (5.14).

5.1.7 Nottinghamshire has 4488 public rights of way totalling a network length of 2788 kilometres. The table below shows the total number and length (including percentages) of each PROW designation within the county. The four PROW designations are as follows:

- Footpath
- Bridleway
- Byway Open to All Traffic (BOAT)
- Restricted Byway

Table 4 PROW network breakdown by percentage and length

Nottinghamshire Rights of Way Network Breakdown 2017

<i>Designatio n</i>	<i>Footpath</i>	<i>Bridleway</i>	<i>Byways</i>	<i>Restricted Byways</i>	<i>Total</i>
No.	3492 (78%)	821 (18%)	135 (3%)	40 (1%)	4488 (100%)
Length (km)	1883.3 (68%)	735.3 (26%)	123.0 (4%)	36.5 (1%)	2778.1 (100%)

5.1.8 The number of footpaths far outweighs each of the other categorisations, which highlights that the network is much more accessible on foot than by any other means. 31% of the network length is available to equestrians and

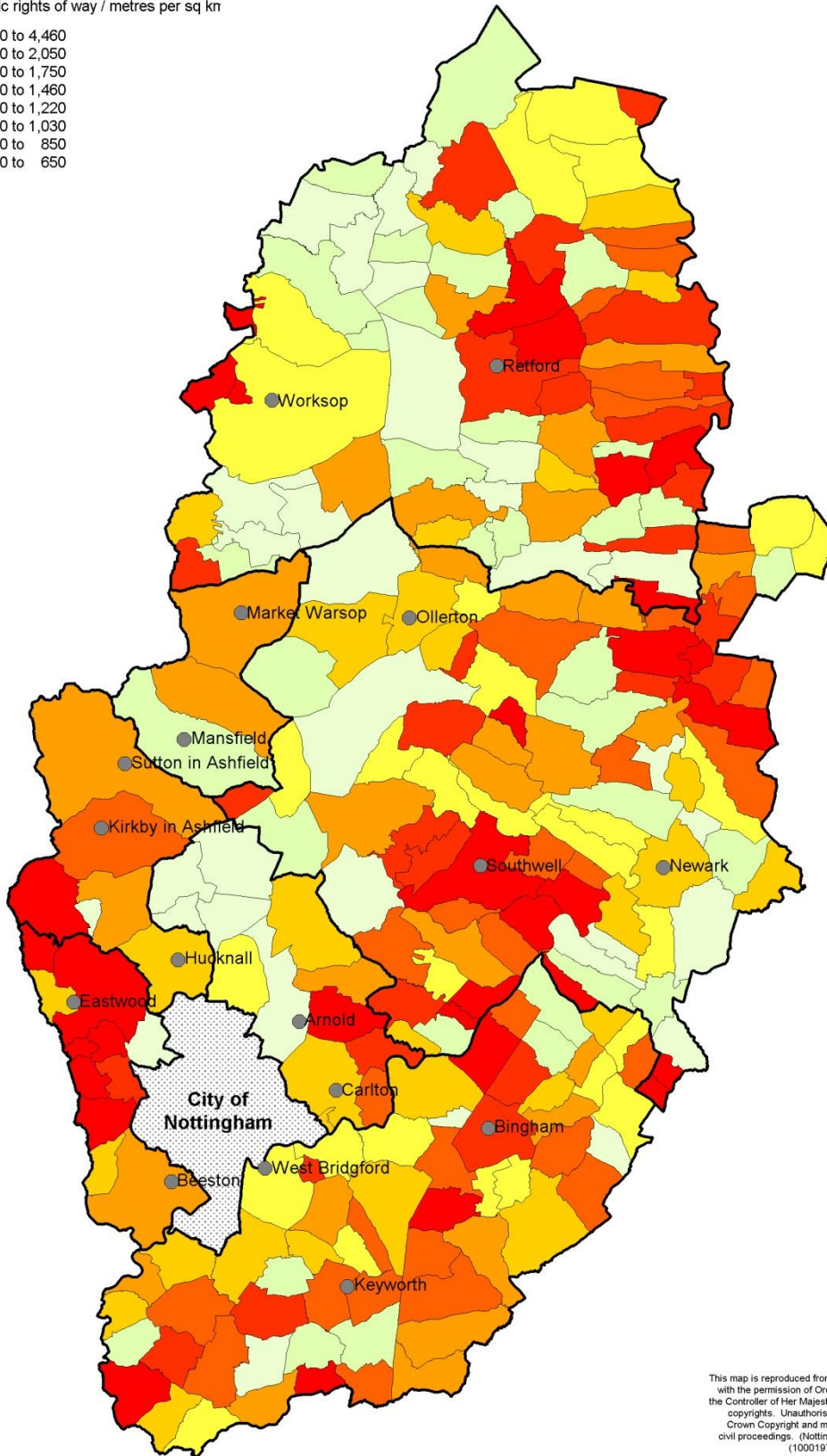
cyclists, which compared to the National (22%) and Regional (20%) figures is quite a large percentage. However, this figure is assuming all routes are usable. As discussed in the previous chapter, the fragmentation and maintenance issues of the bridleway network means that routes are frequently not available to all users. For example, the bridleway network may be unsuitable for cyclists because of equestrian use which on softer, wet surfaces can cause surface problems. Similarly, many surfaced bridleways are less well used by equestrians who generally prefer a softer surface. This is before other issues such as ploughing and cropping, vegetation growth and connectivity are taken into account.

Map 2 Density of PROW within Nottinghamshire

NETWORK DENSITY

All public rights of way / metres per sq km

- 2,050 to 4,460
- 1,750 to 2,050
- 1,460 to 1,750
- 1,220 to 1,460
- 1,030 to 1,220
- 850 to 1,030
- 650 to 850
- 130 to 650



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Chart 2 PROW in Nottinghamshire by percentage of network (%)

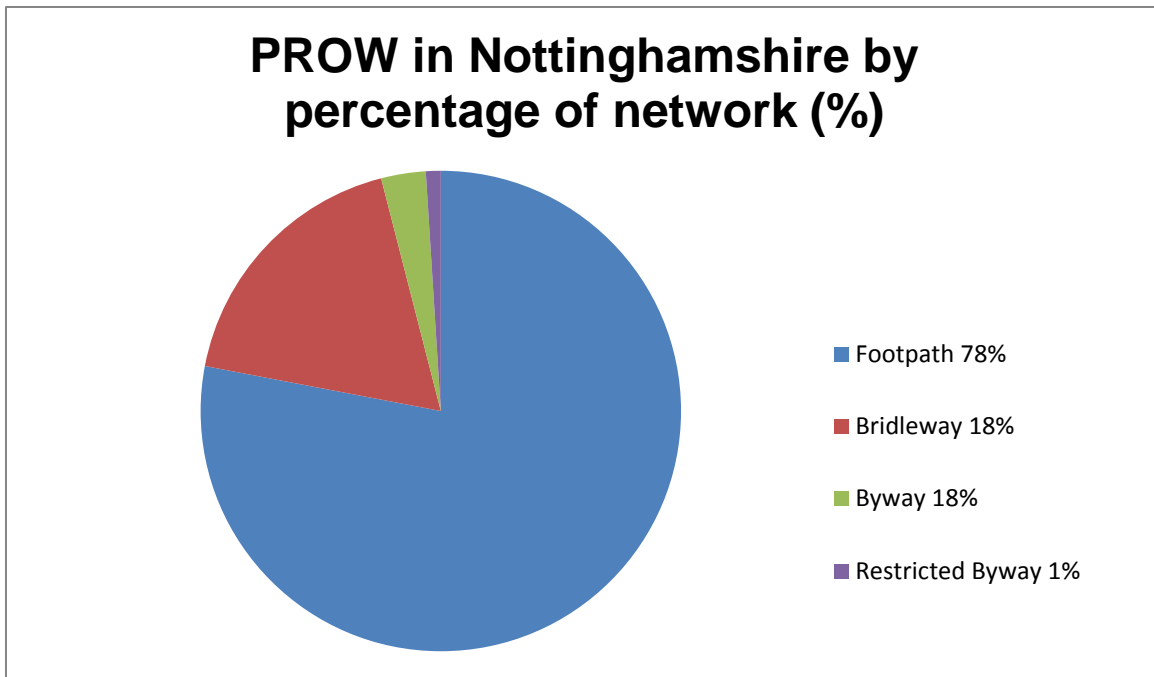
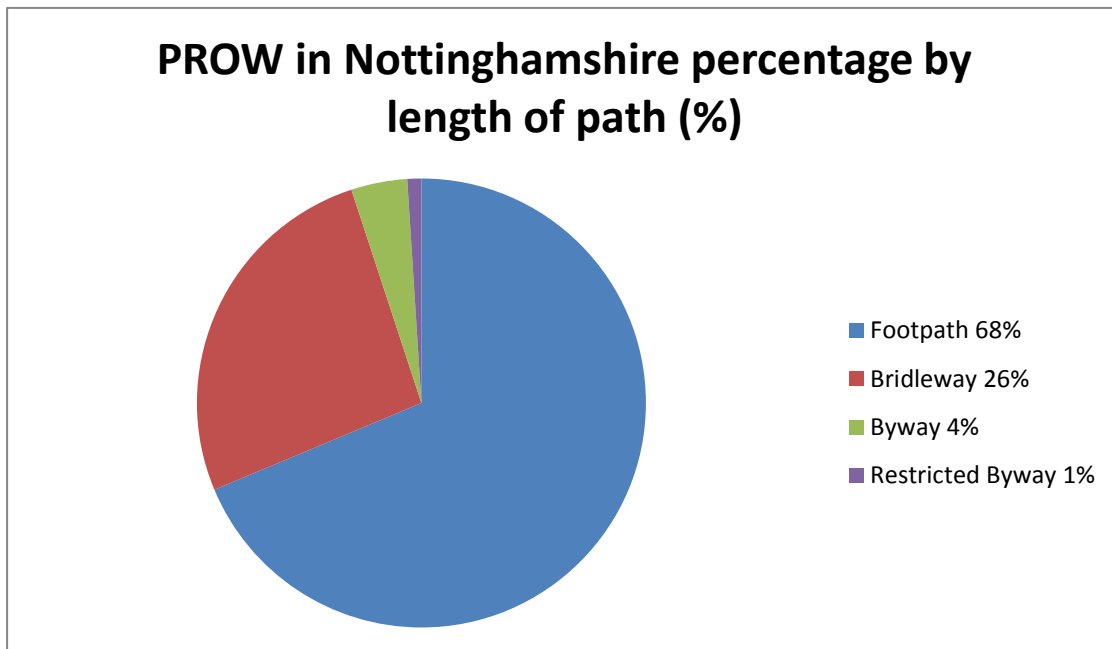
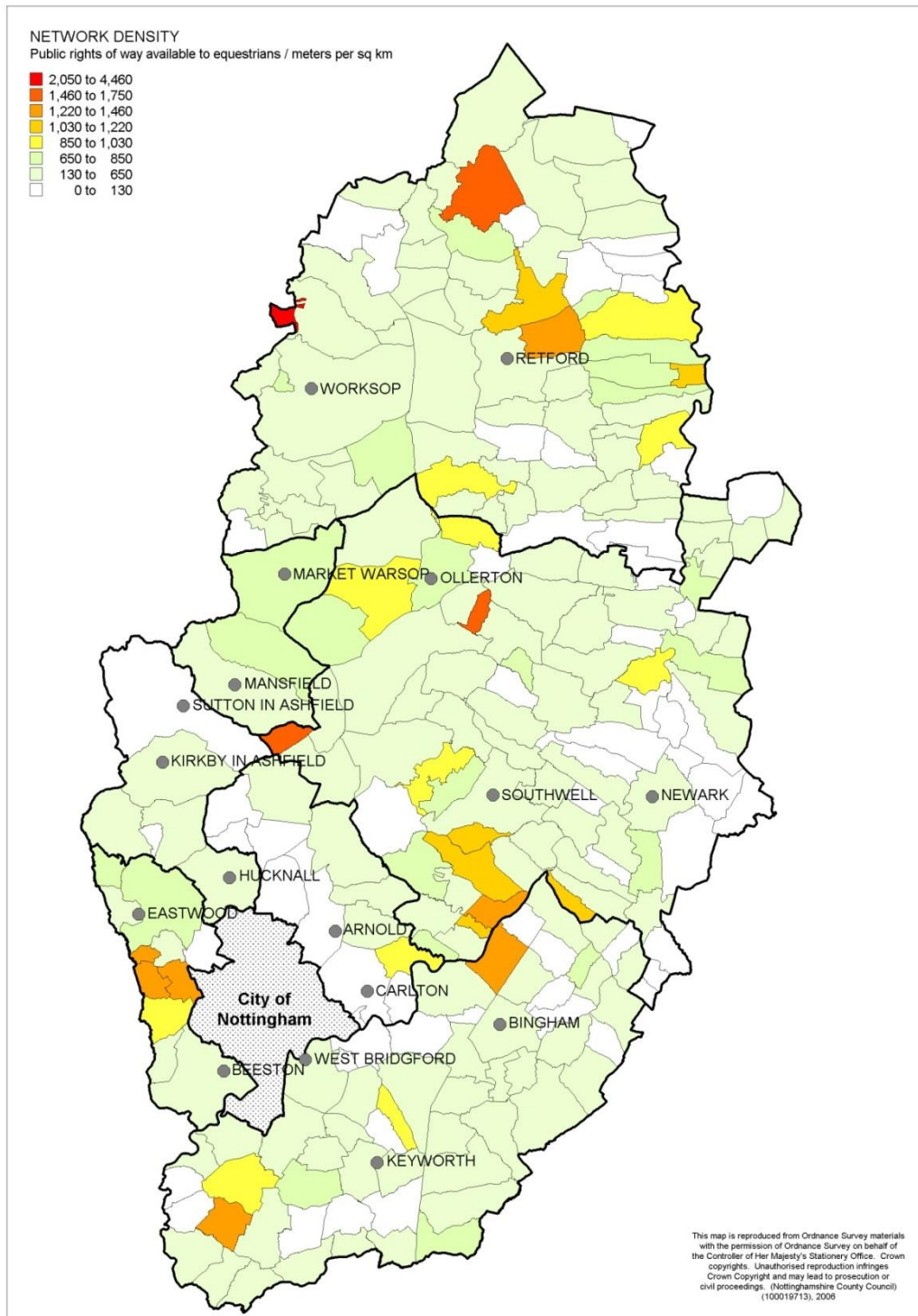


