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**RIGHTS OF WAY
IMPROVEMENT
PLAN**

Final Draft

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Foreword by Cabinet Member for Economic Development and Community Services, Cllr. Adrian Blackshaw and Chairman of the Herefordshire Local Access Forum, Richard Gething

The County of Herefordshire has been blessed with some of the most peaceful and visually stunning countryside in the country. This countryside offers economic prosperity, opportunities to take part in a wide variety of recreation activities, physical and mental health benefits, and enhanced education prospects. However access to that countryside is not always clear and often regarded as being available only to certain sections of the population.

The Rights of Way Improvement Plan brings together all the countryside access opportunities within the county and considers their usage, potential usage and whether they are fit for purpose both for local residents and visitors, regardless of age and ability. The plan is comprehensive and sets out a number of ambitions which, if achieved, will bring substantial benefits. The key to turning the ambitions into reality will be the successful development of partnerships and funding bids as well as commitment from Officers and Council members with support from key partners such as the Local Access Forum.

Signed

Signed

Councillor Adrian Blackshaw

Richard Gething

EXECUTIVE SUMMARY

In March 2005, Herefordshire Council produced a Public Rights of Way Strategy, which set out the way the service would move forward strategically between 2005 and 2007. The Rights of Way Improvement Plan will develop that strategy to take forward practical improvements to the rights of way network and other forms of Countryside Access and set in place the building blocks for greater co-ordination of countryside recreation provision across the whole county.

The plan takes a two pronged approach to access improvement. The first is by considering the network as a whole and looking at improvements which will benefit a wide range and number of users. To achieve this we have looked at the current network and asked the question to landowners, user groups and the local access Forum, "How can we make it better?" Out of this has come a number of suggestions which have been set against certain criteria to provide a number of projects which Herefordshire Council aim to implement over the 5 year life of the plan 2007 - 2012.

The second approach was to look at a local level and ask the local communities how they would like to see access develop and to put forward practical suggestions. The result was a large number of suggestions to increase not only the number of rights of way but also the quality and the accessibility. These improvements will not only benefit local users but will, in time, bring economic benefits to parishes.

As a part of the strategy a great deal of work has been carried out to develop policies for enforcement, maintenance, public path orders, and definitive map modification orders. All the policies have been written with the improvement plan in mind and are attached to the Improvement Plan as appendices. It is intended that the improvement plan will be a practical working document, which can be monitored and referenced by users, public, land managers, elected representatives and council staff.

The first part of the plan briefly sets out the legal background and establishes the current countryside access provision within the county. It also establishes the links with other relevant plans and partners essential to ensuring the plan is fully integrated within the council's policy framework. The second part sets out the demand assessment in relation to the network and the needs of its users. Following on from this an assessment of the network has been made taking account of the findings of the survey. The final part of the plan sets out a five year plan of action and puts in place a system by which progress can be monitored.

1.0 INTRODUCTION

Herefordshire's Rights of Way Improvement Plan (ROWIP) will represent an objective and strategic view of the rights of way network covering the whole of Herefordshire and will look at how to benefit different types and classes of user. Herefordshire Council recognises that local rights of way are a significant part of our heritage and a major recreational resource. They help to boost tourism and contribute to local rural economies, whilst also providing a convenient means of travel in the daily lives of local people.

With the implementation of the Countryside and Rights of Way Act 2000 (CRoW Act) the countryside has new legislation which places a requirement on all local authorities to critically assess the rights of way network. Authorities are required to look at and consult the public on other issues that affect public access, and take a much broader view of the network and how it serves its use within the local transportation system, its affect on business, tourism, land management, health as well as recreation. It was therefore necessary to establish links with partnership groups, users, land managers, and other Local Authorities as these individuals and bodies are our primary consultees and stakeholders in the review and assessment process.

1.1 Herefordshire Local Access Forum

Herefordshire Local Access Forum (HLAF) has been closely involved in preparation and consultation of the plan.

HLAF has provided advice to the council from the outset of the process advising on information gathering and project prioritisation. Working groups, consisting of a wide range of interests and experiences, were also set up to examine, in particular, the project proposals submitted from parish councils and forward these into the improvement plan.

HLAF and its ROWIP working group were able to meet and assess projects and will continue to advise in the further development and implementation of the plan.

1.2 Rights of Way Improvement Plan – Key Aims

The public rights of way strategy highlighted five key aims for the service. The assessment of the network and demand has reinforced the robustness of these aims and they will therefore become the guiding principles for the Improvement Plan. These aims are to:

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

The rationale behind each of these aims, and their support by policies and principles in relevant documents, mainly specific to Herefordshire and produced by both the Council and by other bodies, will now be considered.

The links between each of the aims and the individual actions will be set out in the action plan.

Key Aim 1: To enhance health, well-being and enjoyment of life

The use of public paths increases people's well-being directly through outdoor exercise, and indirectly through the mental stimulation provided by an interesting, beautiful and peaceful environment as highlighted by the Government's Walking the Way to Health initiative. The Herefordshire Unitary Development Plan (UDP) acknowledges the contribution which recreation can make to the quality of life. It contains policies, which support the enhancement of walking and cycling facilities in association with development, and the promotion of recreational routes. Features, which contribute positively to local distinctiveness and the quality of the environment, should be protected; rights of way help people to appreciate the county's historic and natural heritage, and indeed are part of that heritage themselves. Herefordshire's Local Transport Plan (LTP) recognises the role of less polluting and more energy efficient methods of transport in conserving and enhancing the county's environment, and in the improvement of health. The evaluation of the first Herefordshire Festival of Walking, held in May and June 2002, showed that there was a demand for the recreational opportunities provided by a well maintained and promoted rights of way network.

Key Aim 2: To increase economic prosperity

Public rights of way are an increasingly vital element in promoting the county as a tourist destination for the benefit of accommodation providers, eating establishments and shops, and for the wider economic benefits to other enterprises of an increased number of visitors. The use of local sources for work and materials, and the provision of routes to allow cheap, sustainable methods of transport, also have economic benefits.

Total spending by the 7.629 million tourists in Herefordshire in 2006 was around £335 million and supported in the region of 7205 jobs. The loss in income nationally caused by the "closure" of the countryside, including rights of way, during the Foot and Mouth epidemic of 2001, is estimated to be in the order of £2.7 to £3.2 billion. In Herefordshire 69% of organisations reported that the Foot and Mouth Crisis had a negative or significant negative impact on their income. These figures provide a quantitative indication of the economic importance of public paths.

Nationally, a Ramblers Association report entitled The Economic and Social Value of Walking in England, found the income generated from the estimated 527 million walking trips in the English countryside had an income value of between £1.47 and £2.76 billion. 47% of households said that they would walk more if there were better provision, according to a recent use and demand survey carried out by the Countryside Agency. The scope for increasing the revenue from day visitors to Herefordshire from the nearby centres of population if the rights of way network were improved is thus shown to be considerable.

The Tourism Strategy for Herefordshire 2002 – 2007 details the significant contribution made by tourism to the county's economy. The range of opportunities for countryside activities offered by the potentially valuable

rights of way network is specifically mentioned as a strength of the tourism product in the county. The fastest growing holiday segment includes people looking for quality countryside access. One of the Tourism Strategy's specific objectives is to develop and promote tourism through improved resources for, and marketing of, walking, cycling and riding. Broadening target markets to include the more active segment is considered to be a key issue. The contribution of tourism to local economic development, based on facilities which provide for the sustainable use of indigenous features and resources, is recognised in the UDP. The report on the 2002 Festival of Walking concluded that walking has the potential to bring benefits to the Herefordshire economy, and that there was wide support for a more aggressive approach to walking as a tourism opportunity in the county. Since 2002 over 7,000 people have taken part in the annual walking festival.

Key Aim 3: To improve sustainable transport

Rights of way can form a valuable component of safe routes for walking and cycling to work, school and shopping and leisure facilities. Their use is free, and does not require expensive and environmentally damaging equipment. The UDP recognises that the safe, efficient and sustainable movement of people will be promoted by encouraging alternatives to the motor vehicle. One of the key themes of the LTP is the improvement of facilities for walking and cycling. In particular, policies stress the need to safeguard and improve walking and cycling routes which are affected by development, so that their role as transport links can be maintained and enhanced. A hierarchy of transport modes has been adopted in the LTP, which seeks to ensure that the needs of pedestrians, people with mobility difficulties and cyclists are given the highest priority. Detailed transport objectives stress the importance of increasing the number, safety and convenience of walking and cycling trips to improve access to facilities, and, specifically, the need for improvements in the rights of way network to encourage greater use of routes for utility purposes. Public transport plays an important role in facilitating access to the countryside and there are a number of initiatives such as the annual walking festival, which actively encourage the use of public transport to access the rights of way network.

Key Aim 4: To provide improved access for all

Public paths can be designed and maintained to provide safe and convenient routes for all people. The UDP stresses that promoted recreational routes should be established for cyclists, horse-riders and the less able, as well as walkers. One of the detailed objectives of the LTP is to make the transport system in rural areas more accessible to people with mobility difficulties, and those with young children, pushchairs etc. The Tourism Strategy for Herefordshire recognises that the availability of facilities to people with any form of disability is important. Meeting the requirements of the Disability Discrimination Act 1995 and the Countryside and Rights of Way Act 2000 in this respect was given as high priority in the 2002 Best Value Improvement Plan for the Rights of Way service.

Key Aim 5: To increase community involvement

Involvement of parishes in the maintenance and promotion of local rights of way, according to their own local priorities, provides real opportunities for

people to improve their local environment in the manner which they themselves determine. The role of community organisations in fostering regeneration through tourism, including co-operation between dispersed parishes, is discussed in the Tourism Strategy for Herefordshire and has relevance for the management of the rights of way network. The Rights of Way service of the county is currently running successful schemes to promote community involvement, as described above, and these should be continued, and where possible enhanced.

Specific actions have been set out in the Statement of Action under four headings which make up the principle areas of rights of way management in order to ensure that there is a direct link to the five key aims. These areas of management are:

- 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 responsible use of the rights of way network through proactive promotion

2. BACKGROUND

2.1 Legislation

The Countryside and Rights of Way Act 2000, Sections 60 to 62 came into effect on 21 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.

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.

Further guidance from the Department for Transport 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.

2.2 The County of Herefordshire

Herefordshire is a traditional rural area. It is located in the heart of the Marches in the southwest of the West Midlands region. It borders the counties of Shropshire in the north, Worcestershire in the east, Gloucestershire in the southeast and the Welsh counties of Monmouthshire and Powys over the Welsh border in the west.

The county covers an area approximately 840 square miles (2,180 km²) which has an estimated population of 178,800 (2005). Herefordshire is known for its fruit growing and cider production in particular. Many orchards have historically survived in the landscape, where fruit production has always been a major agricultural industry.

Rural Herefordshire boasts designations such as the Wye Valley Area of Outstanding Natural Beauty (AONB) and the Malvern Hills AONB, registered parks and gardens, conservation areas, and scheduled Ancient Monuments all of which illustrate its rich and varied characteristics.

The main urban area is the historic city of Hereford itself, which is served by a number of smaller market towns – Leominster, Bromyard, Ross-on-Wye, Kington and Ledbury. Hereford is the main administrative, and industrial centre of the region.

Tourism in Herefordshire has always been an important factor in the region's economy. The area attracts millions of people per year and the tourist industry understandably makes an important contribution to employment in Herefordshire.



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Figure 1: County Map

2.3 Policy Context

The ROWIP has functional links with, and contributes to, a wide range of documents, plans and strategies and it is important that the aims and objectives of these are recognised. As the ROWIP evolves, many new links with other strategies and plans within and also outside the authority will be identified and established.

The Community Strategy for Herefordshire

The Community Strategy is a community plan and provides an overall vision for the future of Herefordshire. This vision is:

Herefordshire will be a place where people, organisations and businesses working together within an outstanding natural environment will bring about sustainable prosperity and well being for all.

The Plan sets out five guiding principles to realise this vision:

- Realise the potential of Herefordshire, its people and communities
- Integrate sustainability into all our actions
- Ensure an equal and inclusive society
- Build on achievements of partnership working and ensure continual improvement
- Protect and improve Herefordshire's distinct environment.

Herefordshire Council's Corporate Plan

The Corporate Plan provides the link between the Community Strategies ambitions and the delivery of the council's contribution to those ambitions through its individual service areas.

Everything in the Corporate Plan is intended to help deliver the Council's commitment to:

- Understanding the needs and wishes of service users and council tax payers, and doing all it can to respond to them – so it takes into account the views expressed during wide-ranging consultations carried out by the council over the past year and more, including those done with our partners in drawing up the new Herefordshire Community Strategy
- Understanding and responding to the distinctive needs of different communities, including rural areas
- Community leadership and working in partnership with all sectors
- Diversity and equal opportunities for all
- A sustainable environment

Herefordshire's Local Transport Plan (LTP)

The vision for Herefordshire's Local Transport Plan and improving access is:

“A sustainable and integrated transport system, which recognises the distinctive characteristics of Herefordshire's rural and urban areas and provides for the transport needs of residents, visitors and the business community”

The ROWIP holds strong links with the shared priorities of the LTP and has been implemented within it. A preliminary statement of action was also incorporated. The inclusion of the statement of action in the LTP has provided access to funds under the heading of Improving Access. This is recognition that rights of way play a key role in the transport ambitions of the county. The ROWIP will be fully integrated into the LTP by 2010.

Herefordshire's LTP has been developed as a transport strategy in partnership with local stakeholders that addresses wider local priorities and establishes a clear vision for transport. The four shared priorities for transport have been outlined as:

- Delivering Accessibility
- Tackling Congestion
- Safer Roads
- Better Air Quality

Full guidance on Local Transport Plans issued states that the aim of integrating the two plans is to:

- Clearly establish the shared aims and establish a definite link between ROWIPs and LTPs
- Ensure that, as public highways, rights of way are embraced by the LTP process and recognised in LTPs as a key ingredient in the development of an integrated transport network that provides choice in a variety of transport modes
- Recognise the invaluable role rights of way can play in assisting LTPs to achieve the shared priority and wider quality of life objectives
- Strengthen and facilitate the long term sustainability of rights of way

The Improvement plan will set out practical ways forward for the network and the contribution it can make to local transport on a wider scale.

Herefordshire's LTP covers the period 2006/7 to 2010/11. Funding through the LTP has allowed provision for £50,000 per annum for projects identified through the ROWIP. These projects hold direct links to the shared objectives of the LTP

Tourism Strategy

The overall aims of Herefordshire's Tourism Strategy are concerned with improving the value of tourism to Herefordshire, bringing benefits to the economy, the community and the environment of the area, and to the region as a whole:

- To strengthen the contribution that Herefordshire makes to tourism in the wider region, as a growing destination
- To increase the total volume of visitors to the County
- To increase the spend per head of visitors to the County
- To improve the quality of the visitor experience and likelihood of returning

- To extend the tourism season and average length of stay, thereby increasing revenue and viability of tourism enterprises, and the amount and quality of employment that they sustain
- To channel visitor spend through a cluster of associated enterprises selected for the benefit they in turn bring to Herefordshire
- To increase the quality of the environment and amenities enjoyed by local residents, supported by tourism
- To improve the quality and performance of tourism enterprises
- To reduce the incidence of hard to fill vacancies in the hospitality sector
- To improve visitor management, especially within Hereford City and the AONBs, reducing negative impacts on the environment and better accommodating flows of people.
- Extending social inclusion

Highways Maintenance Plan

The Highway Maintenance Plan's vision is to provide and maintain a highway network which supports the transport needs of Herefordshire's communities, including Public Rights of Way, whilst protecting and, where possible, enhancing the local environment.

The outcome of this Service will be:

- A safer highway network
- Improved travelling conditions for all highway users
- Greater care of the local environment

This plan is based upon the National Code of Practice for Highway Maintenance Management. Its policy links with the Council's vision for Herefordshire and is built around three core elements of:

- Safety
- Serviceability
- Sustainability

Wye Valley AONB Management Plan

The Wye Valley Management Plan sets out a vision for the AONB area and the priorities for its management for the period to 2009.

The plan outlines and seeks to:

- Conserve and enhance the unique landscape and natural beauty of the AONB
- Guide change that is sensitive to the area's special qualities and resources
- Manage the area in a sustainable way
- Enable present and future generations to appreciate, conserve, understand and enjoy the AONB, whilst integrating the needs of local communities and visitors

Malvern Hills AONB Management Plan

The Malvern Hills Management Plan sets out a number of key strategic objectives under the heading of tourism, recreation and access, which have direct links with the Improvement Plan:

- Support measure to establish a sustainable physical capacity of the AONB, and encourage the best practice management of access and facilities accordingly;
- Encourage the improved accessibility of tourism and recreation facilities and public rights of way and other highways to all appropriate users through:
 - Restoration of paths and bridleways
 - Appropriate access improvements through the implementation of the Rights of Way Improvement Plan
 - Assessing accessibility for all new and existing countryside sites;
 - Developing infrastructure and furniture which respect local distinctiveness;
 - Develop quiet lanes for walking, cycling and those with mobility restrictions
 - Encouraging relevant Highways Authorities to maintain a rights of way network that is free of obstruction, legally defined and well promoted.
- Seek to accommodate the demand for recreation around the northern and central sections of the Malvern Hills within the limits of sustainable capacity, and to respect the conservation and enhancement of landscape character and quality, biodiversity and historic environment through:
 - A proactive approach to visitor management;
 - The use of information and interpretation;
 - Temporary closure of areas for regeneration/avoidance of wildlife disturbance (except PROW network);
 - Highest standards of design, infrastructure and other relevant measure.

