

# RIGHTS OF WAY IMPROVEMENT PLAN

## PORTFOLIO RESPONSIBILITY: ECONOMIC DEVELOPMENT AND COMMUNITY SERVICES

**CABINET**

**27<sup>TH</sup> MARCH, 2008**

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### **Wards Affected**

County-wide

### **Purpose**

To consider the contents and approve the Rights of Way Improvement Plan.

### **Key Decision**

This is a Key Decision because it is likely to be significant in terms of its effect on communities living or working in Herefordshire in an area comprising one or more wards.

It was included in the Forward Plan.

### **Recommendation**

**THAT the Rights of Way Improvement Plan for Herefordshire be approved and adopted.**

### **Reasons**

Herefordshire Council have a statutory obligation to produce a Rights of Way Improvement Plan (ROWIP), which needs to consider existing countryside access provision, and the future needs of users and potential users. The plan attached at Appendix 1 meets this statutory requirement.

### **Considerations**

#### **1. Introduction**

There are over 3400km of public rights of way within Herefordshire but this should be considered in the context of other forms of the countryside access network which include:

- Over 5000 hectares of open access land including registered commons and Forestry Commission land;
- 54 Nature Reserves;
- 64 Conservation Areas;
- 19 registered parks and gardens;
- Informal or permissive paths;
- Quiet Lanes;
- A wide network of promoted routes.

2. An accessible network provides many advantages for local residents and visitors alike. In addition to providing people with the opportunity to enjoy Herefordshire's beautiful rural landscape, the implementation of the plan will achieve many of the wider social, economic and environmental goals set out in strategic documents such as the Community Strategy. For example the benefits of exercise in the countryside to improve peoples health, especially in the older population are becoming important on the basis that prevention is better than treatment. The impact of informal recreation such as walking, cycling and horse riding on the County's tourism businesses is strongly evidenced. The contribution of the rights of way network as an alternative mode of transport to reaching work and school is well documented and supported in the Local Transport Plan within which the ROWIP already plays an important role.

3. **Legal Background**

The Countryside and Rights of Way Act 2000, Sections 60 to 62 came into effect on 21st November, 2002. Section 60 requires local authorities to prepare and publish an improvement plan for their Public Rights of Way. This Plan will be reassessed and reviewed not more than ten years after publication and at intervals of not less than ten years thereafter.

4. The plan will contain an assessment of:

- The extent to which the local network (including Footpaths, Bridleways, Restricted Byways, Byways and Cycleways) meets the present and likely future needs of the public;
- The opportunities that the network provides for exercise and other forms of open-air recreation;
- Accessibility of the network to blind and partially sighted persons and others with mobility problems.

5. Further guidance states that Rights of Way improvement planning should be incorporated into the local transport planning process from 2005 onwards. Rights of Way improvement planning is now a distinct strand within the new Local Transport Plans. This is intended to ensure the long-term sustainability of the network while reducing the number of separate planning requirements in line with the Government's plans to give local authorities additional freedoms and flexibility's.

6. **Consultation**

In formulating the plan, questionnaires were sent out to Parish Councils, user groups, landowners and the general public in order to gain an understanding of the current usage of the Rights of Way network, seek an opinion about the usability of the network and put forward some ideas as to how the network could be improved. The Improvement Plan was put together largely using the results of this consultation plus input from officers, other services and the Local Access Forum. In terms of the current access opportunities network users were of the opinion that:

- Provision for walkers is quite extensive compared to other users. A large proportion of the network is public footpath, approximately 88%;
- Provision for riders, cyclists and off road drivers is poor with only 11% of the network made up of Bridleways and 1% Byways Open to All Traffic;
- The bridleway network is very fragmented, especially in the south west region of the County;
- There are no promoted walks in the north east of the County;
- Although there are a number of countryside sites, there is only one formally dedicated Country Park;

- There are large areas of the County with limited forms of access provision for all users;
- The provision of Rights of Way in relation to access by blind/partially sighted is poor;
- Network condition as measured by BVPI 178 is low;
- There is a strong reliance on County roads to make circular routes.