Chart 3 PROW in Nottinghamshire percentage by length of path (%)



Map 3 Density of PROW in Nottinghamshire available to equestrians and cyclists



5.2 Making the Assessment

- 5.2.1 In 2006 the Council undertook an assessment of the PROW network in Nottinghamshire. The Council was required to assess:
- a) the extent to which local rights of way meet the present and likely future needs of the public
 - b) the opportunities provided by local rights of way for exercise and other forms of open-air recreation and the enjoyment of the Authority's area
 - c) the accessibility of local rights of way to blind or partially sighted persons and others with mobility problems.
- 5.2.2 For information on how the assessment was carried out, including methodology used, please see ROWIP1.
- 5.2.3 Four 5km square areas were chosen to represent different geographical regions within Nottinghamshire and also the diverse social and economic characteristics found within the county. See Map 6. The 5km grid squares were centred on the following places:
- Elston
 - Gringley on the Hill
 - Sutton Bonington
 - Warsop.
- 5.2.4 By choosing areas with differing characteristics the assessment of the PROW network should highlight the diverse range of situations and problems that can be encountered by users of the whole network. It is hoped that this will also highlight the size and diversity of the task faced by the Council in performing their statutory function of keeping PROW free from obstruction whilst trying to increase access and recreational opportunities.

5.3 Social and Economic Characteristics of Grid Square areas

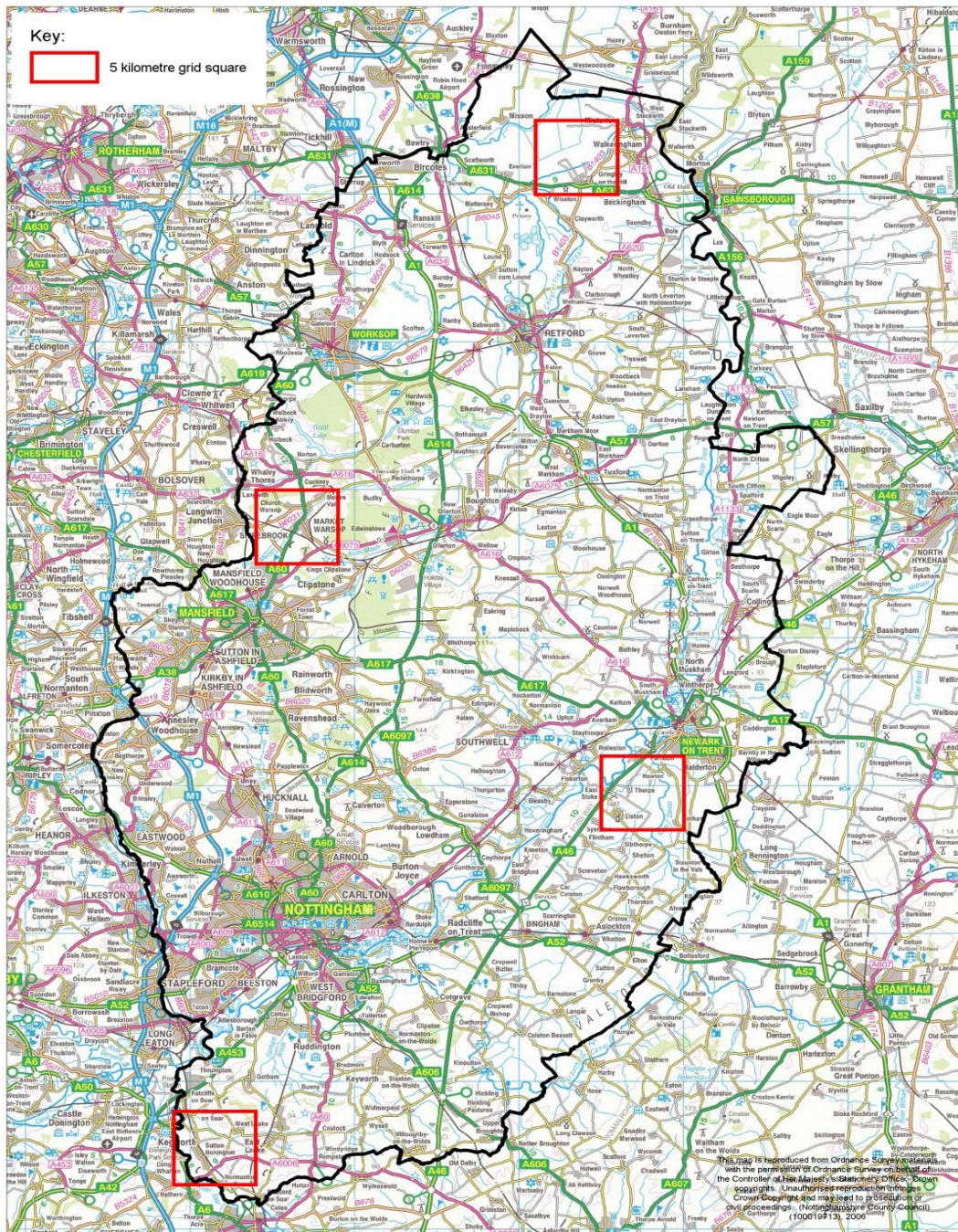
- 5.3.1 The chosen areas were categorised based on socio-economic data available in 2006 and the general geographic characteristics of the area. A comparison of the 2001 figures used for the ROWIP1 assessment (National Statistics 2001 Area Classification of Wards and Neighbourhood Statistics website)³⁶ and the updated figures statistics gathered in 2011 show that no significant demographical change has taken place during any of the four network assessment areas during this time. This shows that the methodology used for the original network assessment is still valid today.
- 5.3.2 Elston - situated in east Nottinghamshire just south of Newark, covers a rural area dominated by agricultural land. Elston and the surrounding villages of Cotham, Hawton, Thorpe, East Stoke and Syerston are all small and appear fairly affluent in nature. Farndon lies on the outskirts of Newark and is much more densely populated than the other areas in the grid square.
- 5.3.3 Gringley on the Hill - situated in north Nottinghamshire midway between Blyth and Gainsborough, is a fairly large rural village. The landscape is largely dominated by agriculture and the census statistics suggests the area is reasonably affluent.
- 5.3.4 Sutton Bonington is situated in south Nottinghamshire. The grid square encompassing Sutton Bonington is dominated by semi-rural housing on its western side and agriculture on the eastern side. The villages of Sutton Bonington, Normanton on Soar and Kingston on Soar offer good links to the motorway and a short commute into Nottingham due to their close proximity to junction 24 of the M1 and the A453. In addition the villages fulfil the traditional elements of being aesthetically pleasing in that they offer access to and views of open countryside and river and canal sides. These are two factors recognised in the leisure day visits survey as being reasons families may

³⁶ www.neighbourhood.statistics.gov.uk

make a day visit. The combinations of the above factors coupled with the census statistics suggest that this is also a fairly affluent area.

5.3.5 Warsop – situated in West Nottinghamshire midway between Mansfield and Worksop, in the heart of the Nottinghamshire coalfield - has the characteristics of a small town (comprehensive school, shopping centre). It is a former mining community surrounded by former colliery sites the area has suffered economic decline since the collapse of the mining industry. The whole area encompassing Warsop and the smaller surrounding villages of Church Warsop, Meden Vale and Warsop Vale has undergone a programme of regeneration. The area within the grid square is urban in nature with the majority of PROW's linking different communities.

Map 4 Network assessment area overview



5.4 Local Consultation

- 5.4.1 In order to determine the public perspective of the adequacy of network provision, demands of users and the reason non-users do not use the PROW network, the Council commissioned a consultant in 2006 to design and facilitate a local consultation event in each of the four Network Assessment areas. For details on how this was conducted, please see ROWIP1
- 5.4.2 The majority of feedback at the events was from walkers although horse riding was also strongly represented. Local landowners also attended the events in the more rural areas of Gringley and Elston. Findings from the events included:
- Dissatisfaction at poorly drained path surfaces, fly tipping, difficult road crossings and the condition of structures
 - Priorities for improvements are the development of traffic free routes, improved connectivity of the network with better links to countryside sites and better signage and waymarking
 - Circular routes are popular
 - Use of unofficial routes, unrecorded tracks and field edges is high
 - Rivers and highways severing the network act as barriers for many users.

5.5 Expressed Dissatisfaction

- 5.5.1 The main areas for dissatisfaction outlined above are by no means a definitive list but were the most frequent issues raised during the local consultation exercises.
- 5.5.2 Problems with geology and drainage are difficult to solve without the need for major investment. Of course it is easier to maintain routes that have been resurfaced in recent times. However, poor drainage can have a severe knock on effect on the usability of public rights of way and this in turn can cause public dissatisfaction. It is important to be sympathetic to the needs of users

where possible, but it is also necessary for users to be reasonable and to accept that routes may be difficult to use when it is wet.

- 5.5.3 Fly tipping is a nationwide problem but is not in essence a rights of way issue. The main problem is that in some instances public rights of way can help facilitate fly tipping by providing easier access to remote locations. There are, however, no simple solutions. One popular method is to try and restrict access but this is not practical. Increasing awareness as to where to report problems with fly tipping, available facilities for the disposal of rubbish and the possible penalties incurred if caught fly tipping may help to reduce the problem.
- 5.5.4 Condition of structures: The number of rights of way in the survey area represents approximately 5% of the county's PROW network (128.5 km / 2611.2 km). The survey recorded a total of 93 structures. By factoring this figure, it can be assumed there are a total of 1860 structures countywide (1% of the network equals 18.6 structures). The assessment identified nine structures that need replacing giving a 10% failure rate. Therefore 10% of 1860 equates to an estimated 186 structures in need of repair or replacement across the county.