Public Rights of Way Management Strategy

The Rights of Way Strategy sets out specific objectives to ensure that all aspects of rights of way management contributes to achieving the following aims:

1. **Enhance health, well-being and enjoyment of life** through the use of public paths for outdoor exercise and appreciation of the rural environment
2. **Increase economic prosperity** by attracting more visitors to the countryside
3. **Improve sustainable transport** by providing traffic-free, safe routes to urban and rural facilities
4. **Provide access for all** by being available for the less mobile and those with disabilities
5. **Increase community involvement** by enabling people to improve their local rights of way network.

The Rights of Way Improvement Plan will supersede the Rights of Way Strategy.

3. DEMAND ASSESSMENT

3.1 Overview

To make the ROWIP an effective document it has to be based on the needs of users and potential users. It must then seek to put in place the improvements identified as being required to meet those demands. In order to identify the demand on the network, a number of questionnaires were drafted aimed at user groups, landowners, the visitors/general public and Parish Councils (see appendix 7e-h). The questionnaires highlighted a number of wide-ranging and specific improvements which were assessed, prioritised and, where appropriate, put into the action plan for implementation. As well as this, a number of strategic improvements were lifted from the Rights of Way Strategy to be taken forward as part of the plan.

3.2 Satisfaction of current provision

3.2.1 Parish Councils

Parish councils were sent a questionnaire accompanied by an extract of the 1989 Definitive Map of the parish. They were asked to outline any involvement with the rights of way network in their area, the state of the current network, and to set out, on the map, any improvements or additions they would like to see to the network.

Following consultation with the LAF it was agreed the parish councils be provided with a second opportunity to outline/create 1-2 circular routes or link routes that would benefit the parish and the local area. This again involved making suggestions on a map with comments.

Key findings

- Better provision for those less mobile or those Blind/partially sighted within all types of rights of way (Footpaths, Bridleways, BOATS) is required.
- More bridleways throughout the county are needed. Particularly in relation to creating circular routes.
- It was recognised that the co-operation of landowners in keeping paths clear and replacing stiles with gates is important.

Parishes were keen to:

- Establish better access to specific sites (access land and commons)
- Establish car free links with near by villages and amenities (including bus routes)
- Create safer routes away from major roads
- Create circular routes to increase local users and potential visitor numbers

Suggestions of improvements to the network that were put forward following parish consultations have been recorded separate to this document due to the large number the council received. Suggestions have been recorded in spreadsheets and through consultation with HLAf, have been given a priority rating (within the next financial year, within the 5 year plan period, or beyond). As projects are rolled out, HLAf will re-look at the remaining projects to be considered that may become priority as they move up the list. The priority list will be amended as and when projects are completed.

Rights of way officers will liaise closely with parish councils, landowners and other stakeholders to identify a suitable approach to carrying out the projects.

3.2.2 User groups representing walkers, cyclists, equestrians, disabled user groups, and vehicular users

User groups in Herefordshire were asked to rate their satisfaction with the existing level of service provided, to rate different levels of service, consider future challenges, and importance of different aspects of the network.

Key findings

- Overall, the majority of respondents were fairly satisfied with the Council's Rights of Way Service
- Maintenance of rights of way was rated as most important to groups
- Respondents believed the Lost Ways project was the greatest future challenge, identifying and recording unclaimed ways before the cut off date of 2026
- Taking steps to identify and add Missing Links to create complete networks was an important future challenge

User groups expressed a need for:

- Representation of all user types
- More circular walks
- Safer areas to walk, cycle and ride etc

3.2.3 Landowners, including estates and representative organisations

The questionnaire that was devised for landowners was sent to the National Farmers Union (NFU), and the Country Landowners and Business Association (CLA) for further distribution. It considered the effects of Rights of Way on land, assessment of the current level of service, and sought opinion about the future challenges of countryside access.

Key findings

- 93% of landowners stated that one or more right of way crossed their land
- Many landowners expressed interest in Agri-environment schemes.

- It was recognised that rights of way can have both positive and negative effects. Education, tourism and holiday accommodation could boost income
- Impact on land values where footpaths cross arable/fruit production were a concern, as was the issue of conflicts with users.
- The most important aspect of the rights of way service to landowners was maintenance
- The importance of a good relationship between landowners and users was stressed. It was seen as important to maintain a good understanding between those that visit, and those that live and work in the countryside.

Landowners were keen to:

- 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

3.2.4 Visitors and the general public

Visitors and local people were encouraged to complete questionnaires left in Tourist Information Centres, info in Herefordshire Offices, libraries, and Council reception areas. Issues such as; how often people used rights of way, preferred locations, distances covered, where information regarding routes is gained, and improvements they felt would benefit the local network were covered.

Key Findings

- Maintenance/vegetation clearance and better signage were improvements that were felt likely to benefit those who use rights of way
- Routes accessible to blind or partially sighted people and for less mobile people should be improved
- Better transport links to and from walking routes is important.

Visitors were keen to:

- Have more information about walks available in the county
- See an increase in the number of promoted circular
- See an improvement in the maintenance of public rights of way

3.3 How and why the network is used

3.3.1 Walkers

Walking is an extremely popular recreational activity. With the majority of the network being footpaths, most users are walkers. The needs of walkers vary greatly depending on the individual or group.

Casual Walkers – can include family groups and dog walkers, who typically walk between 2 and 5 miles. They will often use routes close to where they live but may travel further a field for longer walks. Dog walkers are regular users of rights of way, often using the network twice a day to exercise their pets.

Serious Walkers – more experienced users of rights of way, looking for a more challenging experience. Walks can be close to home but they are much more prepared to travel further. Once there, walks tend to be longer than those by casual walkers.

However, there is a certain amount of cross-over between the groups identified.

Walking can offer a range of benefits from improving personal health and well being to providing an important recreational resource for ramblers, dog walkers, runners etc.

Walkers generally prefer circular routes due to transportation arrangements. The issue of car parking was a common feature in the survey, as users required this facility to access the local network more freely and more often. The maintenance of existing routes was identified as important to ensure the accessibility of the current network, and its future use.

Those utilising the network to access services expressed a need for safer areas to walk, including crossings of highways and improved routes to schools and other services. A need was also identified for better public transport links from urban centres, and increased promotion of key accessible sites and routes.

3.3.2 Cyclists

Cycling is a convenient and popular form of transport, certainly for journeys of less than 5 miles to reach places of employment, schools, shops and local services (purposeful journeys). The overall picture is that in recent years cycling on busy roads to work, shops and services has declined in favour of the car with recreational cycling growing in popularity.

Cyclists are entitled to use the same routes as horse riders on the public rights of way network (ie on bridleways, byways and restricted byways) and so are constrained by not being entitled to use the public footpaths.

Cyclists have varying needs depending on individual requirements. Those using the network for more challenging recreational routes e.g. mountain bikers, will have different needs to those using the network for utilitarian purposes, such as accessing services, workplaces, school.

Evaluation and wider consultation has indicated that, in partnership with sustainable transport and safe routes to school, the creation of cycle routes should be high on the agendas.

3.3.3 Horse Riders

The British Horse Society estimates that 4% of households in Britain take part in equestrian activities with interest in horses, ponies and equestrianism in general, being greater than ever. Horse riders are not entitled to use the footpath network and so are excluded from using 88% of the network. Riders are often forced on to the road network in order to gain access to routes or complete circular rides.

Horse riders using the rights of way network again have needs that serve different levels and abilities. Much of the bridleway network is used in a recreational capacity, although some bridleways can be used for training purposes, offering a safer alternative to riding on busy roads.

There is significant identified need and tourism potential for increased provision of bridleways throughout the county. Much of this need is through joining up a fragmented network and creation of new circular routes for horse riders. Assessment has also indicated a need to improve safety at access points linking highways.

3.3.4 Carriage Drivers

There are an estimated 20-25,000 people in Britain who drive horses. There are no specific figures for Herefordshire although it is purported that Herefordshire has a very active carriage driving community. Carriage drivers have similar needs to those of horse-riders, although there are some differences. They are entitled to use byways open to all traffic (BOAT), restricted byways and unclassified roads (UCR's).

3.3.5 Motorised Vehicle Users

In terms of public rights of way off road motoring, on both two and four wheels is legal on Byways open to all Traffic (BOATS) only. Although the use of 4x4's in the countryside is controversial, they do offer the opportunity for disabled users to explore the open spaces and they are a legitimate form of recreation on BOATS.

In Herefordshire there are relatively few BOATS (13 miles), which are used as recreational routes. The county's Unclassified County Roads (UCR's) network provides a supplement to the Byway network.

3.3.6 Blind and Partially sighted and Disabled users

The difficulties faced by users with disabilities and limited mobility using the current rights of way network are considerable. The most significant barrier along rights of way is often not the natural terrain but man made barriers such as the estimated 8500 stiles along footpaths throughout the county. Rights of way are a vital resource in providing those of limited mobility with opportunities for recreation and for accessing local services. There are different levels of disability including those visually impaired, wheelchair users and those less mobile.

These users require the network to be easily accessible. The main area of improvement identified by disabled users of the network are the accessibility of routes and the restrictions faced due to physical barriers.

There is also a need for increased information and promotion regarding routes suitably accessible to disabled users as is more information about the facilities available on site.

3.3.7 Older People

Herefordshire has an older age profile than both the Midlands and England and Wales, with a noticeably higher proportion of its population in the older age groups. People aged 60 or over constitute 26.6% of the counties' population in comparison with 21.2% nationally and it is continuing to rise steadily.

The Countryside Agencies' State of the Countryside 2005 report showed that visitors to the countryside tend to be mostly between the ages of 35-54. The Diversity Review showed that across all excluded groups there were positive benefits to be gained from accessing the countryside including:

- Physical health benefits – being in the outdoors, fresh air, taking exercise through informal recreation or from more active sports
- Psychological benefits – the countryside as somewhere to relax, gain peace and quiet, clear your mind and get away from it all.
- Personal identity – sense of place and belonging
- Social inclusion – sense of community

Older peoples' needs from the rights of way network may differ from e.g. younger people or families in that there may be a higher proportion who may have restricted mobility and therefore some of their needs may be similar to disabled users.

3.3.8 Young People

The Countryside Agencies' Diversity Review found that young people don't necessarily regard the countryside as a place to visit and enjoy. There are other competing leisure interests, for example cinema, sports, shopping, computer games etc.

The national recommendations for physical activity for children and young people are that they should achieve a total of at least 60 minutes of at least a moderate intensity activity each day.

This may indicate a requirement to educate children and young people in using the rights of way network and increase it's accessibility to this section of the population by creating more links to urban areas and to work to improve links to the sustainable transport system so that it is not necessary to drive to gain access to the countryside.

3.3.9 Potential Users

The visitor survey, which was actually completed mainly by local residents, indicated that only 4% of respondents did not use rights of way which implies

that non usage is not a great issue within the county. However because the people who generally respond to questionnaires about rights of way are already likely use them, this statistic is unlikely to be a good gauge.

The reasons why people do not use the rights of way network are probably reflected in the requested areas of improvement such as better waymarking and signposting, more circular walks, improved accessibility and better promotion and education. However, as this is imprecise, the action plan states that specific research is carried out in this area using a citizens panel or a similar qualitative method. Once this survey is carried out, we will be in a better position to identify specific actions to encourage greater usage of the network.

3.3.10 Conflict Between Users

There are occasionally conflicts between users mainly on bridleways and Byways Open to All Traffic, centred on the surface damage caused by equestrians and motorised users, the lack of awareness of other types of users and noise. Any developments to the network must take account of these potential conflicts and planned accordingly.

4. NETWORK ASSESSMENT

As detailed in the demand assessment, the public rights of way network is needed for a variety of purposes and therefore the next logical step is to look at the current network to see if those needs are met and if not identify the key areas of improvement for implementation through the action plan. The current situation has been assessed following research in a number of the following areas:

- Current access provision
- Non definitive network
- The connectedness of the network
- The Definitive map and Statement.
- Network condition
- Publicity and promotion
- Promoted routes
- Inspection, maintenance and enforcement
- Changes to the network
- Views of the Public and Parish Councils

4.1 Current Access Provision

Herefordshire is crossed by a network of 2100 miles (3358 km) of public rights of way consisting of:

- 1840 miles (2942kms) of footpaths
- 250 miles (394kms) bridleways
- 13 miles (22kms) byways open to all traffic (BOATS)

There are a number of promoted routes that run through the county. These include:

- *Wye Valley Walk*

The primary promoted route runs for 136 miles from mid-Wales near the source of the River Wye, through Herefordshire and ends in Monmouthshire. The route is promoted as a major attraction to those visiting the county and is supplemented by four loop walks leading off its main route.

- *Mortimer Trail*

The County's other major route runs from Ludlow to Kington in north Herefordshire for a total of 30 miles. Again the trail promotes and provides 5 loop walks off the main route linking local villages to the main trail.

- *Herefordshire Trail*

The Herefordshire trail, set up in 2005, uses existing public rights of way to provide a circular route around the county. The route is a Ramblers Association initiative and runs for some 150 miles.

- *3 Rivers Ride*

The 3 Rivers Ride has been developed by the British Horse Society (BHS) and partner local authorities, including Herefordshire Council. The route is promoted by the BHS from its start in Worcestershire to its end in the Brecon Beacons as part of the National Bridleway network.

- *Monnow Valley Walk*

This route of 40 miles runs linear along the River Monnow from Monmouth to Hay-on-Wye through the administrative areas of Herefordshire, Monmouthshire and the Brecon Beacons.

- *Offa's Dyke National Trail*

Sections of the Offa's Dyke National Trail pass to the west of Herefordshire running along the England / Wales Border. The promoted route is a national long distance route, attracting a large number of users.

Currently 15 local loop walks have been developed and promoted within the county. Many parishes have established local parish walks, which access local features and services etc. These are usually promoted locally but are an attractive resource for tourists and the local economies in rural Herefordshire.

- *Urban Rights of Way*

Herefordshire's Population as at 2005, was 178,800, of which approximately a third live in within Hereford City, and around a fifth in neighbouring market towns. Although predominantly rural, there are a number of rights of way within the built areas which form a vital element to the urban transportation network as well as providing a means of accessing the wider countryside.

- *Rivers*

Rivers in the county provide both an opportunity and a threat to users of the rights of way network. Water provides a natural attraction for walkers and riders but it is also the cause of both gradual erosion and catastrophic loss when a bank collapses. The action plan sets out a number of aims targeted at improving the network which will inevitably include access along rivers but this will also increase the maintenance liability on the council. There are various methods that can be employed when a right of way comes under

threat from river erosion. These include maintenance, creation agreements and occasionally cease to maintain.

- *Access land and commons*

5912 hectares of land in Herefordshire became access land following introduction of part 1 of the Countryside and Rights of Way Act 2000. This is made up of 62 hectares of new access land, 3732 hectares of registered common land and 2126 hectares dedicated as access land under a s.16 agreement most of it forests. The public have a right to walk on access land but there are restrictions on other activities including the walking of dogs. Although most areas of access land are accessible from a right of way or other public highway, there are a very few which have become islands. There is provision within the CROW Act to allow Herefordshire Council to create footpaths where necessary too these areas of land.

Details of access land, including location maps and any restrictions that might be in place are available on www.countrysideaccess.gov.uk.

4.2 Non Definitive network

As well as the rights of way network, there are a number of forms of non definitive access which are used by the public to gain access to the countryside. These include:

Permissive Paths - Permissive paths are used by walkers or riders on an informal basis either with the knowledge or permission of the landowner. Very often landowners will recognise local people wish to access a particular route and will grant access. These vary from informal arrangements only identifiable on the ground to those that are actively promoted by organisations such as Herefordshire Nature Trust and the National Trust.

Agri Environment Higher Level Scheme – A scheme operated by DEFRA whereby landowners can enter into an agreement to provide either linear or open access to areas of land they farm. Currently there are 46 such schemes operating in Herefordshire. Details of individual sites are available on www.countrywalks.defra.gov.uk.

Unclassified county roads and Quiet lanes -

There are some 941 miles (1526km) of unclassified roads within Herefordshire, 874 miles (1382kms) of which are surfaced and 90 miles (144kms) are unsurfaced. These form the largest component of carriageway asset in the county and are an important link in the connectivity of the network. A number of these roads are only maintained to a very basic standard and only accessible by walkers, cyclists and horse riders.

Cycleways 2 miles (3.3kms) – These often run alongside carriageways but also have defined routes through and linking settlements within the county. A number of schemes have been set up in order to protect and enhance a high quality network. Cycle paths have been integrated further with footpaths as shared routes for public use and are increasingly used as a means for commuting to work.

Countryside sites – The key countryside sites in the county, owned and managed by Herefordshire Council, include, 19 registered parks and gardens,

6 countryside sites and 11 picnic sites. There are also 54 nature reserves covering a total area of 290 hectares run and managed by Herefordshire Nature Trust.

Conservation areas - There are some 64 conservation areas, 262 Scheduled Ancient Monuments and also around 6000 listed buildings - grades I, II and III, which are managed through the County Archaeological Service. Herefordshire Archaeology exists to protect, to explore, to record, to promote and to celebrate the extensive historic sites and landscapes of 'England's most rural county'.