7. The main improvements that were identified following the consultation were:-

- Establish better access to specific sites (access land and commons);
- Establish car free links with nearby villages and amenities (including bus routes);
- Create safer routes away from major roads;
- Create circular routes to increase local users and potential visitor numbers;
- Representation of all user types;
- Safer areas to walk, cycle and ride;
- Foster a greater understanding amongst visitors to the countryside about modern farming practices;
- Emphasise the need for good control of dogs;
- The importance of good stock control;
- Work closely with users to improve access where appropriate;
- Have more information about walks available in the County;
- See an improvement in the maintenance of public rights of way.

8. **Summary of the Rights of Way Improvement Plan**

*Chapter 1* sets out the key aims of the Improvement Plan and the role of the Local Access Forum. The Rights of Way improvement plan is based on five key aims:

- Enhance health, well-being and enjoyment of life;
- Increase economic prosperity;
- Improve sustainable transport;
- Provide access for all;
- Increase community involvement.

*Chapter 2* sets out the legal background to the plan, along with the County setting and policy context within which the plan sits.

*Chapter 3* looks at the demand on the current network and how it is used from the perspective of users and landowners.

*Chapter 4* assesses the state of the current network, its usability and current performance.

*Chapter 5* brings the assessments together in a conclusion and summarises the key findings.

*Chapter 6* is a plan of action setting out when identified improvement will be implemented depending on the availability of resources. The improvements come under the general headings of:

- Ensure the Definitive Map and statement are an accurate record of all public rights of way;
- Maintain the Public Rights of Way network so it is easy to use and clear of obstructions;
- Seek to improve access to the network wherever possible;

- Encourage the use responsible of the Public rights of Way network through proactive promotion.
9. The Plan includes an action to implement improvements put forward by Parish Councils. Parish Council's were asked specifically to map suggested improvements. A prioritised approach to the implementation of the improvements has been adopted in conjunction with the Local Access Forum.
  10. *Chapter 7* sets out the method by which the Plan will be monitored, key stakeholders, constraints and resources, and risks. Full implementation will only be achieved by setting up partnerships, working closely with landowners and identifying sources of funding. Examples of funding sources include the Local Transport Plan, Local Area Agreements, Natural England and Planning Gain and National Lottery. There has already been a number of successful funding applications through the draft ROWIP that has enabled projects to be implemented.
  11. Since 2004, revised inspection and maintenance, enforcement, public path order and definitive map modification order policies have been approved all of which have been written on the basis that improvements to the network are identified and implemented. These policies are set out in the appendices of the improvement plan.
  12. **Conclusions**  
The Rights of Way Improvement Plan describes the various access opportunities within the County and, following extensive consultation and responding to local needs, seeks to develop the network and to make the countryside a more accessible place for local residents and visitors. Resources are limited and although some actions will be delivered with current resources, developing new partnerships and identifying new sources of funding will be critical to the full implementation of this strategy.
  13. The adoption of this Improvement Plan is an important step towards achieving many of the ambitions of the Council.

## **Financial Implications**

There are no direct financial implications in relation to this report. Implementation of the Plan will, in many cases, require additional funding which will be sought from a number of sources as set out in the summary of Chapter 7 above.

## **Risk Management**

Currently one of the main sources of funding for the ROWIP is through the Local Transport Plan of £50,000 per annum which is set to be reviewed in 2011 along with the priorities for transport in the County. There is a risk that funding allocation will be withdrawn.

Non-adoption of this plan will put the Council in breach of a statutory requirement and may consequently be the subject of a judicial review.

## **Alternative Options**

There are no Alternative Options.

## **Consultees**

Extensive consultations were carried out with user groups, landowners, members of the public and Parish Councils. A full list of consultees is attached.

## **Appendices**

Appendix 1 - Rights of Way Improvement Plan

- Section 60 of the Countryside and Rights of Way Act setting out the Council's legal duty
- Statutory guidance notes produced by DEFRA

## **Background Papers**

None identified.