5.6 Analysis of use of the network in the assessment areas

- 5.6.1 Elston – Since 2006, the completion of the A46 works in this area has opened up new routes which are now well used. There is a 7.2km circular bridleway route now with 2 A46 bridge crossings. The villages in this square are now connected by safe road crossings & new links. To see the findings of the original network assessment please see Chapter 5 of ROWIP1
- 5.6.2 Gringley on the Hill – There is an extensive bridleway network between Gringley and Everton and a few routes also link Gringley with Misterton. The main recreational draw for this area is the Cuckoo Way along the towpath of the Chesterfield Canal and this route attracts a large number of walkers. The PROW network through Gringley is severed by the A631 and the River Idle

meaning several routes halt at the point where they reach the road or river. It is suggested that these factors help contribute to the relatively low usage of the PROW network.

- 5.6.3 Sutton Bonington - Due to the nature of the features (river and canal) in the western half of the grid square, the road network and its proximity to other urban conurbations there appears to be a market for small scale tourism in this area. A number of pubs offer river and canal side seating areas and are family orientated. The eastern half of the grid square houses an extensive bridleway network (severed in places by a minor but fast and well used road network). The network also provides good links between outlying villages, which when combined with the above factors suggests the PROW network is well-used.
- 5.6.4 Warsop – The Warsop area is densely populated, especially in relation to the other areas included in the survey, and is urban fringe in nature. A number of routes within the area are either surfaced jitties between housing or form short links between communities. The network to the north east provides access to more open countryside. The grid square is bordered by recreational sites and facilities (Sherwood and a number of Forestry Commission woodlands) to the north and east. The network within this grid square is well used as much of it serves as links to schools and facilities from Warsop's outlying housing estates as well as being a recreational resource for the local population.

5.7 Summary of key findings from the assessments

- 5.7.1 For detailed findings of the 2006 network assessment, please see chapter 5 of ROWIP1. The vast majority of these findings are still relevant. A summary of the key findings of the 2006 Network Assessments for each area are detailed below:

5.7.2 Elston:

- Network density is low compared to other areas
- Large areas have no PROWs or access provision
- There are now two new bridge crossings connecting a 7.2km circular bridleway
- There are large areas of permissive access to the east of the area through Defra Conservation Walks scheme and the Woodland Grant scheme
- There is evidence of large scale equestrian use on some footpaths in order to connect with the permissive and definitive bridleway network
- There is a good bridleway network around Hawton. The only link to the permissive bridleway network is by riding on a busy road with an overgrown verge
- The bridleway network east of Hawton has some evidence of equestrian use but forms good circular walks for dog walkers from south Newark housing estates.
- There is good access to the National Cycle Network to the east
- There is 100% signage in this area
- Small circular routes close to Elston and Syerston provide good circular dog walking routes. There are some issues with dog fouling and control.

5.7.3 Gringley on the Hill:

- The network is severed by a busy main road (A631) and the River Idle which has no crossing points
- Many routes start and finish on busy roads with no further off road links
- One crossfield route has a dog leg which users miss out in favour of 'trespassing' on a desire line across the field
- Non-definitive desire lines alongside stretches of the River Idle connect dead-end definitive routes
- The Cuckoo Way runs alongside the Chesterfield Canal for its duration in this area and provides good links for walkers between local villages

- The Cuckoo Way provides limited opportunity for cycling and none for equestrian use
- There is an extensive bridleway network on the western side of the square extending to Everton which provides opportunities for lengthy traffic free rides
- The more strategic routes, which provide a link between villages, have fewer problems and were easier to use
- As of 2018, previously missing bridges have been replaced.

5.7.4 Sutton Bonington:

- There is a very dense network that appears to be very well used, especially to the west alongside the River Soar
- The only crossings of the River Soar to connect into Leicestershire's rights of way network are road crossings
- The area is rich in pasture with few instances of ploughing and cropping issues. A large number of stiles have been replaced with kissing gates
- Waymarking was the issue that caused the most failures
- Good network of bridleways to the east of the area and extending north, are fragmented by busy road crossings
- Some sections of bridleway are unusable for some cyclists due to legitimate equestrian use poaching the soft ground.

5.7.5 Warsop:

- There are a large number of paths
- The bridleway network is fragmented
- Many routes start and finish at busy roads
- There are lots of urban jitties linking different estates
- A large number of barriers aimed at restricting illegal use of motorcycles do nothing to prevent it and serve only as barriers to legitimate users such as people with pushchairs and mobility scooters

- The area is surrounded by areas of permissive access (Woodland Grant Scheme and Forestry Commission managed land)
- The network is key in linking smaller communities to the main centre of Warsop
- The former colliery site has caused problems with map anomalies but has potential for increased access opportunities, including a cycle track into Derbyshire
- Waymarking was good compared to other areas surveyed but signposting provision was variable
- Poaching was a problem around a stile on a path. This was caused by a cattle feeder left adjacent to the line of the footpath
- A local footpath group are very active in the area, reporting problems and carrying out minor access improvements

5.7.6 Looking at the key findings above, it is possible to draw conclusions about the PROW network and wider access in general and also the difference between the rural, urban and semi urban networks.

Table 5 Network provision, problems found, average distance per problem and average number of faults per failed route in each area of the 2006 Network Assessment.

	Network provision (No of routes)	Network provision (in km)	No. of Problems Found	Average distance per Problem Found	No. of paths that failed	Average No. of faults per failed path
Rural						
Elston	30	23.2	27	0.86	15	1.8
Gringley	33	29.3	39	0.75	20	1.95
Urban & semi urban						
Sutton Bonington	47	41.1	33	1.25	24	1.38
Warsop	50	34.9	30	1.16	19	1.58

5.8 The Rural Network

- 5.8.1 It was found that rural areas appear to have a far less dense network of public rights of way but with routes longer in length on average than in urban areas. Table 8 above highlights that obstructions are much more frequent in rural areas. These factors combined mean that when using the PROW network in a rural area, users are much more likely to encounter an obstruction or a greater number of problems than they would on a walk or ride of similar distance in an urban setting.
- 5.8.2 Over half the routes surveyed in rural areas were found to have some form of obstruction. Ploughing and cropping was obviously more of an issue in rural areas. Waymarking was also particularly poor in rural areas. This could possibly be explained by fewer officer hours being spent in these areas due to fewer problems being reported.

- 5.8.3 The higher percentage of problems encountered in rural areas can partly be attributed to the amount of use. Generally, a large percentage of problems relating to public rights of way either do not get reported or are tolerated by the majority of users, save for issues where public safety is at risk for example. Additionally, there may be a perceived lack of information and possibly knowledge of whom or where to report problems to. These factors combined mean that the less well used a route is the more unlikely it is that a problem on that route will be reported to the highway authority and therefore, the longer it will take to deal with the problem.
- 5.8.4 Permissive ROW and wider access provision seems to be much more widespread in rural areas. In the Elston area, two large networks of Forestry Commission permissive footpaths and Defra Conservation Walks permissive bridleways greatly supplement the network and help provide traffic free routes between the villages. Similarly, in the Gringley on the Hill area, permissive routes also provide good alternative off road routes and links between definitive dead-end paths.

5.9 The urban and semi-urban network

- 5.9.1 There are more routes 'formally' surfaced with less crossing farmed land - meaning that agricultural issues are much less likely. However, although fewer problems were found per path length, a larger number of paths had a problem of some kind.
- 5.9.2 An explanation for finding fewer problems on urban fringe networks is that the increased level of usage tends to lead to problems being reported sooner than on less well-used routes. This increased usage can be put down to factors including greater population levels and the places, services and facilities that the urban fringe PROW network links together.

5.9.3 The permissive ROW and wider access provision appears to be less in these areas. What is available appears to be concentrated in areas surrounding population centre or providing increased access to more rural areas. Also in these areas there is, to a degree, a certain amount of 'tolerance' from land managers to trespass. For example, the use of private field edge margins for access, usually dog walking.

5.10 General findings from the network assessments

- 5.10.1 In assessing the 4 areas, each with its own unique and individual landscape, social and economic characteristics, an array of different problems and issues with the PROW network have been identified.
- 5.10.2 Of all the problems encountered during the assessment, lack of waymarking, ploughing and cropping issues, and waterlogging and rutting of natural surfaces were the most common. To put this into context, 86.1% of routes were deemed to be adequately signposted on signposting but if that was equated countywide, 538 routes would need either a replacement sign or the existing sign repairing. However, since 2007, a great deal of work has been done to improve signage in this area and across the County as a whole.
- 5.10.3 Less than 7 out of 10 of all the routes in the survey areas are adequately waymarked. Again, put into context on a countywide basis this would suggest over 1100 routes are not adequately waymarked.
- 5.10.4 Rural routes are more likely to have barriers to usage but are less likely to have these problems reported due to insufficient usage. This does raise the question of allocation of funds. For instance, should large amounts of the annual maintenance budget be spent resolving problems for the few. Or, should more of that money be focused on prioritising more urban and frequently used routes that provide good strategic links between communities and facilities.

- 5.10.5 Busy roads and rivers cause network fragmentation and severance creating many dead-end routes. Such routes often have little or no public benefit and attract minimal usage. Improvements to such routes need to be prioritised in order to increase the safety and the connectivity of the network, especially in areas where PROW network density is poor. Additionally resolution of definitive map anomalies could be done in conjunction with schemes that offer increased connectivity of the network.
- 5.10.6 There is extensive provision of permissive access and linear routes throughout the county which offer recreational opportunities and help to supplement the PROW network. However, it is essential to provide information and mapping to reap the benefits of this provision.
- 5.10.7 Where definitive access is unachievable permissive access agreements to link definitive routes should be sought in an attempt to reduce the crossings of major roads, railways and rivers. Schemes that improve the connectivity of the network should be prioritised.
- 5.10.8 Better education is still required for dog walkers in respect of trespass with dogs through them not being kept on a lead or under close control. This may help the relationship between dog walkers and landowners / managers. There may be scope for the provision of bins. However, the bins need to be emptied on a regular basis which can sometime prove difficult due to resources. These are functions of District and Borough Councils.
- 5.10.9 Both the network and needs assessments identified trespassing as a significant problem. Improvements in waymarking throughout the County have assisted in the general improvement of the PROW network and in decreasing the number of instances of trespassing. However, the Council is unlikely to be able to continue to engage in this kind of work as available resources decrease.
- 5.10.10 Much of the PROW network is historical and does not necessarily fit in with modern farming practices. Many routes do not have a logical alignment, for example, a cross-field path may have a dog leg in the middle of a field meaning

that when you reach the other side of that field you have travelled a greater distance than if you had walked in a straight line. It is natural instinct to walk the straight line rather than the definitive route, especially if the definitive route is not clearly defined. From the landowner's perspective, it may be less hassle to re-instate the more direct route during the course of normal agricultural practice and it is possibly more common sense to do so. However, no provision is made in law for diversions to be carried out easily on the grounds of common sense and the definitive line should be re-instated. Better liaison with landowners is needed to highlight the possible outcomes of such situations.

5.10.11 Where possible landowners / managers should be encouraged to place cattle feeders and water providers away from the line of public rights of way to reduce the effects of poaching around structures and the general rutting of routes.

5.10.12 The erection of barriers in an attempt to prevent illegal motorcycle use and anti-social behaviour should be discouraged due to the problems these structures cause those with bicycles, horses, prams, pushchairs and mobility scooters. Often these barriers have a short life and the users they attempt to restrict find an alternative means of access to the same site. By removing barriers, which are often unauthorised and are not serving the function they were installed for, accessibility can instantly be improved.