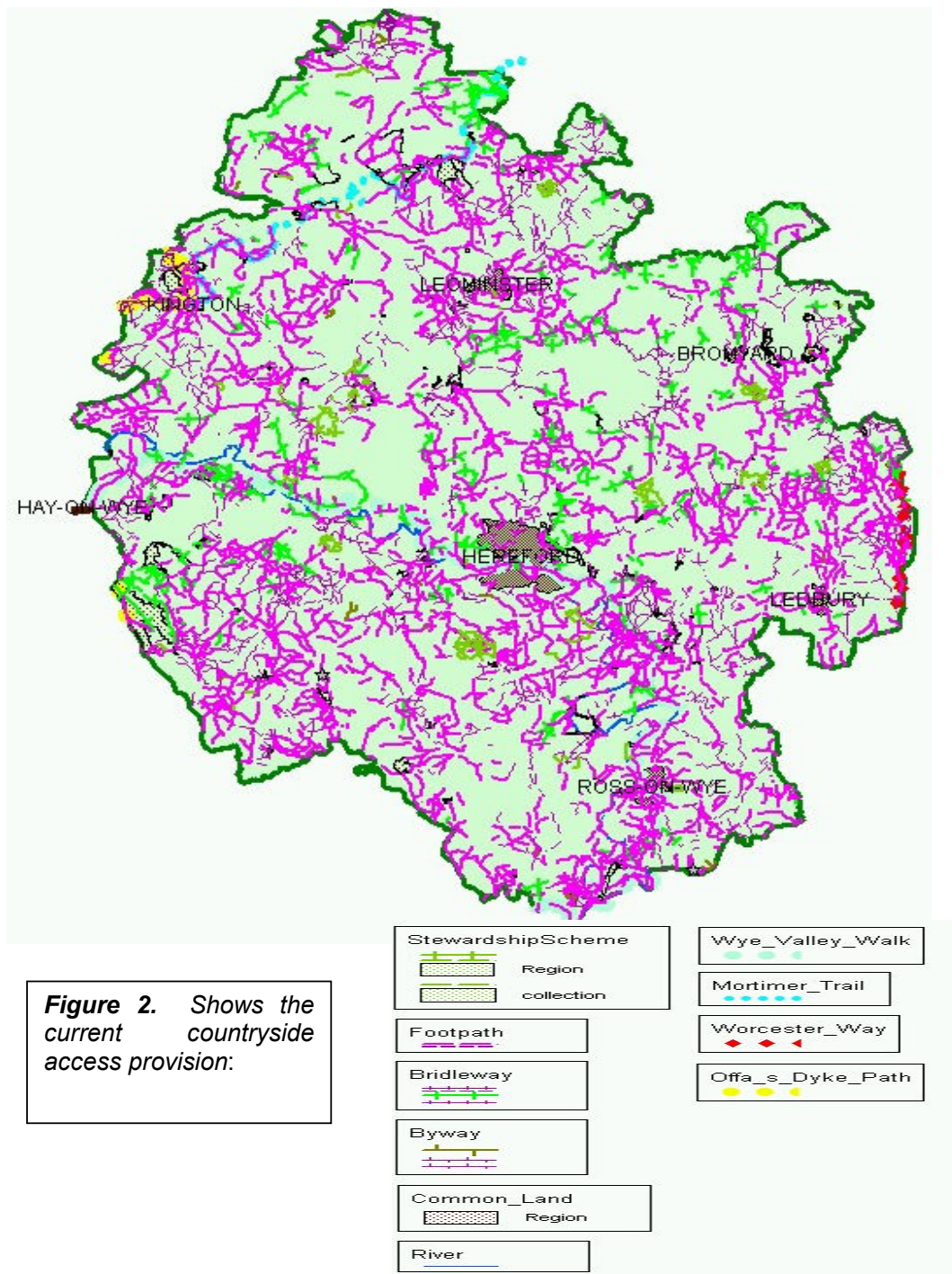


Figure 2. Shows the current countryside access provision:

Current countryside access provision – key points

- 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 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.
- There is only one Country Park.
- There are large areas of the county with limited forms of access provision for all users.
- There are a number of areas where permissive access is granted through farming schemes.

4.3 Connectedness of the Network

Herefordshire has a very fragmented rights of way network and this is particularly so of bridleways. The map in figure 3 shows the rights of way network that is available to horse riders and cyclists. When a comparison of the density of public rights of way in the county is made with neighbouring authorities such as Worcestershire, Shropshire and Gloucestershire, it is clear why there is a problem with the connectivity of the network. The result of this is that users, especially equestrians and cyclists need to use the county road network to make many of their journeys.

Table 1 Shows network available in miles:

| | Herefordshire | Worcestershire | Shropshire | Gloucestershire |
|----------------------------------|----------------------|-----------------------|-------------------|------------------------|
| Footpaths | 1840 | 2437 | 2675 | 2819 |
| Bridleways | 250 | 437 | 607 | 435 |
| Byways / Restricted Byways | 13 | 2.5 | 123 | 162 |
| Total | 2103 | 2876 | 3405 | 3416 |
| Size of County in Hectares | 217,300 | 173,500 | 319,730 | 265,479 |

Even when the quiet lane network is added there are still some parts of the county that are inaccessible to the public using any forms of transport.

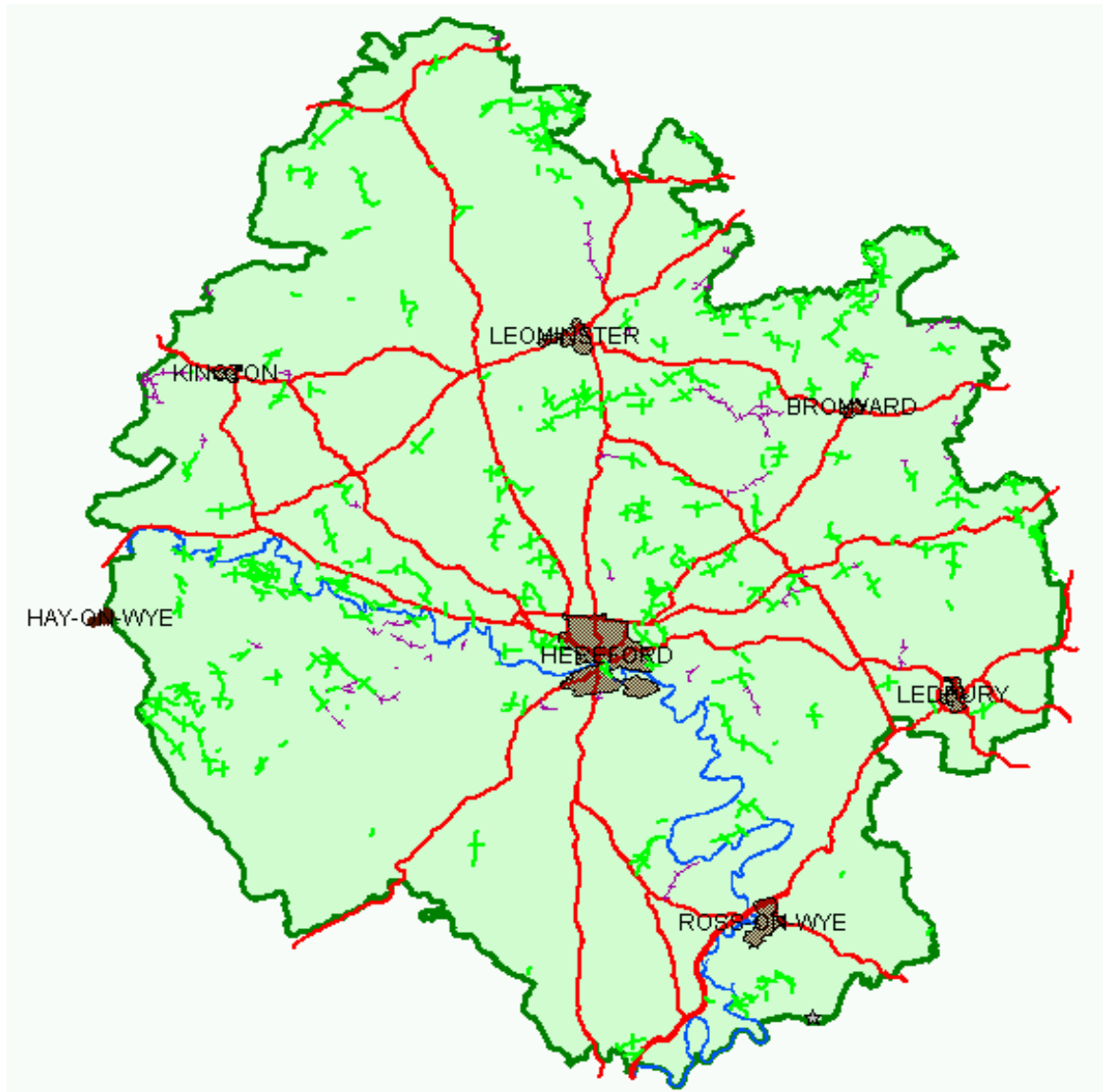


Figure 3: Shows the bridleway network for equestrians and cyclists

4.4 Definitive Map and Statement

The legal record of public rights of way is the definitive map and statement, prepared and maintained under the provisions of the National Parks and Access to the Countryside Act 1949, the Countryside Act 1968, the Wildlife and Countryside Act 1981, and now the Countryside and Rights of Way (CROW) Act 2000. The definitive map and statement provide conclusive evidence of the existence of rights of way, and are referred to whenever questions or disputes arise concerning rights of way. As they are used by the Ordnance Survey as its source of information for publicising rights of way on its Landranger and Explorer maps, it is important that this record is kept as accurate and up to date as possible.

The definitive map and statement can only be updated by making Modification Orders, which legally alter the documents to show changes to the rights of way network which have already taken place. These modifications come in two forms:

- Legal Event Modification Order (LEMO) – If a right of way is diverted, extinguished or created by means of a legal order (e.g. a diversion order under the Highways Act 1980), a legal event modification order needs to be made to officially change the definitive map and statement. This process is carried out after the change takes place on the ground and the order is certified. LEMO's can either be made individually at the time an order is made or wholesale by grouping a number of changes together and producing one LEMO.
- Evidential Modification Order (EMO) – If, through user or documentary evidence, it can be shown that changes need to be made to the definitive map and statement, an EMO can be made. These changes may involve a change of status, creation or deletion of a right of way. As EMO's are legal events in themselves, no further processes are required to update the definitive map and statement. The Countryside & Rights of Way Act 2000 set a deadline of the year 2026 to register claims for claimed rights of way not currently on the definitive map, based on historical evidence.

The Herefordshire definitive map and statement was originally compiled in the 1950s, with the latest version being published by Herefordshire and Worcester County Council in 1989. Since 1989, there have been no LEMO's made, therefore the map and statement are very out of date. There is also a large backlog of EMO's to be considered and made. The Herefordshire section of the 1989 map and statement is in the process of being digitised (computerised), and currently exists as a non-legal, working map and statement to assist the management of the network.

The existence of an accurate legal record of public rights of way underpins the public's use of the network. Achievement of the overall aims for the Rights of Way Service depends on the public being certain about where paths exist and the ability of the Council to assert the rights of the public to use those paths. Removal of the backlog of work needed to ensure that the map and statement are accurate is therefore fundamental to the effective provision of the Public Rights of Way service.

The council have adopted a new approach to prioritising applications for Definitive Map Modification applications in order to add benefit to the network and maximise usage of current resources (see appendix 7b). Table 2 below summarises the current backlog in terms of priority.

Table 2:

| High | Medium | Low |
|-------------|---------------|------------|
| 57 | 18 | 25 |

Definitive map and Statement – Key points

- There is currently a backlog of 110 definitive map modification order applications waiting to be completed
- There are approximately 300 known anomalies on the Definitive map that need to be looked into.

4.5 Network Condition

The government's current measure of the condition of the rights of way network is through Best Value Performance Indicator (BVPI) 178. This makes an assessment of the percentage of the network that is "easy to use" by members of the public. Table 3 below shows the percentage of rights of way accessible to the public in Herefordshire has gradually increased year to year but is still low. The gradual increase is an indication of the improvements being implemented to enhance public access. – NS asks can change comment – should include 2006/07 and 07/08.

Table 3: Shows BVPI results achieved in Herefordshire:

| BVPI 178 score | 02-03 | 03-04 | 04-05 | 05-06 | 06-07 | 07-08 |
|------------------------|--------------|--------------|--------------|--------------|--------------|--------------|
| Herefordshire | 41% | 43.5% | 45% | 52.1% | 48% | 39% |
| Shropshire | 36% | 41% | 48% | 62.6% | 73% | 74% |
| Worcestershire | 58.5% | 54% | 56.5% | 63% | 67.3% | 72% |
| Gloucestershire | 67.8% | 61.7% | 51.7% | 75.3% | 71% | 70% |

Following a review of national targets and indicators, BVPI 178 will cease to be an indicator from April 2008. Herefordshire Council, in conjunction with the Local Access Forum, will be looking at alternative ways of measuring performance and user satisfaction along public rights of way. The indicators are unlikely to be comparable with other local authorities.

4.6 Publicity and Promotion

The realisation of the potential of the rights of way network as a key resource in the rural economy, and in improving the quality of life for all residents, depends on effective provision of information. Sustained use of the rights of way network will only take place if people have confidence that they know where they can go, and what to expect when they get there. The provision of information about the opportunities available is therefore crucial to maximising the investment in the network.

Promotional material also increases the enjoyment of the use of rights of way by helping people to understand the natural and historic environment, and helps to ensure that they are aware of the need to protect this environment.

Information is also necessary so that both users of the network and landowners are aware of their rights and responsibilities, so that conflict can be minimised and the council's resources used more effectively.

Promotion of the rights of way network is also important to raise the profile of the Rights of Way Service, in the council itself and among the public.

Website

The target markets for tourism in Herefordshire, identified in the Tourism Strategy, include people who are very likely to use the internet and are looking for short breaks incorporating countryside access. Information

concerning the full range of opportunities for all types of users can be included on the web site, as well as general information about rights of way and open access in the county. Links to county tourism web sites, including accommodation, transport, health and community sites, as well as to more general countryside access information sites, should be created.

Herefordshire Walking Festival

The report on the first Festival of Walking held in 2002 concluded that it was a great success, and that there was clear interest and benefit in establishing the festival as a regular and high profile event. The report suggested that the festival should be the pinnacle of a portfolio of walking promotions. One of the action points in the Tourism Strategy for Herefordshire is that the festival should be held as an annual event. The walking festival also encourages the use of public transport to access walks and a number of walks are only accessible via public transport.

4.7 Maintenance

Section 36 of the Highways Act 1980 charges Herefordshire Council, as the Highway Authority for the county, to maintain all Public Highways which includes rights of way. Section 130 of the act provides for a further duty to assert and protect the rights of the public to the use and enjoyment of any highway.

The responsibility of maintaining the network falls to both landowners and Herefordshire Council. Landowners are responsible for maintaining stiles, gates and other structures used to enable access through hedges and fences. Landowners are also responsible for ensuring rights of way do not become blocked by obstacles such as crops, trees, and overgrowth. The council is responsible for maintaining signposts, waymarking, watercourse crossings, steps and surface vegetation. They are also responsible for ensuring landowners meet their legal obligations.

The Rights of Way Maintenance team receives reports of problems on the network and investigates them. At the same time they also identify potential access improvements such as replacing stiles with gates or improving the surface. Once work has been identified either the landowner will be requested to carry out the work or the work will be carried out by contractors working with the council depending on the nature of the problem.

Over the past few years as access along the network has improved, the nature of defects has moved from reports of missing stiles, gates, bridges etc. to routine maintenance of existing structures, waymarking and improvements. The chart below sets out the main types of defects received by the service and the proportion in relation to all the defects.

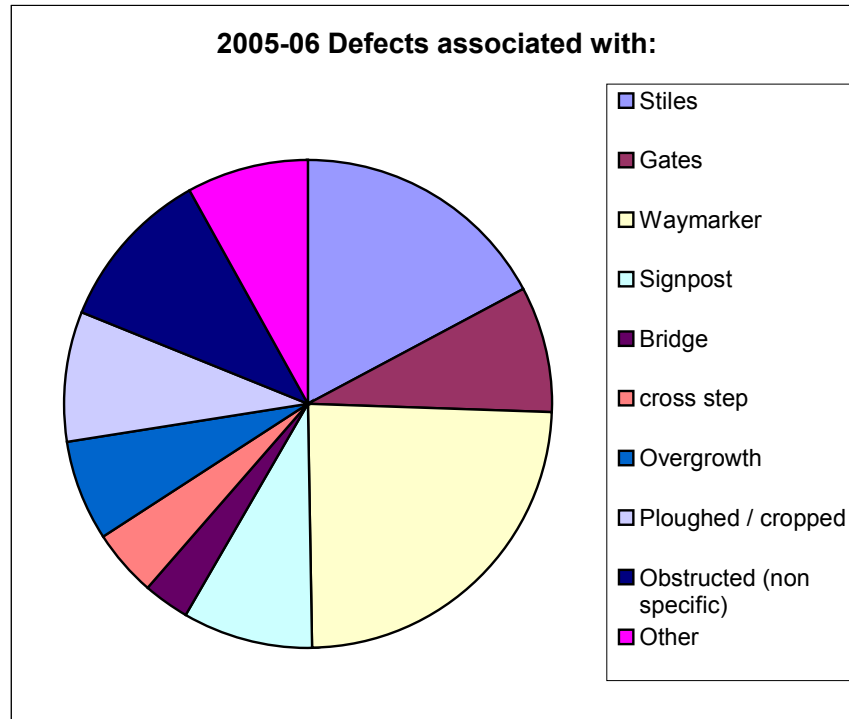


Figure 4: Chart showing reported defect breakdown in 2005 - 06

Legislation such as the Disability Discrimination Act 1995 and Countryside and Rights of Way Act 2000 has seen a move towards making the rights of way network more accessible to a wider section of the community. This includes replacing stiles with gates, making promotional material more accessible to those with a visual impairment and bringing furniture up to the British Standard.