5.11 Accessibility audit in Warsop

5.11.1 The Accessibility study carried out by the Fieldfare Trust in the Warsop area in 2006 found that only one short section of public footpath met the BT Countryside for All³⁷ criteria for full accessibility. Taking into account the density of the PROW network in this area and the importance it holds in linking the local communities, this suggests the network in this area holds little or minimal value to people with visual or mobility impairments.

³⁷ www.fieldfare.org.uk

5.11.2 The findings of the original network assessment and the conclusions drawn are still valid. For details of the full Accessibility Audit please see Chapter 5 of ROWIP1.

5.11.3 In summary the accessibility audit found that;

- Poor drainage, surface damage and physical barriers, either legitimate or otherwise, were the main factors in routes failing to be classed as 'accessible'. Only a very small percentage of barriers were carrying out the function they were installed for. Many of these served only as a barrier to access for people with pushchairs, in mobility scooters or wheelchairs or people with restricted mobility.
- The application of the 'least restrictive option' approach to structures in the Warsop area would enable much greater accessibility to many more routes. Small scale surface and drainage improvements, where practical, would further increase accessibility
- The PROW network in Warsop is very dense and many of the routes are surfaced. It can be assumed that the poor nature of accessible network provision in this area is an indication that the vast majority of the PROW network within the county is largely inaccessible to people with visual or mobility impairments.
- There is a need to ensure all improvements to the PROW network deliver the least restrictive access solution in terms of the removal of physical barriers and the minimisation of environmental factors (gradients, surface problems) where possible. This has to be done within environmental and budget constraints but it is important to deliver the least restrictive option that can be achieved in a given situation and to ensure all chosen options are justifiable.

- It is important to provide users and potential users with a choice rather than a single option. Consideration should be given to identifying and delivering specific projects within the county that either meets the BT Countryside for All guidelines or at least deliver barrier free access. Groups that represent people with disabilities should be consulted in the design and delivery of any scheme designed to improve accessibility.

5.12 Wider access

- 5.12.1 There are a number of sites across the county offering informal permissive area access as well as numerous permissive linear routes. These can help in providing good recreational opportunities and in many cases form good links with the PROW network.
- 5.12.2 Users benefit from permissive access in that it offers greater recreational and access choice and in many cases enhances the PROW network. Maintenance of permissive access is often the responsibility of the access provider. Routes managed by organisations such as Nottinghamshire Wildlife Trust are often maintained by volunteers looking to gain practical countryside management skills.
- 5.12.3 Many sites offering permissive access, for example Sherwood Pines, provide safe environments for families and groups. They often also provide access to interesting resources such as water courses and wildlife habitats and largely cater for leisurely family walks or dog owners.
- 5.12.4 Permissive access can help to ease the pressure on the PROW network in areas where it is well used. Alternatively it can help increase usage of the network where it is underused by improving connectivity. This can be beneficial in providing links and greater connectivity where the PROW network is fragmented. It can also offer traffic free routes between communities.

- 5.12.5 With greater consultation in the early stages of developing the permissive access network it is possible that benefits to potential users could have been even greater. For example, it may have been possible to form an agreement to prioritise roadside verge management, enabling equestrian users to ride alongside the road rather than on it. Alternatively, by negotiating with local landowners and managers a compromise could potentially be reached in providing permissive fieldedge bridleways.
- 5.12.6 Generally there is a lack of information on the extent of the wider informal and linear access provision within the county. A number of different organisations and bodies, for example district and parish councils, the Environment Agency, the Canal and River Trust and Nottinghamshire Wildlife Trust, offer such facilities but there is little or no definitive guide. Even the Ordnance Survey maps show little of the permissive access available. Information is often only obtainable through internet searches, local knowledge or accidentally coming across a site where access is offered.

5.13 Key findings for wider access:

- The permissive access provision in Nottinghamshire is extensive in places offering excellent recreational opportunities
- There is a lack of available information as to the location and extent of permissive access within the county
- It is acknowledged that some of the access is small scale and is purely of local benefit
- Early consultation between the Council and interested groups in the designation of new permissive access could help to improve the facility provided in terms of connectivity with the PROW network and improved design and accessibility to assist in providing for more potential users
- Permissive access that forms part of incentive agreements (e.g. Defra Environmental Stewardship) tend to be well maintained as this forms part of the agreement. However, the stewardship schemes et al administered by

Natural England are coming to an end in 2020. Nottinghamshire LAF are working with landowners in trying to encourage them to continue with the permissive access despite the end of payments.

- Lack of consultation in new access agreements can lead to structures being installed that do not meet British Standards. Examples are one step stiles or kissing gates with insufficient widths, which would be classed as obstructions if they were used on the PROW network.

Chapter 6 - Policies and Procedures

6.1 Introduction

- 6.1.1 The preparation of Nottinghamshire's Rights of Way Management Plan 2018-2026 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.
- 6.1.2 This chapter deals with the policies and procedures which will guide the Council, land managers and all stakeholders in the maintenance and management of public rights of way in the county.

6.2 Maintenance and enforcement

- 6.2.1 Maintenance of the county's network is now provided by Via East Midlands Ltd. Via is a new joint venture company between Nottinghamshire County Council and CORSERV (a company wholly owned by Cornwall Council). The County Council's Countryside Access team continue to work closely with Via colleagues to deliver a public rights of way service. The county's rights of way network consists of nearly 2,800 km of paths. Key tasks include;

- Protecting and asserting the public's right to use and enjoy PROWs
- Providing advice and assistance in particular to land managers, conservation organisations, the public and other local authorities
- Responding and reacting to complaints and defect reports
- Organising annual and reactive maintenance of the path network
- Responding to planning and development consultations which affect PROW
- Advising applicants on processing public path orders
- Dealing with planning and public path orders
- Enforcement
- Working with volunteers and user groups

6.2.2 The service is largely reactive leaving little time to be pro-active. The number of defect reports is increasing with more demand and pressure on the network and higher expectations. Reporting defects is also a lot easier with improved electronic communication. Defects are prioritised according to public safety needs. Maintenance of paths is then prioritised by strategic and local importance. The current economic climate makes this issue even more important and resources must be managed accordingly.

POLICY A1-4 Maintenance and improvement works will be prioritised according to the level of danger to members of the public. Prioritisation will also consider frequency of use, harassment and intimidating behaviour / notices, needs of the disabled and promotional status.

6.2.3 Currently there is an imbalance between pro-active and re-active work due to limited resources.

6.2.4 As the highway authority, Nottinghamshire County Council has a duty under section 130 of the Highways Act 1980 'to assert and protect the rights of the public to the use and enjoyment of' and to 'prevent, as far as possible, the stopping up or obstruction of' public rights of way'. There are various sections of the Highways Act 1980 that deal with the different types of obstructions found on rights of way. In this chapter of the Rights of Way Management Plan the Council has identified and detailed the key maintenance and enforcement issues encountered on public rights of way.

6.3 Signposting

6.3.1 The Council has a legal duty to signpost rights of way where a path leaves a metalled road. Signposting is an important tool in creating greater awareness. Therefore, NCC will erect signposts on all PROWs where they meet a metalled road unless the path is in a wholly built up area with a hard surface throughout and is clearly defined.

- 6.3.2 All new and replacement signposts will be of metal construction. In some locations a post and waymark disc may be suitable. The Council aims to minimise street clutter by utilising existing structures where possible.
- 6.3.3 False or misleading signs (e.g. 'Private') and any unauthorised waymarks on rights of way will be removed and appropriate enforcement action taken.

POLICY A1-5 The County Council will continue to ensure that all paths are signed with their correct legal status from metalled roads, and where appropriate, signs will be placed at other locations where there is an identified need.

6.4 Waymarking

- 6.4.1. The Council has the power to sign or waymark where it considers it necessary to assist users along a right of way. Waymarking is also an aid to landowners and occupiers helping to prevent trespass and reduce conflict. Only waymarks based on the Natural England³⁸ recommended design and colour relevant to the path's definitive status will be used. The only exception to this is the use of waymarks for promoted routes. Promoted route waymarks used by other authorities and organisations must be approved by the Council and advice will be given on the frequency and location of these. To further aid and assist users the Council will use yellow topped waymarker posts where appropriate (e.g. between hedgerows on crossfield paths).

POLICY A1-6 The County Council aims to provide waymarking wherever there is difficulty in identifying the route of a right of way. Nottinghamshire County Council will proactively seek to waymark definitive public rights of way in a structured and standardised approach. Waymarking will only be used where the route is unclear, as an aid to users and land managers, to reduce signage clutter and prevent 'urbanisation' of the network.

³⁸ Waymarking public rights of way, NE68, Natural England, 2008.

6.5 Gates, stiles and barriers

- 6.5.1. The following includes the consideration of the needs of farmers and horse owners for structures to be stockproof (HA 1980 s147)
- 6.5.2. The erection of a new structure for stock control on a public footpath or bridleway requires the express consent of the Council. Only gates will be authorised as new structures – stiles will only be accepted in exceptional local circumstances. A new structure is one that is not recorded in the definitive statement or has not been previously authorised by the Council. Where the structure is no longer required for the purpose it was authorised for, the Council reserves the right to seek the removal of said structure
- 6.5.3. Landowners are responsible for the maintenance of stiles and gates although the Council has a duty to contribute a minimum of 25% of the costs. Where existing approved structures require repair or replacement, landowners may be, dependant on resources, offered further assistance and financial incentives to replace a stile with a gate or in exceptional circumstances a stile complying with British Standard BS5709.³⁹ Any stile, gate or other structure supplied or installed on a PROW by the Council, becomes the property and responsibility of the landowner for future maintenance.
- 6.5.4. Where a structure is no longer needed for stock control purposes, the Council will seek the removal of that structure, leaving a clearly waymarked gap.
- 6.5.5. Barriers intended to ‘safeguard’ users e.g. attempting to prevent illegal activities such as motorcycling and fly tipping can only be authorised and erected after careful consideration by the Council. Barriers are only lawful if provided and maintained by the Authority under section 66 of the Highways Act 1980. Barriers should only be erected where there are compelling reasons to do so on safety grounds and they must not restrict or deter legitimate users

³⁹ Gaps, Gates and Stiles – Specification BS 5709:2001 British Standards Institution, 2001.

in any way in accessing a right of way. Any barriers not authorised will be removed at the expense of the instigator.

- 6.5.6. Nottinghamshire County Council will subject any request for the erection of barriers to prevent unlawful activities to rigorous scrutiny. All avenues of action by the Police and other relevant authorities must be exhausted before barriers are considered. Evidence, for example, Police incident numbers and anti-social behaviour / crime reports, must be provided to inform any decision and assessment of requests for barriers.

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.

6.6 Surfacing

- 6.6.1. The Council has both a duty to maintain and a power to improve rights of way - and surfacing can constitute maintenance of and / or an improvement to rights of way.
- 6.6.2. Where appropriate, the Council may improve the surface of paths that offer increased recreational opportunities. Prior to any works taking place to surface a path in this instance, the Council will have due regard to those with mobility problems, the general appearance and character of the path, the strategic importance, user needs and conservation issues.
- 6.6.3. The materials and type of construction used for surfacing paths will be chosen to reflect the balance of user needs, capital and future maintenance costs, sustainability, local character and the local ecology. Where possible, in the first instance, the Council will use recycled inert materials from local sources. However, the Council will, after advice and consultation, consider materials from primary sources and will also trial new innovations.

POLICY A1-7 The Council will carry out surface improvements and maintenance in accordance with relevant and current government guidance. When specifying surfacing materials the Council will place the needs of the legal public user first. Where appropriate the Council will consult with local stakeholders such as conservationists, landowners and user groups. Surfacing will only be considered where budget constraints allow, alternative remedies have failed and patterns of use justify expenditure.