As demand on the rights of way network increases so the expectation for a well maintained network rises. However resources are not limitless and there is a need to have a well structured approach to maintenance. The attached maintenance plan (appendix 7d) sets out the Council's approach to maintaining the network using a prioritisation system which involves those paths with the most recreation or a utilitarian value at the top.

Parish Paths Partnership Scheme (P3) – Community Support

The Council runs a very successful Parish Paths Partnership (P3) Scheme, which involves Parish Councils agreeing to take over the maintenance of some or all of the public rights of way within the parish in return for a grant from Herefordshire Council. There are currently 54 parishes which work with Council officers to carry out practical works on rights of way and also to promote their own recreational routes. A Parish Paths Officer (PPO) scheme is also operated by the council, under which a parish or a group within the parish appoints a person to look after the rights of way in the area, including carrying out light clearance work and waymarking, and liaising with the Council's Area Wardens on more difficult issues. There are currently 140 PPOs covering a total of 193 parishes, which amounts to about 80% of the county. Training events for parishes in the P3 scheme and PPOs are also

run. These schemes bring not only benefits to the rights of way network but also help to foster community involvement.

4.7.1 Historical preservation

A number of rights of way have very early, possibly prehistoric, origins. In such cases, archaeological survey and potentially excavation may be a requirement. It may in certain cases be necessary to use a protective geotextile matting prior to laying any new surfacing materials. There may also be a need to consider minor path diversions in order to avoid conflicts between access and archaeology, and opportunities to undertake scrub clearance work to enhance the quality and visibility to the public of features of interest.

These considerations will also apply where new paths are proposed for creation, where in addition to protecting any archaeological features there may also be opportunities to provide more access to sites of importance and interest, together with on site information panels.

The Rights of Way Section will liaise with the County Archaeologist on these matters

4.7.2 Conservation and Protected Sites

The Council will seek to increase awareness of its staff, contractors, the public and land managers of the biodiversity impacts of managing the network. Consideration must be given to the protection of designated wildlife sites where the network runs through, alongside or adjacent to these sites. For example the Council must let Natural England know before carrying out any operations which are likely to damage any of the features of interest of any SSSI. This requirement applies to operations within an SSSI, and to operations outside the SSSI which may affect features of interest. The locations of designated sites are recorded in map form on the Council's GIS system. Environmental constraints also appear on the Proposals Map of the Unitary Development Plan 1996-2011.

Works to hedges, trees and scrub should be undertaken so as to avoid the bird nesting season (1st March to 31st July. However some birds may continue breeding into August). All wild birds, their young, eggs and active nests are legally protected.

The network and maintenance and control of natural vegetation such as grassland, hedges, scrub, trees and features aside watercourses will be managed in a way that seeks to avoid damage and maintain and enhance biodiversity.

New structures such as bridges, gates etc will be sited in a sensitive way and wherever possible respecting the natural and historic environment and use of local materials.

An environmental impact assessment should be carried out before any new path or way is created, particularly if it is planned to surface that path.

4.8 Changes to the network

Public rights of way evolved principally as convenient means of access to work, church and neighbouring communities. The network was first legally defined as a consequence of legislation passed in 1949. It is inevitable that since that time many parts of the network have become unsuitable for their modern usage, and for the use of the land across which the paths run. It is reasonable that the routes of paths can be changed to better suit the current needs of the public and of land management.

The Council has statutory powers under the Highways Act 1980 to divert, stop up and create public rights of way by means of the making of public path orders and agreements. Strict legal criteria apply to the making and confirming of diversion and stopping up orders; they do not have to be in the interest of the public, but the public must not be seriously disadvantaged by the orders. The CROW Act 2000 may introduce a new right for owners and occupiers of agricultural land to apply to the council for diversion and stopping up orders to be made. A new right of appeal will also be available if the council has not decided the application within four months of receipt. There will also be a new right, in some circumstances, for the applicant to appeal to the Secretary of State if the Council declines to make an order.

The Council also has powers to initiate orders itself, if it believes that they would benefit the public. Powers are also available under the Town and Country Planning Act 1990 to stop up or divert public paths in order to allow permitted development to take place.

The changes in the law will mean that the Council will need to devote more resources to this order-making function. The Council has established priorities for making these orders, based on the overall aims for the Rights of Way Service. The Council is able to recover the costs of making stopping up and diversion orders from the applicant, but not the costs of holding a public inquiry if one is necessary. Currently the number of Highways Act applications waiting to be determined is 71. The aim is to determine 16 proposals for both Highways Act and Town and Country Planning Act applications per year.

4.9 Views of Parish Councils

Every parish council in Herefordshire was sent a questionnaire accompanied by the Definitive Map of the parish and a general location map for orientation purposes. Parishes were invited to consult widely and involve a Parish Paths Officer if the parish had one. The questionnaire asked what involvement the parish council has in rights of way and for any improvements or additions to the rights of way network in their parish. This involved marking particular areas on the Definitive Map and sending this back with the questionnaire. The response rate was 68% which is good considering the complexity of the questionnaire with the map.

The questionnaires asked how the respondents rated the current public rights of way network in terms of:

1. routes from centres of population which allows easy access to the countryside
2. routes used in conjunction with public transport which allows easy access to the countryside
3. routes to enable people to avoid busy roads or developments
4. access to and within areas of countryside or access to a particular feature, attraction etc
5. links which create circular routes
6. convenient and safe crossings over roads, rivers, railways and canals
7. access to common land and open access land
8. routes accessible for blind or partially sighted people
9. routes accessible for less mobile (e.g. with wheelchairs or pushchairs) or less agile people
10. attractive routes which support local tourism
11. routes for local journeys such as walking to the shops, work, doctors and other local amenities

The results are set out in the following charts:

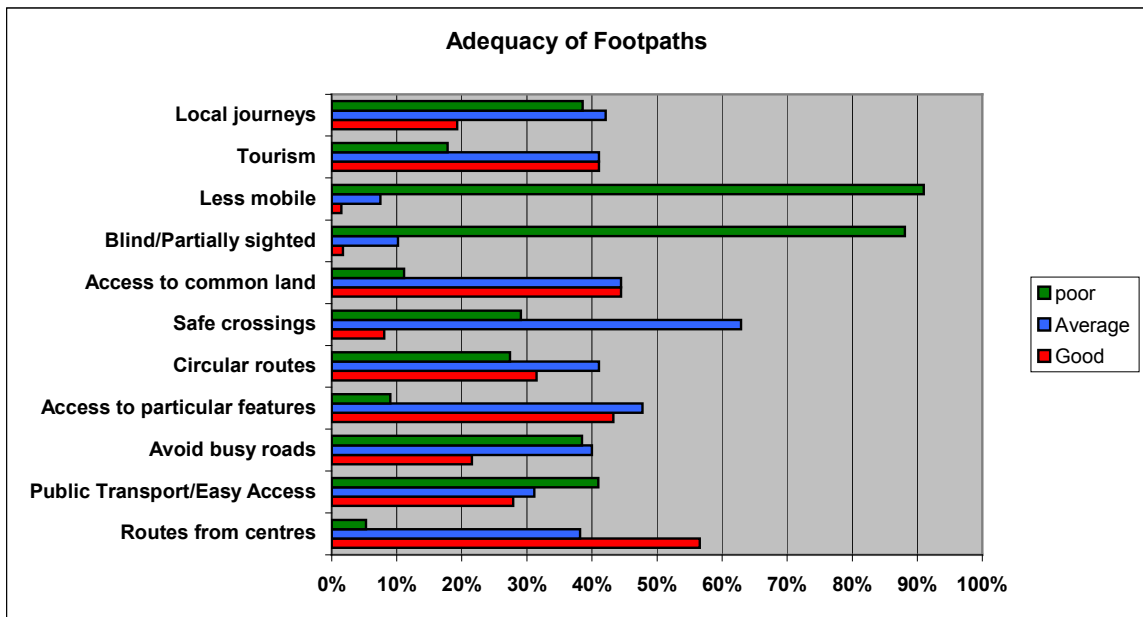


Figure 5

57% of parishes rated the provision of footpaths for access to population centres as 'good'. Access to common land was rated mostly 'good' or 'average'. The provision of footpaths in relation to access by blind/partially sighted and also less mobile people was rated as poor by about 90% of all respondent parishes.

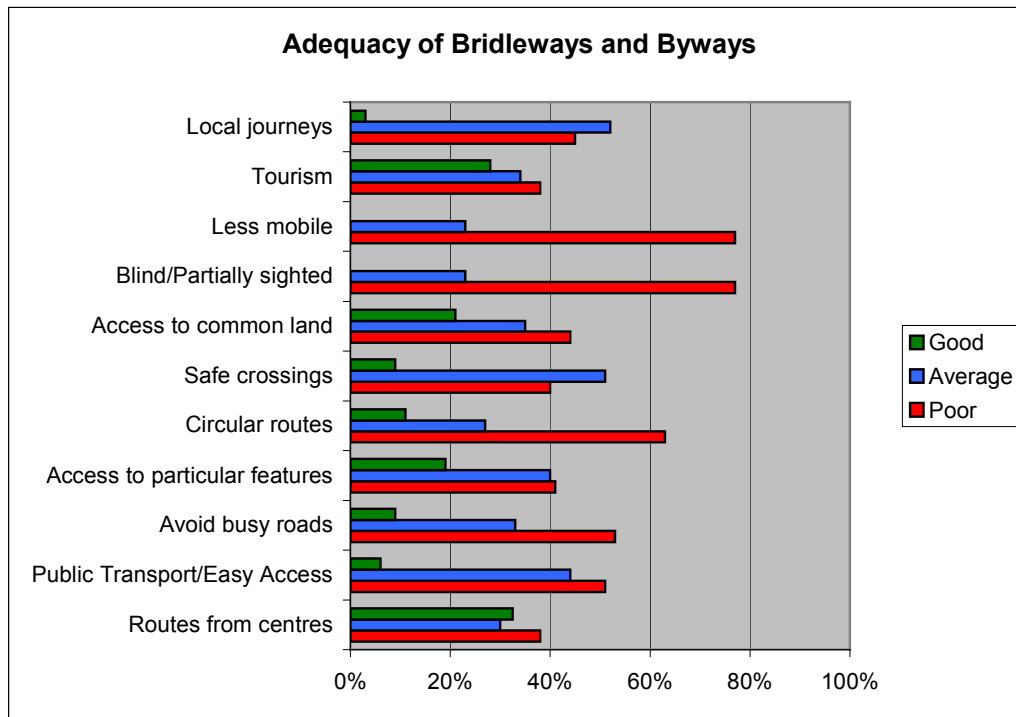


Figure 6

The provision of bridleways had lower ratings overall than footpaths (higher proportion rating each criteria as 'poor' provision), particularly in relation to circular routes, access by blind/partially sighted and also less mobile people and local journeys e.g. to the local shop, doctor or work. 75% of respondent parishes rated the provision of bridleways for circular routes as 'poor'. The provision of BOATs (bridleways open to all traffic) had higher proportions of 'average' ratings than footpaths and bridleways across most criteria. 70% of respondent parishes rated the provision of BOATs for local journeys as 'average' with the same rating given by 64% of parishes for safe crossings (e.g. over rivers).

4.10 Health and Exercise

There is increased recognition that exercise can have long term benefits on health. This is particularly pertinent to Herefordshire which has a well documented aging population. A number of schemes have been established by Herefordshire Council which involves the use of the rights of way network:

Walking the Way to Health Initiative

'Footprints in South Wye' is part of the Natural England's national initiative of "Walking the Way to Health". The scheme encourages people to walk more often and offers led walks, calorie counted walks, and training for community members to become volunteer walk leaders.

South Wye Fitness project

This aims to increase physical activity for old and young people in local communities. The project promotes wider activity such as sessions in schools and work in communities.

Green Exercise

This is a scheme to encourage any physical activity out of doors. This can be walking, cycling, play activities, and many other forms of outdoor recreation. Green exercise combines being active in the outdoors, contact with nature, and meeting new people. It has wider benefits of improving both physical and mental health. It can help encourage the promotion of walking, and cycling, and therefore a more regular use of the rights of way network.

GP referrals

Projects that use recreation and exercise as a means to benefit health are being encouraged through doctor's surgeries and referral methods as preventative methods for certain illnesses and conditions. This can lead to more healthy lifestyles and therefore an increase in the use of local rights of way by these individuals and groups recognising the benefits of outdoor exercise.

4.11 Encouraging use of the network

Putting the network in place and maintaining it is of little use if the paths are not used. There are various reasons why people do not use the network such as concerns about getting lost, unsure of their rights and availability of support services such as car parks. Therefore there are a number of ways the council currently encourages people to use the network as well as a number of actions set out in the action plan to promote more use.

- *Walking Festival*

The Herefordshire Walking Festival provides an opportunity for people to visit and walk in the county. The summer festival is a large scale event offering a range of led walks, which may incorporate long distance routes, shorter routes, and themed routes throughout the county. Feedback from participants indicates that walking tourism has increased in popularity in the county and therefore has an effect on the numbers using the local paths.

- *Signage and Waymarking*

Signage and waymarking are important methods of promoting usage of the network. They indicate where a route starts and finishes and provide confidence along the way. The roadside signs also provide a constant reminder of the existence of public rights of way

The promoted routes throughout the county are all distinctively waymarked to identify them amongst the surrounding paths and to promote the route itself. However the most commonly reported problem on the network is the condition of the waymarking. A common request following the questionnaires was the increased used of information on signage such as distances and locations.

- *Interpretation boards*

Interpretation boards with maps of local rights of way are located in a number of local communities throughout the county. They are extremely useful to people visiting or staying in the area especially when they are combined with local information. A number of Information boards have been installed on the largest area of open access land in the county, the Black Mountains.

- *Increased access and Car parking*

One of the most widely used method of accessing the current network is by car. However as much of this access is limited due to lack of car parking on site, there is an increasing need for this issue to be addressed as part of a long term plan to encourage both local people and those visiting Herefordshire onto the network. An alternative approach is to identify highway verges which could be developed into informal parking areas if a maintenance regime were to be put in place

- *Access to sites of specific interest*

Findings through consultation indicate an interest in gaining access to various key sites in the county. This includes improved provision to access land and commons, increased and extended access to the River Wye (especially with its Area of Outstanding Natural Beauty status) and the River Lugg, better access to local villages/ amenities, and other historic, interest sites.

5. CONCLUSIONS

The basis of the Rights of Way Improvement Plan is firstly the improvements identified following the consultations with Parish Council's, users, landowners and the members of the public and secondly the assessment of the current network. 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 practises
- Emphasise the need for good control of dogs
- The importance of good stock control
- Work closely with users to improve access were appropriate
- Have more information about walks available in the county
- See an improvement in the maintenance of public rights of way

The assessment of the network was again informed by the consultation but also by a frank appraisal of the current provision using performance figures and considering the usability and connectivity of the network as a whole. The finding were:-

- 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.
- There is only one 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.

6.0 STATEMENT OF ACTION

The Statement of Action is made up of two parts. The first part is comprised of a number of key policy documents, which have been put in place as a result of a Best Value Review of the service in 2002. The individual documents are set out as a series of appendices but have also been summarised below, both in terms of their content and their contribution to the ROWIP. All of the documents were prepared with the Rights of Way Improvement Plan in mind.

The second part is the action plan which sets out a number of identified improvements both at a local and wider level. These range from replacing a stile with a gate to facilitate access improvements, to the carrying out of a complete condition survey of the whole network. Target dates over the next five years and estimated costs have been included as have a number of completed aims that have been achieved whilst the plan has been written.

The demand assessment highlighted a number of areas where improvements both at a local level and at a wider strategic level could be made. The assessment of the network and current provision has allowed those improvements to be put into the context of what is currently in place. The improvements come under four headings which are set out in the plan. These are:

- 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

6.1 Key Policy documents

The key policies and the links to the ROWIP and Access improvements are listed in table 4 below.