POLICY A1-16 Where a public right of way is also used for private access, the Council will only maintain such a way to a reasonable standard appropriate for a highway of that character having regard to the traffic that passes or may be expected to pass along it (Highways Act 1980 s58). For example, where a bridleway is also access to private dwellings and there are no public vehicular rights, only private access rights, the Council will only maintain the surface to a standard suitable for walkers, horse riders and cyclists. Where there is damage to a right of way through private use (e.g. private vehicular access) the Council will seek to recover the costs of repair from the perpetrator.

- 6.6.4. Third parties, who wish to change the surface of a path for their own interests, for example, a householder changing a natural surfaced bridleway to a metalled surface, need to gain permission from the Council before undertaking any works. Each application will be assessed as the outcome of any works of this nature must not detract from the user's enjoyment of that right of way or make it any less convenient to use. In some circumstances there may be a need for a formal maintenance agreement with the Council.
- 6.6.5. The surfacing of Byways Open to All Traffic (BOAT) will be undertaken in accordance with current guidance (e.g. Making the Best of Byways)⁴⁰ although each byway will be assessed on its own merits to the same criteria as in Policy

⁴⁰ Making the best of byways: A practical guide for local authorities managing and maintaining byways which carry motor vehicles, Defra, December 2005.

A1-7. BOATS are carriageways and thus a right of way for all users including vehicular traffic (powered by either a combustion engine, pedal or by horse). However, they are used mainly for the purpose for which footpaths and bridleways are used (i.e. by walkers, riders and cyclists). There is no obligation for the Council to surface or maintain them to a standard to accommodate modern day vehicular traffic i.e. providing an all-weather sealed surface such as tarmacadam.

POLICY A1-8 The Authority will seek to maintain the surface of public rights of way to a standard appropriate with their ordinary legal public use with regard to both the current and possible future use of the path.

6.7 Ploughing and cropping

- 6.7.1. The Highways Act s 134, as amended by the Rights of Way Act 1990, specifically deals with disturbance of rights of way by agricultural operations. This act specifies the requirements relating to crossfield paths and defines the widths of both crossfield and fieldedge paths.

- 6.7.2. Crop obstruction and a failure to reinstate following cultivation are a major cause of paths failing the 'easy to use' test. The Council is confronting this problem with a proactive strategy known as the Cultivation & Cropping Strategy. The aim is to help and encourage land managers to comply with the requirements of the Rights of Way Act 1990 in order to increase unprompted reinstatement of public paths across arable land. Twice a year the Council writes to all arable landowners with rights of way across their land to remind them of their responsibilities under the Act. Good practice guidance notes are also distributed.

POLICY A1-9 The County Council will continue to work with land managers to ensure paths are kept free from obstruction by cultivation and cropping. The County Council will carry out countywide inspections in the Spring to check paths are clear of crops and Autumn to check paths are marked and level following cultivation. Any paths found not to be compliant with the Act will be followed up with the landowner and enforcement proceedings taken where necessary. Repeat offenders will be served enforcement notices without prior warning and the Council will consider prosecution in cases where this approach fails to have effect. The Council may recover its reasonable costs where default enforcement action is carried out.

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**).

6.8 Bridges

- 6.8.1. As a general rule the maintenance responsibility for existing bridges over natural features on a right of way rests with the Council. Structures which cross man-made features such as railways or canals are normally the responsibility of the owner, for example, Network Rail or the Canal and River Trust (formerly British Waterways).
- 6.8.2. Where a land manager, with NCC approval, creates a new or widens an existing ditch, pond or channel that crosses an existing right of way, a suitable bridge or structure must be provided, at the land managers expense, which can accommodate all legitimate users safety and without any restriction. The absence of any approved crossing point will be construed as 'wilful obstruction'. Bridge designs will be of NCC approved specification complying with easy access requirements in terms of width and approach. One or two handrails will be fitted as necessary depending on site specifics.

- 6.8.3. Due to the large capital cost of bridges, bridge replacement and repairs by the County Council will be prioritised on public safety, strategic importance and the inconvenience caused. NCC will work towards a pro-active regime of inspections to ensure structures are maintained and repaired before they become a serious liability.

6.9 Enforcement to remove obstructions and other nuisances

- 6.9.1. When dealing with enforcement issues, in the first instance, the Council will make contact with the person responsible and liaise locally to try and resolve the issue. Where co-operation cannot be achieved, the Council will serve an enforcement notice on the person(s) responsible to remove the obstruction. If this does not result in a satisfactory outcome within the timescales stated in the legislation, the Council will enter the land, carry out the work and recover reasonable costs. Consideration will be given to prosecuting offenders. Repeat Ploughing and Cropping offenders will receive an enforcement notice without prior warning.

6.10 Vegetation encroachment

- 6.10.1. The Council is responsible for the control of natural upgrowth on the surface of a right of way (other than crops). This will be managed within budget constraints through a programme of planned annual maintenance.
- 6.10.2. It is the responsibility of the landowner to cut back overhanging vegetation encroaching on a right of way. This includes vegetation from both the sides and above, and for a bridleway there should be 3 metres (10 feet) of headroom. In the event of vegetation obstruction, where necessary the Council may take action as per Policy A1-10 requiring the removal of the encroachment (Highways Act 1980 s154).

POLICY A1-10 The Council will use its powers of enforcement to tackle obstructions of public rights of way wherever initial discussion with the person responsible fails to resolve the situation. The Council may recover its reasonable costs where default action is taken to make a path available to the public. Persons responsible for obstructing paths will be given the opportunity to remedy the situation within specified deadlines; subsequent enforcement will be carried out in accordance with relevant guidelines in a firm but fair way.

6.11 Community and partnership working

- 6.11.1. The wider community plays an important role in helping the Council achieve its aims and objectives in managing Nottinghamshire's rights of way network.
- 6.11.2. Nottinghamshire County Council has led the way nationally using land managers and landowners as local contractors ensuring that paths are maintained on their own land. The Farm Partnership Scheme (FPS) currently works with 55 farmers who play a vital role in looking after paths on their land, being responsible for the maintenance of stiles and gates, cutting back overhanging vegetation and reinstating crossfield paths. The scheme pays farmers to undertake annual grass cutting on fieldedge paths, changing stiles for kissing gates and replacing signposts. The FPS is an excellent example of partnership working; both the Council and the landowner have legal rights of way duties and responsibility.

POLICY A6-4 The County Council will continue to support and where resources allow, expand the Farm Partnership Scheme.

- 6.11.3. The Council works with a number of organisations and individuals on voluntary tasks improving rights of way. Benefits are wide ranging and it is an effective way of assisting both the Council with its responsibilities and helping farmers and landowners with theirs. The Council currently works with a number of volunteers who help survey the network and occasionally help with minor maintenance tasks. This varies from working with the Ramblers Association

helping survey and waymark the Trent Valley Way long distance path to clearing Byways with the Green Lane Association and the Trail Riders Fellowship. Working with volunteers is time consuming and careful attention needs to be given to health and safety but the results can be very fruitful.

POLICY A6-5 The County Council will continue to work with and support volunteers, where resources allow.

- 6.11.4. The Council also works in partnership with other organisations and authorities. This is mainly on project-based initiatives such as the development of multi-user routes and long distance trails. Partnership work has also included working with health authorities and primary care trusts on promoting exercise through the promotion of walking and cycling. These synergies obviously provide added value to any project and the Council will continue to seek and support this type of partnership working.
- 6.11.5. The Council acknowledges the importance of working with advisory bodies and consultees. During definitive map and public path order making processes the Council consults more widely than the recommended consultee lists and has a good working relationship with the Nottinghamshire Local Access Forum.

POLICY A6-6 The County Council is committed to developing the work of Nottinghamshire Local Access Forum by encouraging an active membership, supporting their needs and publicising the role of the Forum

6.12 Definitive Map and Statement

- 6.12.1. The Council, as the surveying authority, is responsible for maintaining the definitive map and statement. The map and statement are legal documents; the map records the status and the line of rights of way and the statement lists definitive rights of way shown on the map together with a short description.

6.12.2. The recording of a route on the definitive map is conclusive evidence of the minimum status, position and existence of a public right of way. It is important to note that the recording of most of the routes shown on the definitive map is 'without prejudice to the existence of any other rights'. This means that there may be unrecorded rights on an existing right of way, for example, a footpath shown on the map may actually have bridleway rights. There may also be unrecorded public rights which never made it onto the definitive map. Where this happens there is a process which allows the Council to make a 'definitive map modification order'. Before making an order the Council must have evidence that shows that a right of way exists or can reasonably be alleged to exist, or that it raises a presumption that a route has been dedicated as a public path. For example, this could be through evidence of uninterrupted use as of right over a 20-year period (Highways Act 1980 s31) or by producing historical evidence of a path's existence, such as inclusion in an enclosure award or tithe map.

6.12.3. Definitive maps came into being as a result of the National Parks and Access to the Countryside Act 1949. The first stage involved a survey undertaken by Parish Councils and interest groups and co-ordinated by the Council which resulted in a draft map and statement. The draft map was held on public deposit during which time representation and objections could be made. These comments were taken into consideration and a provisional map and statement were published in the early 60s. This time only landowners, lessees or occupiers of land could object. In the 1960s Nottinghamshire County Council published the definitive map and statement.

6.12.4. The custody of the county's definitive map and statement is the responsibility of the definitive map team. The role of this team can be summarised as:

- Maintaining and updating the map and statement
- Processing claims made by the public for new rights of way
- Making legal orders to add new paths to the map and statement

- Writing proofs of evidence and appearing at public inquires as expert witnesses in support of path claims
- Giving advice to the public, landowners and solicitors regarding any legal issues involving the map and statement
- Processing Public Path orders
- Exploring opportunities to expand the rights of way network by path creations.

- 6.12.5. The Council has a legal duty (s53 Wildlife and Countryside Act 1981) to keep the definitive map and statement under continuous review, and to make modification orders as necessary to keep the map and statement up to date as an accurate record of public rights. Applications to make changes to the map can be made by members of the public, Parish and District Councils or by the County Council. The number of applications is increasing, which is reflected nationally throughout England and Wales.
- 6.12.6. The CROW Act 2000 sets a deadline of 2026 for applicants to register rights of way based on documentary evidence. This cut-off date means that the number of DMMO applications may well grow significantly over this period.
- 6.12.7. A number of developments have occurred since 2007 to try and speed up the processes for adding existing, but unrecorded, rights of way to the definitive map. Natural England and other stakeholders set up a Stakeholder Working Group (SWG), in the wake of Natural England's decision to discontinue the 'Discovering Lost Ways' project which had been intended to capture evidence about historical rights of way not yet shown on the definitive map, and to ensure they were recorded before the 2026 cut-off date introduced by the CROW Act 2000. The SWG was independently chaired and brought together key stakeholder interests including users, land managers and local authorities.
- 6.12.8. The SWG published a report in 2010 identifying 32 strategic proposals for reform⁴¹. Building on elements of these proposals and additional ideas

⁴¹ <http://www.naturalengland.org.uk/ourwork/access/rightsofway/unrecorded/default.aspx>

proposed by Defra the Government drafted clauses as part of its Draft Deregulation Bill 2013. The clauses relating to rights of way are designed to simplify the process for claiming paths as rights of way or having them diverted. The Deregulation Act 2015 received royal assent on 26 March 2015. The Act will take effect once the regulations and guidance have been completed; there is no date for this as yet but it is hoped an announcement will be made in the near future.