Table 4: Key Policies, main aspects, and contribution to ROWIP

| POLICY | KEY ASPECT | CONTRIBUTION TO ROWIP |
|---|---|---|
| <p><u>Public Path Order Statement of Priorities, Policy and Procedures</u></p> <p><i>Appendix 7a</i></p> | <ul style="list-style-type: none"> • Pre-order consultation by applicants • Fast Track Approach | <ul style="list-style-type: none"> • Prioritise those diversions in public interest • Condition that gates are installed. |
| <p><u>Definitive Map Modification Orders Protocol</u></p> <p><i>Appendix 7b</i></p> | <ul style="list-style-type: none"> • Claims prioritised based on evidence and public interest • Preparation for the closure of definitive map in 2026 | <ul style="list-style-type: none"> • Prioritise ROWIP projects • Based on usefulness to network • Long term security • Complete missing links • Clear up anomalies |
| <p><u>Enforcement Policies and Procedures</u></p> <p><i>Appendix 7c</i></p> | <ul style="list-style-type: none"> • Protect the public's right to use and enjoy the public rights of way network • Provide clear, concise guidance to land managers | <ul style="list-style-type: none"> • Ensuring public access remains open and safe to users |
| <p><u>Maintenance Strategy</u></p> <p><i>Appendix 7d</i></p> | <ul style="list-style-type: none"> • Prioritise network maintenance on routes with greater use. • Prioritise maintenance on routes benefiting all types of access user • Problems more efficiently resolved including obstructed paths and those causing inconvenience | <ul style="list-style-type: none"> • High use trails and routes remain problem free and easy to use • Improvements seen on the ground early • Reduction in barriers including stiles • Improved public access |

Refer to – Public Rights of Way policy documents for more detail – *appendix 7a-7d*

**RIGHTS OF WAY IMPROVEMENT PLAN
ACTION PLAN.**

Key

£ = within current financial resources

££ = up to £5,000 above current resources

£££ = £5000 - £25,000 above current resources

££££ = £25,000 + above current resources

:= within current staff levels

:+ = up to one extra full time person required

☺ Quick wins

“ENSURE THE DEFINITIVE MAP AND STATEMENT ARE AN ACCURATE RECORD OF ALL PUBLIC RIGHTS OF WAY”

| Reference | Action | Year | | | | | Measure | Resources Budget /Staff | Priority High / Medium/ Low | Key links |
|------------|--|------|------|------|------|-----------------------|--|-------------------------------|--------------------------------------|-----------|
| | | 2007 | 2008 | 2009 | 2010 | 2011 and beyond | | | | |
| DM1 | Implement the statement of priorities for dealing with Definitive Map Modifications applications and anomalies | ☺ ✓ | ✓ | ✓ | ✓ | ✓ | Increased throughput of applications Reduction in backlog | £ :+ | High | • KA1 |
| DM2 | Produce a digitised definitive map and statement | | ✓ | | | | Digitised map completed | £ : | High | • KA1 |

| | | | | | | | | | | |
|------------|--|-----|---|---|---|---|--|------------|------|-------|
| DM3 | Publish a revised definitive map and statement | | ✓ | | | | Definitive map available to public | £ : | High | • KA1 |
| DM4 | Publish the digitised definitive map on the Council's web site | | ✓ | | | | Definitive map on web site | ££pa : | High | • KA1 |
| DM5 | Implement public path order policy and procedures | ☺ ✓ | ✓ | ✓ | ✓ | ✓ | Reduction in backlog of applications | ££pa :+ | High | • KA1 |
| DM6 | Identify and process multi user claims as a public interest priority | | | ✓ | ✓ | ✓ | Unrestricted byways and bridleways added to the network. Safer network for horse riders and cyclists | ££pa :+ | High | • KA1 |

“MAINTAIN THE PUBLIC RIGHTS OF WAY NETWORK SO IT IS EASY TO USE AND CLEAR OF OBSTRUCTIONS”

| Reference | Action | Year | | | | | Measure | Resources | | Key Links |
|------------|--|------|------|------|------|------|--|---------------------------|-------|----------------|
| | | 2007 | 2008 | 2009 | 2010 | 2011 | | Budget | Staff | |
| MN1 | Implement the approved maintenance policy | ☺ ✓ | ✓ | ✓ | ✓ | ✓ | Current resources used more efficiently. Higher standard of maintenance on priority routes | £ : | High | • KA 1,2,3,4,5 |
| MN2 | Ensure all paths are appropriately waymarked | ✓ | ✓ | ✓ | ✓ | ✓ | Reduction in number of reported waymarking defects. Improved performance and outputs | ££ pa :+ volunteers | High | • KA 2,3,5 |

| | | | | | | | | | | |
|-------------|--|----|---|---|---|---|--|------------------------------------|--------|--|
| MN3 | Install distance and location signs at identified locations | | ✓ | ✓ | ✓ | ✓ | Signs Installed | ££ pa : | Low | • KA 1,2,3,4,5 |
| MN4 | Work with land managers to reduce the number of obstructions in accordance with the enforcement policy | ✓ | ✓ | ✓ | ✓ | ✓ | Reduction in number of reported obstructions | £ : | High | • KA 2,3,4 |
| MN5 | Provide clear advice to landowners of their responsibilities | ☺✓ | | | | | Greater awareness by landowners of their responsibilities | £ : | High | • KA 5 |
| MN6 | Investigate more effective methods and alternative sources of funding | ✓ | ✓ | ✓ | ✓ | ✓ | Alternative funding streams secured | ££ for match funding :+ | High | • KA 2,5 |
| MN7 | Develop and expand the Parish Paths Partnership Scheme | | ✓ | ✓ | ✓ | ✓ | Increased number of participating parishes | ££pa | Low | • KA 1,2,3,4,5 |
| MN8 | Work with voluntary organisations as an alternative method of maintenance | ☺✓ | ✓ | ✓ | ✓ | ✓ | Number of voluntary organisations involved with countryside access increased | ££ for training and expenses :+ | Medium | • KA 3,5 |
| MN9 | Work with partners to develop and improve strategically important routes | ✓ | ✓ | ✓ | ✓ | ✓ | Improved visitor enjoyment on key routes such as Wye Valley Walk | £ : | Low | • KA 1,2,5 • Wye Valley AONB Mgt Plan |
| MN10 | Work with Highways team to Develop unclassified county roads into walking and riding links and | | ✓ | ✓ | ✓ | ✓ | Routes cleared and used | £££ : | Medium | • KA 1,3 • LTP2 |

| | | | | | | | | | | |
|-------------|---|---|---|---|---|---|--|-------------|--------|---------------------------|
| | make information widely available | | | | | | | | | |
| MN11 | Work with planning service to make sure rights of way are not obstructed as part of permitted development | ✓ | ✓ | ✓ | ✓ | ✓ | Number of reported problems reduced | £ : | High | • KA 1,4,5 |
| MN12 | To maintain and where possible expand annual vegetation clearance programme | | ✓ | ✓ | | | Reduction in number of reported defects involving overgrown vegetation | ££ : | Medium | • KA 1,4 |
| MN13 | Carry out prioritised surface improvements where a need has been identified. | ✓ | ✓ | ✓ | ✓ | ✓ | Surfacing improved at identified locations | £££ pa : | Low | • KA 1, 2,3,4,5 • LTP2 |
| MN14 | Carry out maintenance to major bridges and repair / replace as necessary | ✓ | ✓ | ✓ | ✓ | ✓ | 2008 Oldcastle bridge | ££££ : | Medium | • KA 1,2,4 |

“SEEK TO IMPROVE ACCESS TO THE NETWORK WHEREVER POSSIBLE”

| Reference | Action | 2007 | 2008 | Year | 2009 | 2010 | 2011 | Measure | Resources | | Key Links |
|------------|--|------|------|------|------|------|------|-----------------------------------|---------------|------|----------------|
| | | 2007 | 2008 | Year | 2009 | 2010 | 2011 | | Budget /Staff | | |
| IA1 | Implement network improvements on a prioritised basis as | ☺✓ | ✓ | | ✓ | ✓ | ✓ | Individual improvements completed | £££pa :+ | High | • KA 1,2,3,4,5 |

| | | | | | | | | | | |
|------------|--|----|---|---|---|---|---|------------|--------|-----------------------|
| | put forward by Parish Councils | | | | | | | | | |
| IA2 | Investigate feasibility of access for all routes in market towns. Make improvements identified | ✓ | | ✓ | | | Kington and Ross on Wye feasibility studies carried out. Improvements put in place | £££ :+ | Medium | • KA 1,2,3,4,5 |
| IA3 | Investigate feasibility of accessible routes outside urban areas. Improve access as identified | ☺ | ✓ | | ✓ | | Feasibility studies carried out and improvements implemented | ££££ :+ | Low | • KA 1,2,3,4,5 |
| IA4 | Identify and develop old railway lines into car free links between communities | | ✓ | ✓ | | | Possible links identified and developed | ££££ :+ | High | • KA 2,3,4,5 |
| IA5 | Remove stiles and upgrade gates where appropriate and whenever the opportunity arises | ☺✓ | ✓ | ✓ | ✓ | ✓ | Reduction in number of stiles. Network made more accessible | £££pa : | High | • KA 1,2,4 |
| IA6 | Continue to work with DEFRA to encourage Higher Level permissive access scheme | ✓ | ✓ | ✓ | ✓ | ✓ | Scheme continues to develop Increased permissive access through Higher Level Scheme | £ : | Low | • KA 2,4,5 • DEFRA |
| IA7 | Work with Planning Services and developers to identify | ☺✓ | ✓ | ✓ | ✓ | ✓ | Guidance notes produced | £ : | High | • KA 1, 2,5 |

| | | | | | | | | | | |
|-------------|--|---|---|---|---|---|--|----------------------|--------|---|
| | section 106 agreements and other ways of improving the network | | | | | | Increased number of section 106 agreements put in place Green Infrastructure Planning | | | |
| IA8 | Identify and develop road free routes for equestrians and cyclists | | | ✓ | ✓ | | Routes identified | ££££pa : | High | <ul style="list-style-type: none"> • KA 3,5 • LTP • Cycling strategy |
| IA9 | Identify new links to woodlands, sites of historic interest, viewpoints and other areas. | | | ✓ | ✓ | ✓ | Routes identified | ££pa : | Low | <ul style="list-style-type: none"> • KA 2,4,5 |
| IA10 | Work with landowners to dedicate new paths or set up long term permissive access as identified through parish councils | ✓ | ✓ | ✓ | ✓ | ✓ | Increased number of dedications | ££pa :+ | Low | <ul style="list-style-type: none"> • KA 2,4,5 |
| IA11 | Work with the Transportation Service to develop shared access links, car free routes and safer routes to school | ✓ | ✓ | ✓ | ✓ | ✓ | As set out in Local Transport Plan | ££££ : | Low | <ul style="list-style-type: none"> • KA 1,3,4,5 • LTP • Safe routes to school • AONB T1 |
| IA12 | Carry out condition survey of all public | | | ✓ | | | Survey completed | £££ :+ volunteers | Medium | <ul style="list-style-type: none"> • KA 4, 5 |

| | | | | | | | | | | |
|--------------|---|--|---|---|---|---|--|-----------|-----|------------|
| | rights of way | | | | | | | | | |
| IA13 | Work with land managers, commons committees and other bodies to improve access land and commons for informal recreation | | | ✓ | ✓ | ✓ | Access to and around common and access land improved | £££ :+ | Low | • KA 2,4,5 |
| IA 14 | Seek to upgrade footpaths where appropriate to multi use paths whenever the opportunity arises | | ✓ | ✓ | ✓ | ✓ | Upgraded paths open | £££ : | Low | • KA 1,3,4 |

“ENCOURAGE THE RESPONSIBLE USE OF THE RIGHTS OF WAY NETWORK THROUGH PROACTIVE PROMOTION”

| Reference | Action | Year | | | | | Measure | Resources | | Key Links |
|------------|---|------|------|------|------|------|--|-----------|--------|-----------------------------|
| | | 2007 | 2008 | 2009 | 2010 | 2011 | | Budget | Staff | |
| NP1 | Produce database of promoted routes including permissive path schemes. Make available in a variety of formats | | ✓ | ✓ | | | Database completed and put on website. Record number of hits | £££ :+ | High | • KA 1,5 |
| NP2 | Update and maintain current website. | | | | ✓ | | Website updated | ££ :+ | High | • KA 1,5 |
| NP3 | Ensure all guidance issued to land managers is clear and concise | ✓ | ✓ | ✓ | ✓ | ✓ | Guidance notes completed and circulated to landowners | Completed | Medium | • KA 1,5 |
| NP4 | Continue to run and promote summer | ☺✓ | ✓ | ✓ | ✓ | ✓ | Festival run | ££ :+ | High | • KA 1,2,3,4,5 • Tourism |

| | | | | | | | | | | |
|-------------|---|----|---|---|---|---|--|------------|--------|---|
| | Walking Festival | | | | | | | volunteers | | strategy - obj 2.1 |
| NP5 | Work with parishes to install path notice boards | | ✓ | ✓ | ✓ | | Increased number of notice boards erected | £££pa : | Low | • KA 2,5 |
| NP6 | Take every opportunity to promote access, outdoor recreation and responsible use of the countryside | ✓ | ✓ | ✓ | ✓ | ✓ | Reduction in number of reported problems | ££ : | Medium | • KA 1,2,3,4,5 • Tourism Strategy - obj 2.2 |
| NP7 | Support the work of the Walking the Way to Health team | ☺✓ | ✓ | ✓ | ✓ | ✓ | Development of scheme Increased Participation | £ : | High | • KA 1,2,3,4,5 • Older People's Strategy |
| NP8 | Work with the Parks and Countryside Service to take forward identified improvements to public open spaces, country parks and picnic sites | ☺✓ | ✓ | ✓ | ✓ | ✓ | Improvements identified and implemented | ££ :+ | Low | • KA 1,2,3,4,5 |
| NP9 | Work with other organisations to develop new promoted routes for walkers, riders, cyclists and disabled users | ✓ | ✓ | ✓ | ✓ | ✓ | New routes introduced | ££ : | High | • KA 1,2,3,4,5 |
| NP10 | Develop a system of grading and providing | | ✓ | ✓ | | | Current leaflets revised with new | ££ | Medium | • KA 1,3,4 |

| | | | | | | | | | | |
|--------------|---|--|--|--|---|---|--|----------|--------|------------|
| | grading and providing relevant information about promoted routes | | | | | | revised with new grading system | :+ | | |
| NP11 | Work with partners to identify current and potential areas of high usage and agree a way of managing the associated pressures in a sustainable manner | | | | ✓ | ✓ | Measures in place | £ : | Low | • KA 1,3 |
| NP 12 | Work with Research Team to identify why local residents and visitors do not use the rights of way network | | | | ✓ | ✓ | Research carried out through citizens panel or similar | ££ :+ | Medium | • KA 1,3,5 |

7. IMPLEMENTATION AND MONITORING

7.1 Implementing the plan

The projects arising out of the improvement plan will be prioritised and given time scales depending on the nature and scale of projects. The plan will be implemented over a five year period, which will be in line with the Herefordshire Local Transport Plan's (LTP) objectives and timeframe, and will allow for a focussed approach to implementing projects and achieving successful outputs at an early stage. Progress on objectives and projects will be monitored by the Local Access Forum, which will consider the need to review and update the statement of action and any other part of the plan as required.

There needs to be an awareness of projects that are within the statement of action, which are scheduled to run alongside the time frame of the LTP and that these projects are achieved successfully. It is these projects that will contribute to securing future funding through the LTP.

A number of projects require further investment into the service. Where those investments are not forthcoming either through direct funding from Herefordshire Council or from an external source, they will be taken forward into the next Improvement Plan.

7.2 Key Stakeholders and Partners

Full delivery of the Rights of Way Improvement Plan will only be possible by working with key stakeholders and partners. Key amongst these are:-

- The Local Access Forum who will continue to work with Herefordshire Council to implement the action plan and advise on priorities.
- Effective working relationships with landowners will need to be developed to turn the aspirations set out in the action plan into reality on the ground.
- Parish and town council's, who have already been involved in the preparation of the plan, will play a vital link between Herefordshire Council and local communities by setting out local priorities and providing a mechanism through which outside funding can be focused.
- User group and landowner representatives will need to work together to find an effective way for their interests to be taking into account when developing the access network for the benefit of the wider public.
- Natural England will provide a higher level support and advisory service.
- Local Members will need to provide their support to proposed network improvements and mobilising local participation.
- The general public and users of the rights of way network will need to utilise the rights of way network to provide justification for the money spent on improvements.
- Key Services within the Council including, Planning, Legal, ICT, Tourism, Walking the Way to Health, Highways and Transportation

and a number of others will provide the support mechanisms for implementation.

- Neighbouring and regional local authorities will need to work together to ensure their respective plans are coordinated and that the region as a whole is developed to maximise the potential for funding and investment.
- Other government and non government bodies such as the Malvern Hills and Wye Valley AONB's, Forestry Commission, National Trust, Environment Agency, DEFRA and Herefordshire Nature Trust will all have a supporting and enabling role to play.

7.3 Individual Projects

Site specific projects that are taken forward will be further researched. Further consultation will take place with landowners, other relevant stakeholders, parish councils and Herefordshire Council before these schemes are taken forward.

7.4 Monitoring

The Rights of Way Improvement Plan will be continually monitored by:

- Quarterly updates to Herefordshire Local Access Forum Meetings.
- Updates to the Local Transport Planning team of projects completed/underway that incorporate shared objectives
- Monitoring of satisfaction levels
- Performance monitoring
- The service delivery mechanism
- Regular updates to relevant Cabinet Member
- Progress in achieving the wider aims of the County as set out in the Community Strategy and Local Area Agreements

7.5 Constraints and Resources

Many of the actions set out in this plan are aspirational and will not be achieved without significant extra resources. However guidance from DEFRA encourages the development of partnership working to establish funding streams and to use the plan as a bidding document to be used both by the local authority and other organisations to attract funding. Increasingly agencies such as Natural England are requesting that a counties Improvement Plan supports proposals put forward by organisations such as parish councils for improved access in the countryside. Therefore to not have an action in the plan simply because it is unlikely to be funded by the authority should not be a reason for its exclusion. Given the appropriate support and funding all the actions are achievable.

7.6 Timescales

The Improvement plan needs to be reviewed in no less than ten years time. Because the plan is being linked with the Local Transport Plan, it is intended the ROWIP will be reviewed in 2011 so the two documents can run along the same time line.

Each of the actions has a date by which it will be achieved. However the key factor in achieving these targets is the allocation of the extra resources set out in the budget and staff resources columns. As set out above, these resources could come either from within the base budget the council allocates to public rights of way or from an external funding source made either directly to the council or through a separate organisation. Were no extra funding or staffing is required, the action should be completed within existing resources.