- 6.12.9. The exact number of potential unrecorded routes in the County is difficult to ascertain but initial thoughts estimate this figure to be in the region of 700 plus. Claims will have to be submitted to the surveying authority – i.e. the County Council. This will have a huge impact on the already large DMMO workload and clearly not all the work will be completed before 2026. Nevertheless, there is clear public and landowner benefit in resolving this uncertainty.
- 6.12.10. To complement this work a programme of work has already started by registering pre-1949 urban jitties and alleyways, unsurfaced unclassified roads and dead-end paths – it has always been believed that the missing links from dead-end paths to other paths or metalled roads were public.
- 6.12.11. Additionally contained within the existing definitive map there are an estimated 700 anomalies in Nottinghamshire, approximately 3 map anomalies per parish. Anomalies include:
- Paths off-line i.e. the line on the ground does not follow that found on the map or the line on the map does not match what is on the ground
 - Poorly drafted orders by others such as side road orders and town and country planning act orders
 - Paths severed by railways, airfields, coal mining etc
 - Dead-end or cul-de-sacs and even ‘island’ paths
 - Paths where the route continues but the status of path changes at a parish boundary.

- 6.12.12. A large number of legal events have occurred since the production of the definitive map. These legal events, for example, diversions, extinguishments, creations etc., need to be incorporated legally onto the definitive map. The preparation of the updated definitive map started in the early nineties. West Bassetlaw, Rushcliffe, Mansfield and Ashfield have already been completed and updated on a larger scale 1:10,000 Ordnance Survey Maps. This is a time consuming and laborious task which requires dedicated resource. With current resources it will take approximately 10 years to complete.
- 6.12.13. The definitive map is held at County Hall, West Bridgford and this paper map is available for members of the public to view, preferably by appointment. In recent years a working copy of the map at 1:10,000 has been digitised for the purposes of internal management.

POLICY A5-2 DMMO applications will be processed chronologically by order of receipt with the following exceptions (in no particular order):

- Where the public benefit to be gained is of more than limited impact. For example, where an order could result in a positive impact on the network such as adding a bridleway to complete an 'off-road' network for horse riders
- Where a claim affects a householder in proving the existence or non-existence of a right of way. For example, a potential route that passes close to residential buildings and dwellings
- A claimed route triggered by an event such as fencing off the line of a regularly used path
- Where an order is claimed on 20-year use the personal circumstances of path users will be taken into account. For example, the witness's age, health and possible relocation
- Where a claimed route is under threat due to development or major road schemes. For example, the dualling of the A46 trunk road or the widening of the M1 motorway.

POLICY A5-3 The County Council will, where possible, use dedications in lieu of DMMOs enabling a quicker route onto the definitive map and statement.

POLICY A5-4 Where a claimed route is unavailable on the ground, for example, due to a building or environmental issue, the County Council will consider the use of concurrent public path orders to assist with the establishment of the route

6.13 Public path orders

- 6.13.1. The County Council has a discretionary power to make legal orders to divert, create and extinguish footpaths and bridleways. Highways with vehicular rights are dealt with at a magistrate's court.
- 6.13.2. The orders follow a set legal procedure and it is for the County Council to decide initially if it wishes to make a path order. Once an order is made, it must be advertised and anyone can make a relevant objection; anyone who has an opinion, not just the landowner, can have their views taken into account.
- 6.13.3. Proposals to change the rights of way network can arise from applications or requests from local 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.

POLICY A5-5 The County Council will recharge its full costs of a public path order to all applicants except in exceptional circumstances such as correcting historical errors or a landowner providing a package of measures to significantly improve the rights of way network for the benefit of the public.

- 6.13.4. In summary before making an order to divert a path, an authority (the Council) must be satisfied that:

- It is in the interests of the public or the owner, lessee or occupier of the land
- The diversion brings the public to another point on the same path or another highway connected to it; and it must be as convenient to the public to use this alternative route
- There will not be a negative effect on public enjoyment of the path as a whole, on other land served by the existing path and on land affected by any proposed new path.

Further information on this issue can be found at

<http://www.nottinghamshire.gov.uk/enjoying/countryside/rights-of-way/changing-rights-of-way/>

POLICY A5-6 PPO applications will be processed chronologically by order of receipt with one or more of the following exceptions (in no particular order):

- Where there is a clear public benefit. For example, where an order would result in increased connectivity such as an improved path network or a path with more attractive view or historical feature
- An order that addresses public safety, for example, a path may be diverted to a more suitable road crossing point with increased visibility
- Where PPOs resolve definitive map and statement anomalies
- Applications linked to DMMOs – the diversion of a path concurrent with the making of a modification order.

6.14. Planning and development

- 6.14.1. In some circumstances public rights of way can be and are affected by planning applications and development. As a rule the County Council is consulted on individual planning applications that affect rights of way. The Town and Country Planning Act 1990 (TCPA) gives powers to a local planning authority⁴² (LPA) to extinguish or divert rights of way affected by development.

⁴² A local planning authority is normally the District or Borough Council, or in the case of minerals or waste the County Council.

This is a separate application and procedure to the 'Planning Application' and the extinguishment or diversion of a path is not guaranteed.

- 6.14.2. As well as local negotiations with planners and developers aimed at improving the path network as a result of the impact of development, s106 of the TCPA 1990 allows a LPA to enter a legally binding agreement, for example, providing opportunities for developers to improve access on or adjacent to development sites. This may include new paths, upgraded paths and promotional material. Moreover, particular attention must be paid to Access for All and 'designing out' crime and nuisance, for example, by providing open and clear routes. Where there is an existing and latent demand for riding and cycling, Nottinghamshire County Council will pursue bridleway status for any new routes to be provided.

POLICY A1-11 The County Council will seek improvements, at an early stage, to the rights of way network affected by development. The County Council will work with developers and local planning authorities to achieve the maximum benefit for the rights of way network and support wider economic growth

- 6.14.3. Not all paths affected by development are shown on the definitive map and statement. These may include 'lost' routes currently being used by members of the public. Sometimes these routes are picked up by the local community or the local knowledge of the Rights Of Way Officer which can then trigger a DMMO.

POLICY A5-7 Where developments affect non-definitive routes, on which public rights may reasonably be presumed to exist, the County Council will expect developers and the relevant local planning authority to have regard to these paths as they would with definitive rights of way.

- 6.14.4. There are also a number of routes, predominantly in urban areas, where historically poor orders have been made. For example, where the intention was to divert or extinguish the right of way, but never happened. Each

individual case will be judged on its own merit but in the majority of these cases a modification, extinguishment or creations order will resolve the anomaly.

POLICY A1-12 The County Council will work with developers and the local planning authority to minimise the illegal obstruction of rights of way and other access caused by permitted development and unlawful development.

6.15. Dedications and creation orders

- 6.15.1. Nottinghamshire County Council has powers to accept dedication of new rights of way. Dedications can be very useful additions to the network and the Council will generally support them. A path dedicated by means of a creation agreement (HA80 s 25) automatically becomes maintainable at public expense. Therefore, the Council must be satisfied that there is a clear public benefit to be gained from the proposed path and that future maintenance will not be excessively burdensome.

POLICY A1-13 Creation agreements will only be considered:

- Where there is a clear public benefit to be gained from the proposed path
- Where the requirement to dedicate forms part of an obligation under the Town & Country Planning Act 1990 s 106.

Maintenance liability will normally only be accepted where:

- The addition of a path is of strategic public benefit
- No initial additional expenditure by the Authority is required to bring a path into a fit state for use.

- 6.15.2. The County Council also has powers to create new routes by order using section 26 of the Highways Act 1980. It is worth noting that only a handful of authorities use their powers to make creation orders using section 26. This is normally attributed to the uncertainty of compensation costs. The creation of new rights by order can be exceedingly and increasingly difficult, time-consuming and costly. Because of this, priority and resources are normally given to creation orders on land within the public and voluntary sector.

- 6.15.3. Clearly, there are positive outcomes to be achieved by creation orders i.e. by increasing network density and connectivity. In some circumstances they are the only means of achieving a 'connected' network. Where there are significant benefits to the public and these are relative to the likely compensation costs, the Council will consider section 26 creation orders.

POLICY A5-8 Where there is a clear public need, the County Council will seek to create a new path in the first instance by agreement. Where an agreement fails and there are substantial public benefits to be gained and the benefits are relative to the expected costs, the County Council will consider a HA80 s 26 creation order. The Council will carry out this power in accordance with the relevant available guidance and where resources allow

6.16. Widths of new routes (made by Public Path Order)

- 6.16.1. Nottinghamshire County Council has a duty to assert the rights of the public (Highways Act 1980 s130) when making orders or consulting on new routes. As a result, the Council normally requires that there shall be a minimum width of 2m for footpaths and 4m for bridleways which are created by dedication and creation order, except where a path is fenced on one or both sides, when the full available width should be recorded as the legal width.
- 6.16.2. Nottinghamshire County Council will encourage partner authorities to consider this standard and will normally object to public path orders made by other authorities in Nottinghamshire where they create routes which are less than the minimum width described.

6.17. Extinguishment

- 6.17.1. The County Council will not support extinguishment orders unless there is very strong evidence that the route is not needed for public use.

6.18 Looking for opportunities

- 6.18.1. Despite the fact that the county has nearly 2800 km of rights of way, the network is often fragmented sometimes limiting safe and attractive walking, riding and cycling opportunities. The Council also has a remit to develop and promote a strategic multi-user network in Nottinghamshire.
- 6.18.2. The Council has been involved in major access projects including the development of the National Cycle Network (NCN) in the county. These are Route 6 from Attenborough to Shireoaks, Route 64 from Orston to Harby and Route 15 from Bingham to Orston and the Dukeries Trail from Shirebrook to Lincoln.
- 6.18.3. Multi-user routes, also known as Greenways, offer excellent recreational and utility opportunities. As opposed to historical rights of way these routes are purposely designed and should provide:
- Access for walkers, riders and cyclists taking into account surfacing, access to and from the route, gradients, cambers and provision of facilities such as information boards
 - Both recreational and utility journeys
 - Links with other public access and, countryside and urban areas.
 - Links with the public transport network
 - A safe environment for walkers, riders and cyclists.
- 6.18.4. There are further potential access corridors in the county, which fall into three different broad categories:

- 1 Natural features, such as rivers, streams and dumbles. People naturally tend to gravitate towards water and much use has been made of existing and new access along river corridors. Access alongside the River Trent has been enhanced and managed for a number of years now with aspirations to further improve this access resource.

- 2 Man-made corridors, mainly redundant railway lines and canals. These make up a significant proportion of current access corridors in the county, and do not follow the same landscape confines as the natural access corridors. Some are already actively used for access including the Southwell Trail, Teversal Trails, parts of the Timberland Trail and National Cycle Network. Other railway lines still exist but are very fragmented where, for example, sections have been brought into agricultural use and multiple ownership. Examples include, the Bilsthorpe to Ollerton line, the former Midland Line from Farnsfield to Mansfield and Shirebrook to Welbeck Colliery 'north' line. There are also redundant railway lines with their track bed still in place awaiting a decision on their future. Several examples exist in the county including Ollerton to Bevercotes, Carlton to Gedling Country Park and Bestwood to Calverton.

- 2a Towpaths alongside active and redundant canals are also another access opportunity (although Canal and River Trust normally limit access to walkers and cyclists). By their very nature they are an excellent link between urban and rural areas and offer a welcome relief from the built up urban environment. The Council has worked closely with Canal and River Trust and Rushcliffe Borough Council to improve access along the Chesterfield Canal and Grantham Canal respectively. Nottingham City Council and Broxtowe Borough Council have undertaken considerable work on the Beeston Canal, and even the redundant and fragmented sections of the Nottingham Canal in the south west of the county provide both refuge for wildlife and public access.

3. Other green corridors can include routes that fall between natural and man-made corridors as a result of non-development, predominantly in urban areas. This is sometimes due to natural features or where development is unsuitable,

for example, a natural geological feature or a planning condition requiring public open space.

- 6.18.5 Partnership working has been vital to the success of multi-user routes. Several formal partnerships have been formed, including with Sustrans, Derbyshire County Council, Borough and District Councils, and those in private industry.

POLICY A1-14 The County Council will continue to work with its partners in securing and providing safe and traffic free multi-user routes for walkers, riders and cyclists.