GLOSSARY OF TERMS

| | |
|---|---|
| Access Land | Mapped areas of land where people can walk freely off public rights of way. |
| Agri-Environment Scheme | Scheme to provide funding to farmers and land managers who deliver effective environmental management on their land |
| Auto Cycle Union | Organisation supporting the rights and interests of motorcycle users |
| Bridleway | May be used for riding or leading a horse, as well as for walking. Cycling is permitted, providing cyclists give way to riders and pedestrians |
| British Horse Society | Organisation supporting the rights and interests of equestrians |
| Byways and Bridleways Trusts | Organisation formed to protect the public rights that exist over the many ancient lane |
| Byway open to All Traffic | Is used for walking, riding or leading a horse or cycling. There is also a right of use for any kind of wheeled vehicle, including motor cars and horse-drawn vehicles |
| Conservation Area | Areas of special architectural, wildlife or historic interest |
| Country Park | Area of open space for public enjoyment, picnic sites, walking etc |
| Cycleway | Route dedicated for cyclists only |
| Cyclists Touring Club | Organisation protecting and promoting the rights of cyclists |
| DEFRA | Department of Environment, Food and Rural Affairs |
| Definitive Map and statement | Legal Documents that record the existence of public rights of way, their status, and position |
| Disability Discrimination Act 1995 | Parliamentary act of 1995, which makes it unlawful to discriminate against people with disabilities in relation to employment, provision of goods and services, education and transport |
| Footpath | Way over which the right of way is on foot only |
| Herefordshire Nature Trust | Registered Charity working to promote and protect wildlife in Herefordshire |
| Herefordshire Older Peoples Strategy | A strategy establishing the needs of Older People in Herefordshire |
| Herefordshire Walking Festival | Series of guided walks organised by the rights of way and tourism services in a two week period over the summer |
| Honeypot areas | An area that attracts large numbers of people or visitors |
| Listed Buildings | Buildings being of special architectural, historical or cultural significance |
| Lost Ways | Forgotten historic rights of way not currently recorded on the definitive map |
| National Trust | Conservation organisation protecting and preserving places of historic interest or natural beauty |
| Natural England | Non-departmental public body formed in Oct 2006 by bringing together English Nature and Parts of Countryside Agency and Rural Development Service. |
| Open Spaces Society | Organisation established to protect public rights of way and common land |
| Ordnance Survey | Mapping agency for Great Britain |
| Parish Council | Administrative group of a sub-division of a county |

| | |
|-----------------------------------|---|
| Permissive Path | Access given by permission of the landowner rather than as a definitive public right of access. No permanent rights to the public and access may be withdrawn by the landowner. |
| Promoted routes | Routes publicised and promoted by Herefordshire Council |
| Public Rights of Way | Ways over which public have a right to pass or re-pass |
| Quiet lane | Quieter rural roads with low traffic numbers, appropriate for shared use by walkers, cyclists, and horse riders |
| Ramblers Association | Organisation supporting the rights and interests of walkers |
| Restricted Byway | Highway open to all except mechanically propelled vehicles |
| Scheduled Ancient Monument | A protected archaeological, historic building considered to be of national importance |
| User groups | Various groups who use the rights of way network for recreation |

ABBREVIATIONS USED

| | |
|-----------------|--|
| AONB | Area of Outstanding Natural Beauty |
| BHS | British Horse Society |
| BVPI | Best Value Performance Indicator |
| BOAT | Byway Open to All Traffic |
| CLA | Country Land and Business Association |
| CroW Act | Countryside and Rights of Way Act 2000 |
| DEFRA | Department of Environment Food and Rural Affairs |
| DMMO | Definitive Map Modification Order |
| HLAF | Herefordshire Local Access Forum |
| LTP | Local Transport Plan |
| NFU | National Farmers Union |
| P3 | Parish Paths Partnership Scheme |
| PFO | Parish Footpaths Officer |
| PPO | Public Path Order |
| PROW | Public Rights of Way |
| ROWIP | Rights of Way Improvement Plan |
| SSSI | Sight of Special Scientific Interest |
| TIC | Tourist Information Centre |
| UCR | Unclassified County Road |
| UDP | Unitary Development Plan |

8. APPENDICES

8A

Public Path Order Statement of Priorities, Policy and Procedures

For the purposes of this document the term “Public Path Order (PPO)” shall be taken to include:

Orders made under section 257 of the Town and Country Planning Act 1990 (extinguishments and diversions);

Orders made under sections 118, 118A, 118ZA, 118B, 118C, (extinguishments) or 119, 119A 119ZA, 119B, 119C, 119D (diversions) Highways Act 1980

Statement of Priorities – Pre determination

PPO applications will normally be processed in the following order:

1. Where an Order is required to facilitate a development
2. Where an Order is expedient for the purposes of increasing school security or for the prevention or reduction of crime which would otherwise disrupt the community. (Only applicable in crime areas designated as such by the Secretary of State).
3. Where an Order is made in connection with the prevention of damage (by users of a PROW) to a Site of Special Scientific Interest.
4. Where, in the opinion of Herefordshire Council, following consultation with the Parish Council, an order would provide greater recreational or amenity value to local residents or visitors (the applicant will usually be the local authority).
5. Where, in the opinion of Herefordshire Council an Order would provide an improvement to the overall rights of way network (the applicant will usually be the local authority).
6. Where an Order is in the interest of a landowner or occupier. These Orders form the majority of applications and will be dealt with on a date of application basis.

Statement of Priorities - Post Determination

In the event of a number of landowner interest applications being determined simultaneously, applications will be prioritised in the following order before going on to order making stage:

- I. The recreational or amenity value provided to rights of way users
- II. The improvement to the rights of way network

Policy

Herefordshire Council has powers to process applications for PPO's under both the Highways Act 1980 and the Town and Country Planning Act 1990. When using these powers, Herefordshire Council will use its discretion and consider the merits of each application and the benefits obtained from an application for both the users of the network and the landowner. Herefordshire Council will endeavour to:

- Determine a PPO application within 6 months from the date of receiving a valid application form and plan.
- Make an order within a further 3 months unless objections are received which cannot be overcome.
- Ensure all costs are appropriate.
- Provide the applicant with a breakdown of costs if required.
- Supply appropriate waymarking.
- Provide appropriate help and advice both verbally and in writing.
- Determine applications in accordance with the statement of priorities set out for PPO's.

Applicants for PPO's will be expected to:

- Meet the factors set out below as appropriate.
- Agree in writing to pay all costs associated with making an order
- Pay all costs required to put the diverted route in place on the ground.
- Ensure the on site welfare of any consultees during site visits.
- Ensure all affected landowners and tenants are aware of the impending site visits by consultees.
- Indemnify Herefordshire Council against any accidents or injuries which may occur to a consultee whilst on site inspecting a proposal.
- Ensure the existing route is clear of obstructions unless it is significantly inconvenient to do so. In cases where it would be extremely difficult to open up the legal line (eg where a building is the cause of obstruction) the applicant should ensure there is a clear convenient way around the obstruction.
- Set out as far as possible the proposed route on the ground at pre order consultation stage

Decisions on processing applications for a diversion will take account of the following factors affecting the public's enjoyment of the path.

Condition The condition of the proposed new route should be substantially as convenient as the original route. Stiles, gates and other barriers will only be authorised in accordance with any statutory provisions.

Directness The proposed new route should not unreasonably lengthen the path other than where it is in the interests of an overall improvement to the local network. The proposed new route should avoid introducing unnecessary "dog legs" into the path, or be overly circuitous. It should retain or improve a connection with another public right of way to reduce the distance travelled along metalled carriageways.

Width The proposed new route should have a minimum width of 2m for a footpath and 3m for a bridleway.

| | |
|-----------------------------|--|
| Landscape | The proposed new route should not result in lower quality or diversity of views for the path user. Where a path is being diverted for development purposes, the new route should not (as a general rule) follow estate roads. |
| Features of Interest | Other than in exceptional circumstances, the proposed new route should not remove paths from significant features of interest, natural or man-made. |
| Status | There will be no downgrading of the existing rights other than where it is in the interests of an overall improvement to the local network. |
| Financial | The proposed new route should not result in significant additional maintenance costs. Applicants may be required to enter into a maintenance agreement with Herefordshire Council. |
| Safety | The proposed new route must not subject users to any potential dangers or hazards. It should not introduce conditions (eg darkness, narrowness, poor visibility, hiding places) likely to encourage antisocial or criminal behaviour against users, nor should it create a perception that this may be the case. |
| Needs of all Users | Proposed new routes should include features to improve access for the mobility impaired user. For example – gates rather than stiles, ramps rather than steps. Authority for the erection of stiles/steps will be given only in exceptional circumstances. |
| Alternatives | The applicant will be required to demonstrate that they have considered alternatives to the altering of a right of way, i.e. amending proposals, changing boundary locations etc. |

Herefordshire Council will be guided by appropriate legislation and statutory guidance notes for other factors to be considered in respect of applications for a specific purpose e.g. Section 119D of the Highways Act 1980, diversion for the protection of Sites of Special Scientific Interest.

Procedures

With the exception of seeking the views of the Local Member/s, the applicant will be responsible for carrying out work up to order making stage. This involves:

- carrying out the pre order consultations,
- establishing an agreeable proposal (if a proposal cannot be agreed upon regarding an application, Herefordshire Council may proceed with the application if it considers it is or could be of benefit to the public)
- supplying a plan at a scale of 1:2500
- ensuring full written agreement with other affected landowners.

However there may be circumstances where an application may receive objections at Pre order stage which the local authority considers irrelevant when set against the

benefits of making an order. In these instances Herefordshire Council will consider accepting an application and making an order.

This approach would allow applicants to informally assess the likely support or opposition to a proposal. It is also likely to reduce objections at order making stage and speed up the whole process.

The vast majority of PPO applications received by Herefordshire Council are made under section 257 of the Town and Country Planning Act 1990 and sections 118 and 119 of the Highways act 1980. Therefore the procedure for applications under these sections is as follows:

Stage 1 – Pre Order making

Herefordshire Council

1. Receipt of proposal by Herefordshire Council from the applicant in the form of a plan.
2. Site meeting between the applicant and PROW Diversion Officer to discuss the proposal. If at this stage Herefordshire Council judge that the proposal has little or no prospect of succeeding, it may decide not to pursue it.
3. Provide application pack, which will include a list of all consultees (including the Parish Council) who must be invited to comment will be sent to the applicant by Herefordshire Council.

Applicant

4. Letters and two copies of the map sent to consultees for their observations and comments by applicant. The letter should contain a general invitation to the consultees to make an unaccompanied site inspection of the proposed route if they so wish.
5. Receipt of consultee replies by applicant after a 28 day consultation period.
6. Consideration of replies – possible discussions and amendment of proposals by applicant. The applicant would be advised to invite all consultees to a site meeting in order to reach a consensus. (This may require a repeat of stages 2-5)
7. Completed application form and copies of all consultations (whether relevant or not) and written landowner agreements sent to Herefordshire Council. (This will be considered as a valid application).

Stage 2 – Order Making

Herefordshire Council

8. Mapping Officer to prepare a plan and Diversion Officer to prepare a form of application specific to the proposals and sent to applicant for confirmation.
9. Receive confirmation from applicant.
10. Consult with Local Member and statutory undertakers.
11. Report prepared for submission to the relevant decision making body or delegated officer.
12. Regulatory Committee or delegated officer considers and decides on proposal.
13. If the proposal is accepted then Public Path Order is made (go to 15) (*actioned by Legal Services*).
14. If the proposal is rejected then applicant informed and no further action taken

15. Notice of the making of the Order posted on site and in a local newspaper (*actioned by Legal Services*).
16. Minimum period of 28 days allowed for representations or objections to be made.
17. If no objections or representations received or any received have been withdrawn, the order will be confirmed and the notice of confirmation posted on site and in a local newspaper (*actioned by Legal Services*).
18. The applicant will be advised to complete any works required to provide the diversion route.
19. Diversion route inspected by PROW Diversions Officer and if satisfactory go to next stage.
20. New route is certified (*actioned by Legal Services*) and Notice of Certification posted on site and in a local newspaper. (Not required for extinguishments).
21. Minimum period of 42 days allowed for procedural challenge to the courts.
22. Case closed, definitive map and statement amended to show changes, Ordnance Survey informed.

If objections to an order are received, the following procedure will apply.

23. Objections are considered by PROW Diversions Officer and discussed with applicant.
24. If objections are considered to be minor or insignificant then an attempt is made to persuade the objectors to withdraw the objections.
25. If objections are considered to raise valid points then the PROW Diversions Officer may recommend amendment of the proposal, or in extreme cases, may recommend that the order is not proceeded with. If a new proposal is made then it will be necessary to repeat stages 3 onwards.
26. If objections are not withdrawn then the Order must be referred to the Secretary of State for decision after which the Herefordshire Council will lose all jurisdiction/control over the process.
27. If the order is referred to the Secretary of State for a decision, (eg because of unwithdrawn objections) the final decision will be made by an independent Inspector by means of either a "written representation" procedure, or by the holding of a public inquiry. (all parties must usually agree to the written representation procedure).
28. The decision of the Inspector is final and binding unless overturned by a court within the period specified.

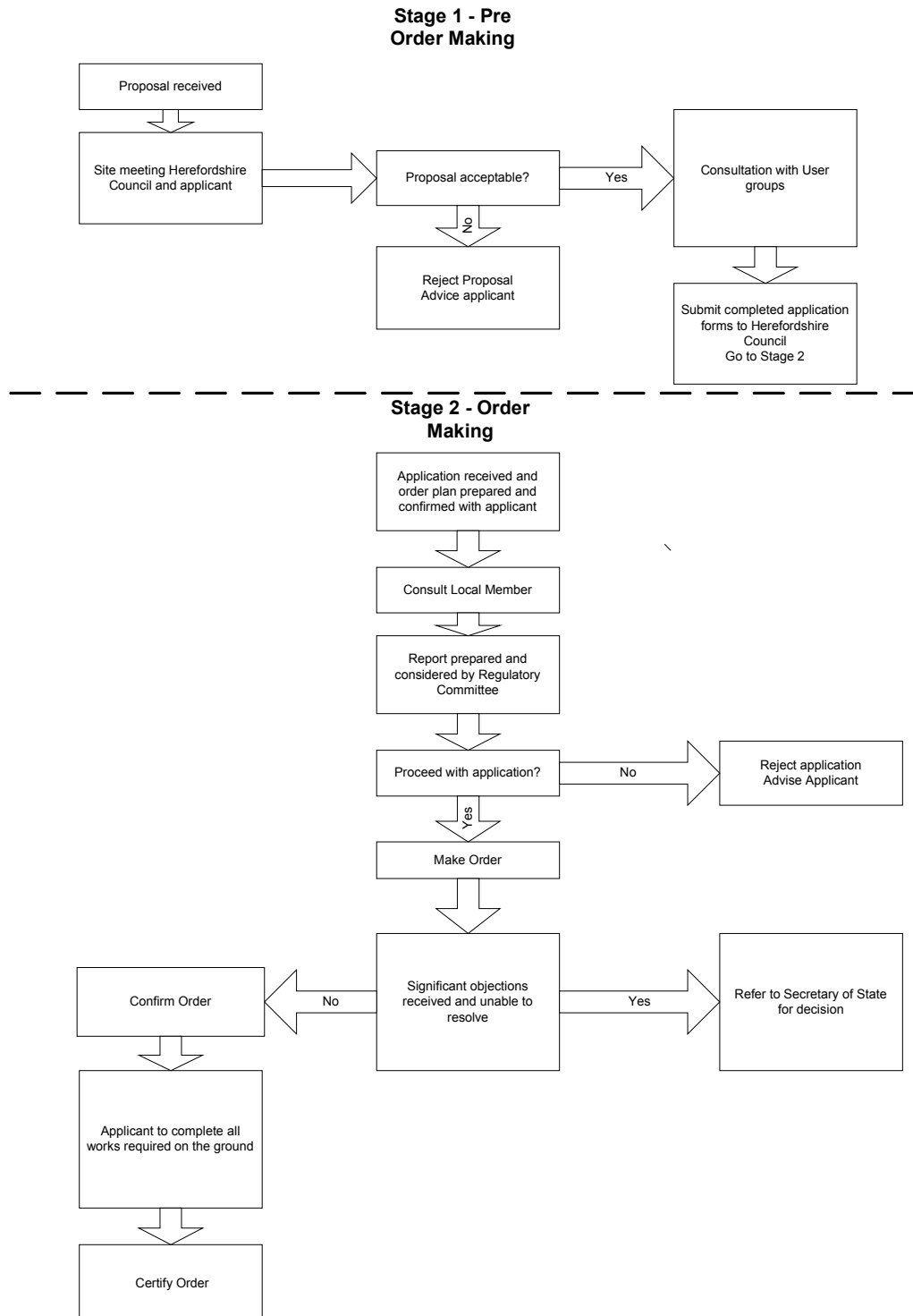
Herefordshire Council's costs incurred when an Order is submitted to the Secretary of State cannot be recharged to the applicant.

The applicant is required to provide appropriate support in promoting the order during decision making process, this may include appearing at a public inquiry to justify the proposal.

For PPO's carried out under the Town and Country Planning Act 1990, the developer must not carry out development works over or across the PROW until such time as the order is confirmed. The order cannot be confirmed if the development is already substantially complete.

If objections are raised at either consultation stage or order advertising stage which are considered to be of major importance, then the Herefordshire Council may decide not to proceed with the order making procedures.

For Public Path Order applications under sections 118A, 118ZA, 118B, 118C, 119A, 119ZA, 119B, 119C and 119D of the Highways Act 1980, (eg reduction of crime and school security orders) separate procedures, in accordance with the relevant legislation and statutory guidance, will apply.



8B

Definitive Map Modification Orders – Policy and Statement of Priorities Policy

1. Introduction

1.1 Herefordshire Council have a duty under Section 53 of the Wildlife and Countryside Act 1981 (the Act) to keep the Definitive map and Statement of Public Rights of Way in Herefordshire under continuous review. The showing of a right of way on the Definitive Map and Statement is conclusive evidence of its existence at the relevant date. It is therefore extremely important the map is kept up to date and is as accurate as possible. If the Council itself discovers evidence, or whenever evidence is presented to the Council in an application to modify the definitive map and statement, which indicates that the Map and Statement are wrong – most commonly because a claimed. If, having done so, the Council concludes there to be a prima facie case that a right of way should be shown on the map, or where shown should be of a different status, or deleted, then it must make a Definitive Map Modification Order (DMMO) to effect that change to the Definitive map and Statement.

1.2 Different authorities have adopted different ways of dealing with DMMO applications as best suits that authority. Herefordshire Council have continued with the statement of priorities inherited from Hereford and Worcester County Council which is to deal with all applications made since 1995 in date order. Currently, the Rights of Way Service is struggling to deal with the backlog of applications and there are an increasing number of applications being received. In order to increase the number of DMMO applications determined, within current resources, the council needs to review its current Statement of Priorities and its procedure for dealing with applications.

2. Background

2.1 Herefordshire Council currently determines applications in date order on receipt of an application. This does not necessarily result in the greatest public benefit from the Council's limited resources in this area.

2.2 Some applications claim routes which are of more academic benefit than of practical or recreational use to the public. In some cases, orders have been applied for arising out of neighbourly disputes, or to try and disrupt enforcement action being taken by the Council. Further, applications are sometimes made that have very little evidence to support them.

2.3 There are several key areas of pressure on the Public Rights of Way Service in respect to keeping the Definitive Map under continuous review:

- The backlog of modification order applications.
- The introduction of the Lost Ways Project by the Countryside Agency which is likely to see the Council receiving a large number of DMMO applications. The Agency aims to research historical documents on a county-by-county basis and present that evidence to local authorities, along with an application form, for the authority to make an order.
- The introduction of a cut of date off 2026 for considering public rights of way

not currently shown on the Definitive Map but alleged to have existed before 1949.

- The introduction of an early cut off date (of May 2006) for the receipt of DMMO applications for Byways Open to all Traffic based on documentary evidence.
- The requirement to set out a written Rights of Way Improvement Plan to be included in the Local Transport Plan. This will encourage local authorities to prioritise their applications and the areas of the county they choose to review.
- Approximately 300 known errors or anomalies on the Definitive Map and Statement. These will have to be investigated and may require Modification Orders.

2.4 All of these areas are likely to dramatically increase the number of applications received and increase the pressure to adopt a new systematic method for dealing with applications

2.5 Therefore, the Council has decided to produce a Statement of Priorities which will form the basis of a policy to:

- Address the backlog of DMMO applications
- Deal with new applications to modify the definitive map
- Deal with applications from the Discovering Lost Ways project
- Assist in the development and implementation of the Rights of Way Improvement Plan
- Resolve the outstanding anomalies.

3. The Legal Standpoint

3.1 The Council is bound to accept applications even if they are supported by relatively little evidence. The law does not specifically set out what investigations should be made or what sources of evidence should be examined when the Council determines an application. Section 53 (3)(c) of the Act states “the discovery by an authority of evidence which (when considered with all other relevant evidence available to them) shows...”

3.2 Paragraph 3 of Schedule 14 of the Act and Paragraph 35 Annex B of Circular 2/93 requires an authority to investigate the matter stated in an application. Section 32 of the Highways Act 1980 requires the authority to take into consideration any map, plan or history of the locality or other relevant document which is tendered in evidence. Essentially, Herefordshire Council needs to consider evidence presented to it. There is nothing in the legislation that specifies what evidence or to what depth the authority has to research a claim. However as the Council’s decisions on these applications are subject to considerable public scrutiny, can be the subject of appeal, and frequently proceed to Public Inquiry, any investigations carried out have to be thorough and well documented.

3.3 This means that all valid applications must be researched to a basic minimum standard that is defensible, should the Council’s decision be challenged. However, it may well be that some of the applications made may warrant a more exhaustive standard of research in order to clarify or reinforce the decision to make an order.

4. Criteria for dealing with DMMO Applications

4.1 All new and current DMMO applications will be scrutinised against the criteria set out below:-

The application:-

Creates a useful route – an application will be considered a higher priority if it provides a useful addition to the rights of way network. Typically, useful routes will be historically or scenically interesting, add missing links, will have been identified on the Rights of Way Improvement Plan, accessible to a wide section of the public or provide a safe alternative to a road.

Does not provide a useful route – an application will be considered a lower priority if it does not provide a useful addition to the rights of way network. Typically these will be claims that are not in the public's interest, are for already existing routes of higher or equivalent status or mainly in the interest of a limited number of individuals.

The submitted evidence will be rated:-

Weak – an application will be considered weak if the applicant supplies little evidence at application stage.

Fairly robust – an application will be considered fairly robust if the applicant supplies good evidence but more is required to take the order to determination stage.

Very robust – an application will be considered very robust if it is clear that extensive research has been carried out by the applicant and little or no extra research by the council is required to take the application to determination stage.

4.2 Within each prioritisation bracket, applications will be dealt with on a date order basis.

4.3 Where an applicant is advised to produce more evidence, guidance notes about appropriate sources of evidence will be made available.

4.4 The table below sets out the breakdown of the current applications against the criteria set out above.

| Application | Creates a useful route | Does not provide a useful route |
|---------------|------------------------|---------------------------------|
| Weak | 12 | 20 |
| Fairly Robust | 31 | 11 |
| Very Robust | 13 | 2 |

5. Method of dealing with backlog

5.1 There is currently a large backlog of Definitive map modification applications. The main criteria for dealing with the DMMO applications backlog will be to weigh up the submitted evidence for each and assess the added value that would be provided to the network.

5.2 All existing DMMO applications for upgrades, or additions to the network will be scrutinised and an assessment will be made based on the above criteria. The following procedures will then be adopted:

*The application does not meet legal criteria** – the officer responsible for the case will reject the application.

The application does not provide a useful route and is:-

Weak – Following consultation with the relevant Parish Council and a brief investigation of available evidence, a report will be submitted to the Director of Environment with a recommendation that the application is rejected if insufficient evidence is discovered to support the application.

Fairly robust - The applicant will be advised that it will be a low priority.

Very Robust – The applicant will be advised that it is a low priority.

The application creates a useful route and is:-

Weak - The applicant will be advised that the application is a low priority and invited to submit additional information to support the application.

Fairly robust –The applicant will be advised that it is a medium priority and invited to submit more evidence so that the application can be fast tracked.

Very robust– These applications will be fast tracked. Emphasis will be placed on the applicant supplying evidence, which will allow an order to be made with limited input from officers.

5.3 The rejection of an application does not preclude the applicant from submitting a new application so long as new evidence is introduced. It is recognised however that the applicant would be required to repeat the whole application process.

6. Method for dealing with New Applications

6.1 Applications which fall short of the legal criteria* or are not in the prescribed form will be rejected by the officer responsible for the case. The criteria includes applications accompanied by insufficient evidence to support a claim that the definitive map and statement are in error.

6.2 All new applications will follow the procedures set out below

The application does not provide a useful route and is:-

Weak – The application will be subject to a brief investigation of available evidence by the case officer. Consultation with the Parish Council will be carried out and a report will then be submitted to the Director of Environment recommending rejection of the application, if insufficient evidence is discovered to support the application.

Fairly robust - The applicant will be advised the application is a low priority.

Very robust - The applicant will be advised that the application is low priority.

The application creates a useful route addition and is:

* as set out by schedule 14 of the Wildlife and Countryside ACT 1981

* as set out by schedule 14 of the Wildlife and Countryside ACT 1981

Weak – The applicant will be advised that the application will be a low priority and invited to submit further evidence to speed up the process.

Fairly robust – The applicant will be advised the application will be medium priority and invited to submit stronger evidence in order to fast track the application.

Very robust – The application will be fast tracked.

7. Downgrades and Extinguishments

7.1 An application to either downgrade a route or extinguish a right of way is unlikely to be of benefit to the network, but there remains a legal duty on Herefordshire Council to determine the application. The assessment of the application will therefore be based on the strength of evidence supplied with the application alone. Very robust evidence will result in an application being regarded as medium priority; fairly robust evidence will result in the application being regarded as low priority; and weak evidence will result in the application being subjected to a brief investigation of available evidence, consultation with the Parish Council being carried out, and recommended for rejection if insufficient evidence is discovered to support the application.

8. Anomalies

8.1 Herefordshire Council has approximately 300 known anomalies on the current Definitive Map and Statement. Anomalies come in various forms but some of the more common ones are:

- Public rights of way that do not reach the county road (Cul-de-Sac)
- Discrepancies between the Definitive Map and Statement
- The presence of a physical feature on the ground which would make it impossible for the line shown on the Definitive Map to exist.
- Major drafting errors.

8.2 The resolution of an anomaly often requires the making of a legal order following research, similar to that required following the receipt of a Definitive Map Modification application made under schedule 14 of the Wildlife and Countryside Act 1981.

8.3 Anomalies will be dealt with in the following order:-

1. If it is in the interest of the public
2. If it would result in a network improvement
3. If it would assist permitted development

9. Dealing with applications outside the Statement of Priorities

9.1 In the case of all applications and anomalies, a DMMO application or anomaly may be dealt with outside the Statement of Priorities if:

- Circumstances change the apparent usefulness of the claimed route.
- The claimed route is threatened by development works or other activities that may cause it to be destroyed.
- The claimed route is considered to be of strategic importance.

THE COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL

WILDLIFE AND COUNTRYSIDE ACT 1981

STATEMENT OF PRIORITIES

As part of its Public Rights of Way Strategy 2005–2007, Herefordshire Council have updated its Statement of Priorities for the continuous review of the Definitive Map and Statement as follows:-

Applications which fall short of the legal criteria* or are not in the prescribed form will be rejected by the officer responsible for the case.

Existing Applications

All existing applications, which have progressed to draft report stage by 31st July 2005, will be processed in date order.

All existing applications that have not progressed to draft report stage by 31st July 2005 will be considered against the following criteria.

The application does not create a useful addition to the rights of way network and is:-

Weak – The application will be subject to a brief investigation by the case officer. Consultation with the Parish Council will be carried out and a report will then be submitted to the Director of Environment recommending rejection of the application if insufficient evidence is discovered to support the application.

Fairly robust - The applicant will be advised that the application is low priority

Very robust - The applicant will be advised that the application is low priority.

The application creates a useful addition to the rights of way network and is:-

Weak – The applicant will be advised that the application will be a low priority and invited to submit further evidence in support of the application.

Fairly robust – The applicant will be advised the application will be a medium priority and invited to submit stronger evidence in order to fast track the application.

Very robust – The application will be fast tracked.

New Applications

All new applications will considered against the following criteria:

The application does not provide a useful route and is:-

Weak – The application will be subject to a brief investigation by the case officer. Consultation with the Parish Council will be carried out and a report will then be submitted to the Director of Environment recommending rejection of the application if

* as set out by schedule 14 of the Wildlife and Countryside ACT 1981

insufficient evidence is discovered to support the application.

Fairly robust - The applicant will be advised the application is a low priority.

Very robust - The applicant will be advised that the application is a low priority.

The application creates useful route addition and is:

Weak – The applicant will be advised that the application will be a low priority and invited to submit further evidence to speed up the process.

Fairly robust – The applicant will be advised the application will be medium priority and invited to submit stronger evidence in order to fast track the application.

Very robust – The application will be fast tracked.

Downgrades and Extinguishments

An application to either downgrade a route or extinguish a right of way is unlikely to be of benefit to the network, but there remains a legal duty on Herefordshire Council to determine the application. The assessment of the application will therefore be based on the strength of evidence supplied with the application alone. Very robust evidence will result in an application being regarded as medium priority; fairly robust evidence will result in the application being regarded as low priority; and weak evidence will result in the application being subjected to a brief investigation, consultation with the Parish Council being carried out and recommended for rejection if insufficient evidence is discovered to support the application.

Anomalies

Anomalies will be dealt with in the following order:

1. If it is in the interest of the public
2. If it would result in a network improvement
3. If it would assist permitted development

Determining applications outside the Statement of Priorities

In the case of all DMMO applications and anomalies, an application may be dealt with outside this sequence of priorities if:

- i) Circumstances change the apparent usefulness of the claimed route.
- ii) The claimed route is threatened by development works or other activities that may cause it to be destroyed.
- iii) The claimed route is considered to be of strategic importance.

Within each prioritisation bracket, applications will be dealt with on a date order basis.

8C

PUBLIC RIGHTS OF WAY ENFORCEMENT POLICY AND PROCEDURES

Contents

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Introduction
Enforcement Concordat
Enforcement Procedures – general principles
Procedures for dealing with various obstructions
Ploughing and cropping offences– general principles
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Responsibility for implementing Policy

Appendix 1 – Ploughing and Cropping Flow Chart

Introduction

The 3400kms of public rights of way within the county are a valuable resource and asset to the community. They are used by visitors who bring in income to the county and by local residents for enjoyment and recreation.

Herefordshire Council makes a substantial investment each year to stiles, gates, signposts, waymarkers and bridges around the county. Ironically as the quality of rights of way improves, usage has increased and the reported number of obstructions also tends to increase. The nature of the problems has moved from ones of missing furniture to ones of ploughing and cropping, badly maintained stiles and gates and overgrowth. To overcome these obstructions, the Council, and members of the public are reliant on land occupiers to carry out their legal duties.

It is unfortunate but sometimes inevitable that the Council has to resort to enforcement powers to ensure occupiers comply with legislation and carry out their legal obligations to keep the paths open. Therefore it is important that Herefordshire Council has in place a robust enforcement policy and a structured set of procedures to ensure consistency and openness. This seeks to ensure that land occupiers are fully aware of their responsibilities to keep rights of way clear and sets out the likely implications of non compliance.

This policy is set out in the context of the wider ambitions of the Rights of Way Service as detailed in the Rights of Way Strategy. The strategy emphasises the importance of developing and improving accessibility to the network and increasing economic prosperity within the county. In terms of the Enforcement Strategy this will be taken to mean:

- If, as part of discussions with the landowners, the opportunity arises to improve accessibility whilst recognising the boundaries set by the Highways Act 1980, the Rights of Way Service will take positive steps towards facilitating that improvement.

- Emphasis will be placed on ensuring that obstructions along promoted routes are dealt with as quickly as possible within the confines of the Highways Act 1980.

Throughout this document the term 'occupier' refers to both owner of the land or a tenant of the landowner.

ENFORCEMENT CONCORDAT

The Principles of Good Enforcement: Policy and Procedures

This document sets out what Occupiers and others being regulated can expect from Public Rights of Way Officers and sets out policies and procedures in relation to Public Rights of Way enforcement

The primary objective of Public Rights of Way enforcement work is to protect the public's right to use and enjoy the Public Rights of Way network and support the local economy by carrying out enforcement functions in an equitable, practical and consistent manner.

The effectiveness of legislation in protecting users of rights of way depends crucially on the compliance of those regulated. We recognise that many occupiers want to comply with the law. We will, therefore, take care to help occupiers and others meet their legal obligations without unnecessary expense, while taking firm action, including prosecution where appropriate, against those who flout the law or act irresponsibly. Everyone will reap the benefits of this policy through better information, choice, enjoyment and safety.

We have adopted the central and local government Concordat on Good Enforcement. Included in the term "enforcement" are advisory visits and assisting with compliance as well as formal enforcement action. By adopting the concordat we commit ourselves to the following policies and procedures, which contribute to best value, and will provide information to show that we are observing them.

Principles of Good Enforcement: Policy

- **Openness**

We will provide information and advice in plain language on the rules that we apply and will disseminate this as widely as possible. We will be open about how we set about our work, including any charges that we set, consulting occupiers, voluntary organisations and members of the public.

- **Helpfulness**

We believe that prevention is better than cure and that our role therefore involves actively working with occupiers to advise on and assist with compliance. We will provide a courteous and efficient service and our staff will identify themselves by name. We will discuss general issues, specific compliance failures or problems with anyone experiencing difficulties.

We will provide a contact point and telephone number for further dealings with us and we will encourage occupiers to seek advice/information from us. We will ensure that, wherever practicable, our enforcement services are effectively co-ordinated to minimise unnecessary overlaps and time delays.

- **Complaints about service**

We will provide well publicised, effective and timely complaints procedures easily accessible to occupiers, the public and user groups. In cases where disputes cannot be resolved, any right of complaint or appeal will be explained, with details of the process and the likely time-scales involved.

- **Proportionality**

We will minimise the costs of compliance for occupiers by ensuring that any action we require is proportionate to the status of the right of way taking into account of the circumstances of the case.

- **Consistency**

We will carry out our duties in a fair, equitable and consistent manner. While officers are expected to exercise judgement in individual cases, we will have arrangements in place to promote consistency, including effective arrangements for liaison with other authorities and enforcement bodies.

Principles of Good Enforcement: Procedures

In consultation with occupier representatives and other relevant interested parties, including technical experts where appropriate, we will draw up clear procedures setting out the level of service and performance the public and occupiers can expect to receive. The procedures will be made available to occupiers and others who are regulated.

Advice from an officer will be put clearly and simply and will be confirmed in writing, on request, explaining why any work is necessary and over what time-scale, and making sure that legal requirements are clearly distinguished from best practice advice.

Before formal enforcement action is taken, officers will provide an opportunity to discuss the circumstances of the case and, if possible, resolve points of difference, unless immediate action is required (for example, in the interests of health and safety).

Where immediate action is considered necessary, an explanation of why such action was required will be given at the time and confirmed in writing in most cases within 5 working days and, in all cases, within 10 working days.

Where there are rights of appeal against formal action, advice on the appeal mechanism will be clearly set out in writing at the time the action is taken (whenever possible this advice will be issued with the enforcement notice).

1.0 Enforcement Procedures – General

1.1 Keeping rights of way open and unobstructed is a vital element in ensuring that paths are well used and enjoyed by all. Much of the legal responsibility for keeping the paths clear of various obstructions rests with the occupiers over whose land the rights of way pass. Unfortunately certain occupiers do not fulfil their responsibilities with a result that many rights of way in the county are obstructed despite there being adequate furniture and waymarking.