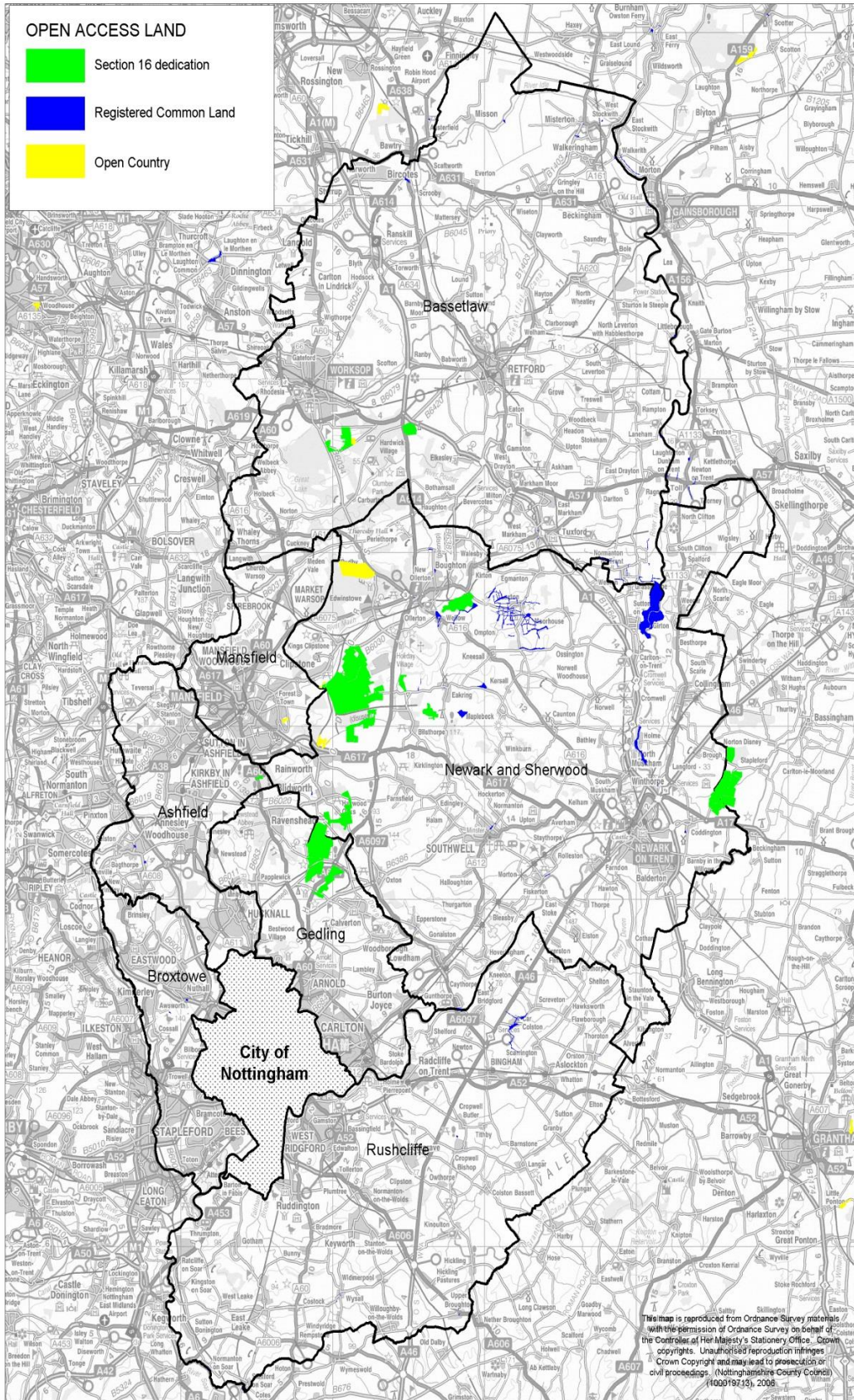
6.19 Open Access

- 6.19.1 Open Access is a major part of the CROW Act 2000 and provides people the opportunity to walk freely across ‘mapped access land’, without having to stay on public rights of way. This right of access only applies to mapped access land – not the ‘right to roam’ anywhere.
- 6.19.2 Open Access in Nottinghamshire consists of 584 hectares of both registered common land and ‘open country’. In addition to this mapped land, Forestry Commission has dedicated nearly all of their freehold land (under section 16 of the CROW Act 2000), 1980 hectares as Open Access land countywide.
- 6.19.3 A high percentage of Open Access land in the county is designated either as a Site of Special Scientific Interest (SSSI) or a Site of Importance for Nature Conservation (SINC). The reason for their designation varies between sites but can include geology, flora and fauna. Therefore it is particularly important to work with conservation organisations and landowners to ensure the balance between conservation and access.

6.19.4 As the access authority, Nottinghamshire County Council is responsible for administering and facilitating the access of these areas working with landowners, conservation bodies and Natural England. The Council has powers under the CROW Act to provide information and signage, to appoint wardens, to make bylaws and serve notice to remove obstructions.

POLICY A1-15 The County Council will work with landowners, Natural England and conservation bodies to ensure members of the public enjoy their rights on foot to Open Access land designated under the CROW Act 2000.

Map 5 Open Access land in Nottinghamshire



6.20 Publicity and promotion

- 6.20.1 Clearly rights of way maintenance and an up-to-date definitive map are fundamental to 'keeping paths open and available for the public to enjoy'. Nevertheless, 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.
- 6.20.2 Despite the popularity of walking, riding and cycling, rights of way are in 'competition' with other recreational and leisure activities both active and passive. Nevertheless, residents and visitors to the East Midlands countryside will flock to the popular peaks and dales of the neighbouring Peak District and Nottinghamshire's own honeypots such as Sherwood and Clumber Parks. The county's 2,800 km network has a lot to offer to those who are prepared to explore a little further.
- 6.20.3 The Council has been promoting rights of way opportunities for a number of years and now does so through one booklet, 'Nottinghamshire Routes and Rides'. The booklet is available from Council libraries, young people's centres, Mansfield and Worksop bus stations, Sherwood Forest and Rufford Abbey country parks and the National Water Sports Centre as well as local leisure and tourist information centres.
- 6.20.4 The Council also promotes countryside access via its online walks and rides directory. The number of people visiting and using the website is very high and has proven to be a successful promotional tool. The online directory can be accessed via the link below:
<https://www.nottinghamshire.gov.uk/enjoying/countryside>
- 6.20.5 Other Local Authorities and organisations in the county also produce various forms of promotional literature, mainly circular walks. The quality and accuracy of this information is sometimes inconsistent. Some organisations do consult with the County Council first to ensure that the rights of way information is correct before they go to print.

POLICY A4-1 The County Council will encourage local authorities and other organisations that produce walk and ride literature to check the accuracy, status and suitability of public rights of way used in their publications with the County Council.

6.20.6 In the county there are three long distance promoted trails:

1. Trent Valley Way. This is an 80 mile long distance walking trail from Trent Lock on the Derbyshire border to where the River Trent exits the county into North Lincolnshire at West Stockwith. A detailed trail guide and accompanying circular routes pack was published in 1989 and has since been revised to take into account changes on the ground, to identify public transport opportunities and to generally bring the publication up-to-date. It is acknowledged that most people tend to split the route into a number of linear walks spread over a period of time. There are aspirations to establish a promoted trail along the whole length of the River Trent from source to confluence. The Council is currently working in partnership with other authorities and the Ramblers Association on this project and further information can be found here <http://www.ontrent.org.uk/site/projects/trent-valley-way>
2. Robin Hood Way. This is a 105 mile themed walking route from Nottingham to Edwinstowe with alternative starting points, circular walks and diversions to other sites of interest. Nottinghamshire's first recreational route was devised in the early 1980's by the then 'Nottingham Wayfarers' Rambling Club'. The trail is promoted and waymarked by volunteers – The Robin Hood Way Association. A dedicated website and trail guide is available. Visit www.robinhoodway.com for further information.
3. The Cuckoo Way is a 46 mile long distance walk following the towpath of the Chesterfield Canal from Chesterfield to the River Trent at West Stockwith. The path provides a useful link between the Trent Valley Way, the National

Cycle Network at Worksop and the Trans Pennine Trail in Derbyshire. The promoted route in Nottinghamshire is part definitive and part permissive footpath. Some sections in Worksop and Retford have been surfaced to accommodate cyclists. A Walking pack is available detailing walks along the length of the Chesterfield Canal. Further information on the Cuckoo Way can be found here <http://www.chesterfield-canal-trust.org.uk/index.php/beside-the-canal/walking-guides/259-walk-the-whole-canal>

6.20.7 As discussed earlier, signing and waymarking also raises user's confidence and is certainly a way of promotion in its own right. There can be a negative side to waymarking when other organisations design and put up their own waymarks. Occasionally these waymarks cause confusion either through the proliferation of the discs or by providing confusing or wrong messages such as the status of a public right of way (see Policy A1-6).

6.20.8 Due to the nature of promoted routes they need to be maintained to a high standard. The Council will therefore, liaise very closely with all partners to ensure that any proposed promoted routes are suitable in the first instance. Where a route is appropriate, it is proposed to increase the frequency of inspections and any necessary maintenance ensuring that the route is maintained to a high standard.

6.20.9 Information provision is not just about informing users but also about providing advice, guidance and responsibilities to all stakeholders including farmers, landowners and others such as developers and planners. For example, the Council has been drawing attention to farmers about what their legal obligations are regarding reinstatement of paths after ploughing and cropping.

Chapter 7 - Statement of Action

7.1 Introduction

- 7.1.1 Defra's statutory guidance requires Highway Authorities to prepare a statement of action within their plan. The statement outlines the strategic actions the Council will undertake for the management of rights of way.
- 7.1.2 The Action Plan addresses the issues raised from the consultation, engagement and general findings from the assessments undertaken in this Plan. The actions are strategic in nature and are not path or site specific. These matters will be dealt with in annual work programmes.
- 7.1.3 The County Council will continue to work with the Nottinghamshire Local Access Forum identifying the key issues and priorities.
- 7.1.4 The actions outlined focus on the County Council's statutory duties as a Highway Authority. Increased demand on the network and decreased resources mean that meeting these obligations will be a tough challenge. The actions, which focus on management, maintenance and recording of the PROW network are very challenging.
- 7.1.5 The Statement of action is grouped into the County Council's six 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.

7.1.6 To achieve our aims we must ensure that the Council and our partners work together encompassing:

- Best value and improved efficiency with long-term solutions not quick fixes
- Balancing best practice and with the capacity to innovate and improve where possible
- Wider environmental and sustainability issues
- Education and awareness of all stakeholders' rights and responsibilities
- Acceptance and understanding of all stakeholders needs
- The knowledge and skills of all partners
- Funding opportunities – both for revenue and capital investment work
- Political and public will and backing
- Legislation and statutory guidance.

7.2 Layout

7.2.1 The statement of action is presented in list form and each of the six main aims is given its own subheading. Each action has its own Action Reference Number (e.g. SOA 1.3 is the third action listed under Aim 1 and SOA 4.2 is the second listed action under Aim 4)

7.3 Delivery Partners

7.3.1 Nottinghamshire County Council is responsible for delivering the actions outlined in this statement of action. However, a number of the actions require

partnership working with other organisations and individuals in order for them to be achieved. Our delivery partners range from national organisations such as Highways England and Network Rail and other tiers of government such as District, Borough and Parish Councils, to individual farmers, land managers and volunteers. Where required, specific delivery partners will be referenced within the actions themselves.

7.4 The Statement of Action: Aims and Actions

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

To achieve this aim the Council will:

SOA1.1: Ensure waymarking and signing remains fit for purpose to guarantee that members of the public can lawfully and safely navigate the PROW network.

SOA1.2: Maintain urban and rural paths to ensure the network can be used and enjoyed by all lawful users. We will also continue to manage an annual grass cutting programme and liaise with landowners in facilitating this

SOA1.3: Follow policy and legislation when authorising gates, stiles and other barriers

SOA1.4: Continue to support landowners by providing guidance, information and updates on legislation. We will continue to work with stakeholder organisations such as the National Farmers Union (NFU) and the Countryside Land and Business Association (CLA) to achieve this.

SOA1.5: Continue to seek to prosecute against persistent offenders who obstruct PROW's. Continue to seek to recover all legal costs in all successful prosecutions and defence of claims against the County Council.

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

To achieve this aim the Council will:

SOA 2.1: Continue to ensure that our work incorporates 'access for all' best practice.

SOA 2.2: Continue to adopt the least restrictive option' in everyday work.

SOA 2.3: Ensure safe and rightful access by removing unauthorised structures.

SOA 2.4: Liaise with partners to identify key gateways to the countryside via car, public transport and active transport.

SOA 2.5: Ensure all of our actions are compliant with the Equality Act (2010)

SOA 2.6: Work with the Local Access Forum and liaise with all groups who cater for the needs of people with disabilities to ensure the Council does all it can to improve access provision. This includes where resources allow, publicising barrier free routes and encouraging land-owners to replace approved stiles with kissing gates.

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

To achieve this aim the Council will:

SOA 3.1: Work closely with Network Rail to ensure compliance with relevant Highways Legislation when improving or removing level crossings and to make sure that alternatives are safe and appropriate.

SOA 3.2: Improve safety by actively seeking out opportunities for light controlled crossings (Toucan and Pegasus) and for improved signage and traffic

calming measures. We will also continue to liaise with the Road Safety team to raise driver awareness of all users, particularly cyclists and horse riders.

SOA 3.3: Improve connectivity by identifying suitable roadside verges for improved maintenance with a particular emphasis on linking bridleways. We will also continue to identify potential shared use footways which link key PROW.

Aim 4: To increase awareness of the network and the understanding of the wider benefits arising from its use.

To achieve this aim the Council will:

SOA 4.1: Continue to ensure the Countryside Access section of the Nottinghamshire County Council Website is easy to use, up to date and fit for purpose.

SOA 4.2: Work with Nottinghamshire County Council Corporate Communications team to identify new, innovative and more cost effective marketing opportunities for countryside access. This includes the utilisation of digital and social media platforms.

SOA 4.3: Continue to ensure any new publications are fit for purpose, provide value money and have a neutral environmental impact

SOA 4.4 Produce, when resources allow, PROW guides and information for users and landowners highlighting legislation and responsibilities.

SOA 4.5: Work with the Public Health Directorate in the County Council to promote the PROW network as a vehicle for improving public health outcomes. We will champion the PROW network as a key asset in Nottinghamshire that promotes active travel and healthy lifestyles.

Aim 5: To provide a revised and updated definitive map and statement

To achieve this aim the Council will:

SOA 5.1: Continue to review the definitive map and statement

SOA 5.2: Continue to respond to large numbers of DMMO applications and be aware of the likelihood of increased potential applications. The availability of resources to respond to increasing numbers of DMMO applications will be a significant challenge for the Council to meet in the current economic climate.

SOA 5.3: Refine and periodically review prioritisation of DMMOs with particular emphasis on orders which improve connectivity.

SOA 5.4: Record the legal width of all 'new' paths added to the definitive map

SOA 5.5: Identify and record all definitive map anomalies and make necessary anomaly orders where resources allow

SOA 5.6: Continue to seek opportunities to improve the connectivity of the network through the use of dedications and creations

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

To achieve this aim the Council will:

SOA 6.1: Continue to support the Farm Partnership Scheme

SOA 6.2: Continue to value and support the work of individual volunteers and volunteer organisations where resources allow.

Appendices

Appendix 1

As part of the Council's ROWMP2 assessments, land managers were asked to rank the five most important issues to them regarding public rights of way:

<i>What are the most important issues to you as a land manager, regarding public rights of way?</i>	<i>Issue ranking (1 the most important)</i>
Dogs (not on a lead, fouling etc.)	1
Fly Tipping	2
Trespassing	3
Motor vehicles (motorbikes, quad bikes etc.)	4
Farm Security	5
Difficulty and lack of flexibility in diverting paths	6
Litter	7
Crossfield paths (reinstating after ploughing and cropping)	=
Gates left open	9
Health and Safety	10
Lost Ways (registering forgotten historic paths)	11
Path Maintenance	12
Better waymarking and signing	13
Network rationalisation (e.g. where 4 paths cross one field)	14
Other	15

Appendix 2

Nottinghamshire County Council Countryside Access Policy List

The page number refers to the location of the supporting text.

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. **Page No. 45**

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. **Page No. 46**

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. **Page No. 50 & 86**

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. **Page No. 52**

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)'. **Page No. 53 & 89**

POLICY A6-1 The County Council will continue to support and develop the Farm Partnership Scheme. **Page No. 53**

POLICY A1-4 Maintenance and improvement works will be prioritised according to the level of danger to members of the public. Prioritisation will also consider frequency of use, harassment and intimidating behaviour / notices, needs of the disabled and promotional status. **Page No. 83**

POLICY A1-5 Nottinghamshire County Council will implement a co-ordinated signing and waymarking programme. The County Council is committed to ensuring that all paths are signed with their correct legal status from metalled roads, and where appropriate, signs will be placed at other locations where there is an identified need. **Page No. 84**

POLICY A1-6 The County Council aims to provide waymarking wherever there is difficulty in identifying the route of a right of way. Nottinghamshire County Council will proactively seek to waymark definitive public rights of way in a structured and standardised approach. Waymarking will only be used where the route is unclear, as an aid to users and land managers, to reduce signage clutter and prevent 'urbanisation' of the network. **Page No. 84**

POLICY A1-7 The Council will carry out surface improvements and maintenance in accordance with relevant and current government guidance. When specifying surfacing materials the Council will place the needs of the legal public user first. Where appropriate the Council will consult with local stakeholders such as conservationists, landowners and user groups. Surfacing will only be considered where budget constraints allow, alternative remedies have failed and patterns of use justify expenditure. **Page No. 87**

POLICY A1-16 Where a public right of way is also used for private access, the Council will only maintain such a way to a reasonable standard appropriate for a highway of that character having regard to the traffic that passes or may be expected to pass along it (Highways Act 1980 s58). For example, where a bridleway is also access to private dwellings and there are no public vehicular rights, only private access rights, the Council will only maintain the surface to a standard suitable for walkers, horse riders and cyclists. Where there is damage to a right of way through private use (e.g. private vehicular access) the Council will seek to recover the costs of repair from the perpetrator. **Page No. 87**

POLICY A1-8 The Authority will seek to maintain the surface of public rights of way to a standard appropriate with their ordinary legal public use with regard to both the current and possible future use of the path. **Page No. 88**

POLICY A1-9 The County Council will continue to work with land managers to ensure paths are kept free from obstruction by cultivation and cropping. The County Council will carry out countywide inspections in the Spring to check paths are clear of crops and Autumn to check paths are marked and level following cultivation. Any paths found not to be compliant with the Act will be followed up with the landowner and enforcement proceedings taken where necessary. Repeat offenders will be served enforcement notices without prior warning and the Council will consider prosecution in cases where this approach fails to have effect. The Council may recover its reasonable costs where default enforcement action is carried out. **Page No. 89**

POLICY A1-10 The Council will use its powers of enforcement to tackle obstructions of public rights of way wherever initial discussion with the person responsible fails to resolve the situation. The Council may recover its reasonable costs where default action is taken to make a path available to the public. Persons responsible for obstructing paths will be given the opportunity to remedy the situation within specified deadlines; subsequent enforcement will be carried out in accordance with relevant guidelines in a firm but fair way. **Page No. 91**

POLICY A6-4 The County Council will continue to support and to expand the Farm Partnership Scheme. **Page No. 91**

POLICY A6-5 The County Council will continue to work with and support volunteers, where resources allow. Going forward, the Council will look to work with the third sector to develop a partnership working framework. **Page No. 92**

POLICY A6-6 The County Council is committed to developing the work of Nottinghamshire Local Access Forum by encouraging an active membership, supporting the needs and publicising the role of the Forum. **Page No. 92**

POLICY A5-2 DMMO applications will be processed chronologically by order of receipt with the following exceptions (in no particular order):

- Where the public benefit to be gained is of more than limited impact. For example, where an order could result in a positive impact on the network such as adding a bridleway to complete an 'off-road' network for horse riders
- Where a claim affects a householder in proving the existence or non-existence of a right of way. For example, a potential route that passes close to residential buildings and dwellings
- A claimed route triggered by an event such as fencing off the line of a regularly used path

- Where an order is claimed on 20-year use the personal circumstances of path users will be taken into account. For example, the witness's age, health and possible relocation
- Where a claimed route is under threat due to development or major road schemes. For example, the dualling of the A46 trunk road or the widening of the M1 motorway. **Page No: 96**

POLICY A5-3 The County Council will, where possible, use dedications in lieu of DMMOs enabling a quicker route onto the definitive map and statement.
Page No. 97

POLICY A5-4 Where a claimed route is unavailable on the ground, for example, due to a building or environmental issue, the County Council will consider the use of concurrent public path orders to assist with the establishment of the route
Page No. 97

POLICY A5-5 The County Council will recharge its full costs of a public path order to all applicants except in exceptional circumstances such as correcting historical errors or a landowner providing a package of measures to significantly improve the rights of way network for the benefit of the public.
Page No. 97

POLICY A5-6 PPO applications will be processed chronologically by order of receipt with one or more of the following exceptions (in no particular order):

- Where there is a clear public benefit. For example, where an order would result in increased connectivity such as an improved path network or a path with more attractive view or historical feature
- An order that addresses public safety, for example, a path may be diverted to a more suitable road crossing point with increased visibility
- Where PPOs resolve definitive map and statement anomalies
- Applications linked to DMMOs – the diversion of a path concurrent with the making of a modification order. **Page No 98**

POLICY A1-11 The County Council will seek improvements, at an early stage, to the rights of way network affected by development. The County Council will work with developers and local planning authorities to achieve the maximum benefit for the rights of way network and support wider economic growth.

Page No. 99

POLICY A5-7 Where developments affect non-definitive routes, on which public rights may reasonably be presumed to exist, the County Council will expect developers and the relevant local planning authority to have regard to these paths as they would with definitive rights of way. **Page No. 99**

POLICY A1-12 The County Council will work closer with developers and the local planning authority to minimise the illegal obstruction of rights of way and other access caused by permitted development and unlawful development.

Page No. 100

POLICY A1-13

Creation agreements will only be considered:

- Where there is a clear public benefit to be gained from the proposed path
- Where the requirement to dedicate forms part of an obligation under the Town & Country Planning Act 1990 s 106.

Maintenance liability will normally only be accepted where:

- The addition of a path is of strategic public benefit
- No initial additional expenditure by the Authority is required to bring a path into a fit state for use. **Page No. 100**

POLICY A5-8 Where there is a clear public need, the County Council will seek to create a new path in the first instance by agreement. Where an agreement fails and there are substantial public benefits to be gained and the benefits are relative to the expected costs, the County Council will consider a HA80 s 26 creation order. The Council will carry out this power in accordance with the relevant available guidance. **Page No. 101**

POLICY A1-14 The County Council will continue to work with its partners in securing and providing safe and traffic free multi-user routes for walkers, riders and cyclists. **Page No. 104**

POLICY A1-15 The County Council will work with landowners, Natural England and conservation bodies to ensure members of the public enjoy their rights on foot to Open Access land designated under the CROW Act 2000. **Page No. 105**

POLICY A4-1 The County Council will encourage local authorities and other organisations that produce walk and ride literature to check the accuracy, status and suitability of public rights of way used in their publications with the County Council. **Page No. 108**

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- NCC Countryside Access Team and Via Area Rights of Way Officers
- Nottinghamshire Local Access Forum

- Nottinghamshire Parish Councils
- Rights of Way Officers from authorities nationwide
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