1.2 In order to ensure that Herefordshire Council is seen to be dealing with breaches of legislation in a fair and open manner, it is important to set out the Council's approach to enforcement. It is also important to ensure that this approach is widely communicated to occupiers so there can be no confusion or doubts.

1.3 Occupiers will generally be given the opportunity to remove obstructions from paths without recourse to enforcement action by the Council. However, Herefordshire Council have themselves a legal duty to ensure rights of way remain unobstructed and available to use and have been given the tools to carry out this duty. These tools are a wide variety of enforcement powers which allow the Council to serve notice, re-claim costs for direct action and to prosecute.

1.4 In all cases, Herefordshire Council may instigate prosecution procedures if it is considered the matter is sufficiently serious or if the person responsible for the offence is a persistent offender.

1.5 There are two offences which occur regularly within the county; these are ploughing and cropping of rights of way. A more robust approach to enforcement is required if the cycle of repeated non-compliance and requests for improvement is to be broken.

1.6 The following procedures set out the way breaches of legislation will be dealt with and provide a timescale for doing so. It is important to recognise that it may not be possible to strictly adhere to these timescales due to the circumstances of some cases, factors beyond the Council's control and resources.

2.0 Procedures for dealing with various obstructions

2.1 In most cases, the occupier will be requested to remove an obstruction within 14 days or a time agreed with the officer dealing with the case. If, after the expiry of that period, the obstruction still remains, the occupier will generally be served a notice or the matter will be referred to the magistrate's court depending on the type of offence. The following are the procedures that will be applied to number of common obstructions.

2.2 Overhanging hedges, trees or shrubs

In the event of the landowner not carrying out the work as requested, the following will normally apply. If a hedge, tree or shrub (commonly referred to as vegetation) overhangs a right of way to such an extent that it obstructs or endangers users such that an offence is committed under **section 154 of the Highways Act 1980**, the occupier of the land from which the offending vegetation is growing will be required, by notice, to cut back as much of the vegetation as is required to allow for free passage. In the event of non-compliance the Council can arrange to have the work carried out and recover the costs incurred from the occupier.

2.3 Fences

New fences constructed across a right of way can only be authorised by the Council where they are required for stock control purposes. A fence will be regarded as being new if it is not shown on the current 1989 definitive map. If an occupier wishes to erect a new fence and it is for the purpose of stock control, they should apply to the Council for authority to erect the fence under **section 147 of the Highways Act 1980**. If the Council is satisfied that the fence is required for stock control purposes, they may authorise the fence line. This will generally be on the condition that a gate, provided by the occupier, is erected on the legal line. Stiles will only be authorised in exceptional circumstances and following consultation with a senior rights of way officer. Any unauthorised fences will be regarded as an unauthorised structure (see 2.10 below).

2.4 Fallen trees

Generally trees that fall across rights of way belong to the occupier of the land adjoining the right of way. The occupier will normally be requested in writing to remove the tree within 14 days. If the occupier subsequently fails to comply, the matter will be regarded as an unlawful deposit (see 2.9 below).

2.5 Damage to the surface

Damage caused to the surface of a right of way that causes an inconvenience to users is an offence under section **131A of the Highways Act 1980**. The person responsible will normally be asked to make good the damage within 14 days. If the person responsible fails to comply, the Council will consider a prosecution.

2.6 Misleading signs

A person who erects a sign on or adjacent to a public right of way, aimed at deterring users, or provides misleading information, is committing an offence under either **section 132 of the Highways Act 1980**, or **section 57 of the National Parks and Access to the Countryside Act 1949**, depending on the circumstances. The occupier on whose land the notice is erected will in most cases be required to remove the notice within 14 days. If the occupier fails to comply the Council will consider arranging for the notice to be removed within a further 14 days after a notice **under section 69 of the Road Traffic Regulations Act 1984** has been served. Costs will be recovered from the occupier under the said section 69 procedure.

2.7 Dangerous animals

Any reports of dangerous animals or attacks on users of a right of way by dangerous animals will be either reported to the Police to be dealt with or passed on to the Health Safety Executive.

2.8 Bulls

Any reports of bulls at large in a field that is crossed by a right of way will normally be followed up within 2 working days to ascertain if an offence has been committed. Bulls are permitted in the following circumstances:

All breeds less than 10 months old, alone or with others.
Non-dairy breeds over 10 months accompanied by cows or heifers.

The following are not permitted:

Dairy breeds over 10 months alone or with others
Non-dairy breeds over 10 months alone

Upon identification, or following discussion with the occupier, the occupier will be advised of the legislation and requested to comply. A letter will be sent confirming the discussion and advising the owner that any further offences will be reported to the Health and Safety Executive for action. If the landowner cannot be contacted, the matter will be referred directly to the Health and Safety Executive.

2.9 Unlawful deposit

In the event of report being received of something having been deposited on a right of way, which is considered a danger to users, the Council will remove it immediately. If they consider it has been deposited deliberately or as a result of neglect, they may seek to reclaim the costs involved. In most other circumstances the occupier will be requested to remove the deposit within two weeks. In the event of the deposit not being removed, the Council will seek to serve notice under either **sections 149 or 150 of the Highways Act 1980**. Costs will be recovered from the occupier of the land.

2.10 Unauthorised Structure

In the event of a report being received of some form of structure being set up on a right of way and causing an obstruction, the occupier will be asked to remove the structure within 14 days. In the event of non-compliance the Council will serve a notice under **section 143 of the Highways Act 1980**. If the structure remains after one month time the Council will carry out the work and recover the costs from the occupier.

2.11 Damaged or inoperable stile and gates

In the event of the occupier being requested to install the furniture the following will apply. The occupier will be requested to make appropriate repairs within a reasonable time agreed with the warden / officer but not more than 4 weeks. If the occupier fails to carry out the work, the Council may serve notice under **section 146 of the Highways Act 1980** on the occupier requiring them to comply within 14 days. Non-compliance will result in the Council carrying out the work and recovering costs.

2.12 Dangerous situations

If Herefordshire Council considers an obstruction on a rights of way an immediate danger to the public, or it considers that something adjoining a right of way is a danger to users of the right of way, it reserves the right to remove of the source of danger immediately and claim the costs for doing so from the occupier.

2.13 Other types of obstruction

Other obstructions will be dealt with in accordance with the general procedures set out in paragraph 2.1 and in line with statutory legislation and guidance notes.

3.0 Ploughing and cropping offences

General

3.1 A large proportion of the Herefordshire countryside is cultivated and planted with various types of crops. All crops across a right of way have the effect of deterring users, causing an inconvenience and in many cases a total obstruction. It is for this reason the government issued legislation in 1990 to provide local authorities with the ability to deal with the problem. Experience has identified that many occupiers will not comply with the legislation until requested to do so by the Council. The Council takes the issue of ploughing and cropping rights of way seriously and land occupiers should be in no doubt that a robust and consistent approach to keeping rights of way clear will be taken. The essence of the procedure set out below is that occupiers will normally be given two warnings and then may be prosecuted without prior notice on the third breach of legislation.

3.2 First Breach of Legislation

If it is the occupier's first breach of legislation they will be asked to reinstate the path both verbally (if possible) and in writing, advised of their legal obligations and issued details of Herefordshire Council's enforcement policy and procedures. If they comply, no further action will be taken. Note: - In the case of ploughing, an occupier will be deemed to have been advised even if they receive appropriate paper work from the Council before the statutory 14 days allowed to reinstate the path expires.

3.3 Second breach of legislation

If the occupier has been advised, in writing, of their legal responsibilities in relation to a breach of legislation once in the past 5 years, they will automatically be served a notice under schedule 12a of the Highways Act 1980.

3.4 Third breach of legislation

If the occupier has been advised of their legal responsibilities at least twice in writing or has been served a schedule 12a notice in the past 5 years, evidence will be gathered with a view to prosecuting the occupier or issuing a formal caution. This applies regardless of whether the occupier has complied with any paper work that has been served on them in the past.

3.5 In some cases, particularly where the path in question is a field edge path, the occupier may be advised at the second breach of legislation stage that the matter will be referred to the County Secretary and Solicitor for consideration to prosecute, rather than serve a notice.

4.0 Procedures for dealing with Ploughing and Cropping Offences

4.1 Initial action

4.1.1 Upon receipt of a reported breach of legislation, the report will be logged onto the database. If the report is by letter, email or fax the report should be acknowledged and the reportee advised of the defect number.

4.2 First stage - advisory action

4.2.1 The Area Rights of Way Warden (the Warden) will inspect the site of the alleged breach within 10 working days of notification. If this is not possible the Warden should advise their line manager of the reasons and agree a timescale for inspection or an alternative approach.

4.2.2 Upon confirmation of a breach of legislation the Warden will ascertain the details of the occupier of the land at the date of inspection. The Warden will then ascertain whether the occupier has been informed about a breach of legislation in the past five years or if a notice has been served.

4.2.3 If it is the occupier's first offence, the Warden will try to seek a meeting with the occupier on site within 5 working days to explain the details of the offence and the occupier's obligations. A confirmation letter will be sent as soon as is practicable following any meeting, such letter to include:

- confirmation of the issues discussed at the site meeting
- details of the offence
- a plan showing the location of the offence
- what is required to comply with the legislation
- details of the Council's enforcement policy and ploughing and cropping procedures.

The occupier will be advised, in the case of a ploughing offence, that the path should be reinstated within 14 days and in the case of a cropping offence reinstatement should be completed within 7 days.

4.2.4 If the occupier has been advised of their obligations in writing in connection to a breach of legislation before within the last 5 years the matter will be considered for enforcement action.

4.2.5 The Warden will re-inspect the right of way within 5 working days of the expiry of the time given to the occupier to reinstate the path. If the work has been carried out to reinstate the path in line with legislation, the Warden will write to the occupier thanking them for cooperation and advising what future action would be taken should any further breaches of legislation be confirmed on land in their occupation.

4.2.6 If no work has been carried out, the Warden will pass on the details of the case to the Area Officer.

4.3 Second Stage – Enforcement Action

4.3.1 The Area Officer will ascertain how many times the occupier has been contacted in writing and advised of their duties in regards to the legislation in the past.

4.3.2 If the occupier has been advised of their obligations once in the past 5 years, the Area Officer will inspect the path within ten working days. If a breach of legislation has occurred, they should write to the occupier setting out the occupier's obligations, and including a Schedule 12a Enforcement Notice. The covering letter should include details of what works are required to reinstate the path. The Enforcement Notice will set out the Council's intention to take direct action and recover costs if reinstatement works are not carried out within the specified period. The specified period will normally be 7 days. The Notice will contain the following:

- That the Council intends to enter onto the land to carry out the necessary reinstatement work.
- The earliest date and time that the work will be undertaken.
- The nature of the work, and the equipment to be used.

- The lines of access that will be used (this does not have to be along the line of the right of way).
- The final date by which the occupier can complete the work and inform the Area Officer without being liable to incur any costs. This date will be 4.00 p.m. two working days prior to the enforcement action being carried out.

The Area Officer will advise the occupier that the reinstatement work by the Council will only be cancelled subject to: -

- The work having been carried out to the satisfaction of the Area Officer, and;
- The Area Officer being advised two working days prior to any enforcement action being carried out that the occupier has completed the works.

4.3.3 The Area Officer will provisionally arrange for the work team to carry out the reinstatement work, with confirmation being given the day before the works are to be undertaken. If the Area Officer is of the opinion that the occupier may cause a breach of the peace, the local police will be requested to attend. A final letter will be sent to the occupier setting out the date the Council intends to carry out reinstatement works. Ideally this will be no more than 5 days after the earliest time set out in the notice.

4.3.4 A final inspection of the right of way will be undertaken the day before the enforcement works are to be carried out to ascertain whether or not the work has been completed. In the event of the works having been completed and the Council not informed, any costs that have been incurred will be recovered from the occupier.

4.3.5 On the day of the enforcement works, if the works have been completed by the occupier to the satisfaction of the Area Officer, any costs that have been incurred will be recovered from the occupier of the land. If the works have not been completed, the Area Officer will meet the work team (and the police if requested) reasonably close to the site where the works are to be undertaken. The Area Officer will brief the work team and, if present, provide the police with copies of the appropriate information.

The following information will be made available: -

- A copy of the Definitive Map and Statement relating to the right of way in question.
- Copies of the schedule 12a notice(s).
- Copies of all other relevant correspondence.

Once briefed, the work team will proceed to the prearranged access point while the Area Officer and the Police, if present, visit the occupier of the land to inform them that the works are to be carried out. The work team will not enter onto the land or commence any work until authorised to do so by the Area Officer.

4.3.6 Before any works are carried out the Area Officer will mark out the line of the path to be reinstated for the work team. This will include the width to be reinstated which will be within the maximum width but no less than minimum width as set out below.

| Status | Minimum width* | Maximum width* |
|---|----------------|----------------|
| Cross-field footpath | 1.0m | 1.8m |
| Field-edge footpath | 1.5m | 1.8m |
| Cross-field bridleway | 2.0m | 3.0m |
| Field-edge bridleway | 3.0m | 3.0m |
| *Widths as stated in Rights of Way Act 1990 | | |

4.3.7 The Area Officer will supervise the work team at all times with particular attention being made to the correct line. In the event of any threat of violence, the Area Officer and work team will take the advice of the Police if they are present, or withdraw from the site immediately and contact the Police.

4.3.8 Once the works have been carried out, a letter and bill will be forwarded to the occupier of the land who will be recharged all reasonable costs incurred. The letter will advise the occupier of the action that will be taken should the Council become aware of another breach of legislation occurring on land they occupy. The actions will be recorded on the database and the case closed.

4.4 If the occupier has been advised of their legal responsibilities twice or more within the last five years, including the serving of a schedule 12a notice, the Area Officers will discuss the matter with the rights of way manager with a view to initiating prosecution proceedings (see section 5.0).

5.0 Prosecution Guidelines

5.1 General principles

5.2.1 Prosecution as a means of enforcement will, in most cases, only be considered as a last resort and after other methods of persuasion and enforcement have failed. In some cases, legislation may dictate prosecution as the only option if negotiation has failed. In other cases direct action may have failed and the occupier persists in maintaining the obstruction.

5.2.2 In the case of ploughing and cropping, prosecution should be regarded as an effective enforcement tool designed to make clear the Council's robust stance on breaches of the Rights of Way 1990 legislation. The general rule will be if an occupier has been notified of their legal obligations twice in a five year period they will automatically be considered for prosecution or issued a formal caution depending on the circumstances. The decision to prosecute will be based on Home Office guidelines to ensure that fair and consistent decisions are made about each potential prosecution.

5.2.3 Prosecution will be considered if:

- There is significant risk to public safety
- There is a history of similar infringements
- All other avenues, including direct action have been considered or exhausted
- There has been a failure to take corrective action
- It is in the public interest
- There is a realistic prospect of conviction and a significant fine
- The offence is widespread
- There is sufficient, admissible and reliable evidence

5.2.4 A formal caution will be considered if:

- The required works have been carried out or are likely to be carried out.
- The occupier is willing to accept a formal caution and undertakes to sign a receipt of the caution.
- There are mitigating circumstances for not prosecuting.

5.2.5 A prosecution or formal caution will not be considered if:

- There was a genuine mistake.
- The nature of the offence can be considered as minor.
- There has been a long delay between the alleged offence taking place and the decision to prosecute.
- Mitigating circumstance come to light.
- The defendant is or was at the time suffering from significant mental or physical ill health.

5.2.6 Prosecution Procedures

The rights of way section will be guided by the Council's legal services as to the appropriate procedures to be adhered to for the prosecution of suspected offenders.

6.0 Responsibility for implementing policy

6.1 The Head of Service is responsible for ensuring the policy is implemented and that all staff that might deal with enforcement are fully trained.

The Service Manager and Rights of Way Manager are responsible for ensuring officers wanting to carry out enforcement duties follow the procedures and appropriate Home Office guidelines.

Legal Services will be responsible for offering, guidance and legal representation / support to officers wishing to carry out enforcement.

Officers with an enforcement role must be aware of the policy and guidelines for prosecution.

The decision as to whether to proceed with a prosecution will be taken by the Rights of Way Manager, in consultation with the Service Manager, and Legal Services, after full consideration of the case.

The decision as to whether to proceed with direct action can be made by the Area Officers.

8D

Herefordshire Council Public Rights of Way Inspection and Maintenance Plan

1.0 Background

Herefordshire has a network of 2100 miles (3358 kms) of footpaths, bridleways and byways open to all traffic. These paths range from those heavily used, by dog walkers, people accessing services and strategically important routes such as the Wye Valley Walk, to those used rarely and with limited public benefit such as cul-de-sac paths. Although Herefordshire Council has a legal duty to maintain all the rights of way within the county, there are limited resources available. In order to maximise resources a system of priorities needs to be put in place, which will form the basis of an inspection and maintenance plan.

2.0 Inspection Prioritisation

2.1 Routine Inspections

A Rights of Way Officer will carry out routine inspections once a year on key routes in the county to assess overall condition, signing and safety. Key routes are:

- Wye Valley Walk
- Mortimer Trail
- Promoted loop walks e.g. Lingen Loop

2.2 Reactive inspections

Rights of Way Officers will carry out inspections based on reports received about defects or suggested improvements on the network. They will also make a judgement on matters such as the popularity and amenity value of the route. The timescale within which a problem or proposed improvement on a path will be inspected will be based primarily on the category rating set out in table 1, but also taking into the account the inspection considerations set out in para. 3.0 below. All paths would normally be inspected between highway links i.e. road-to-road, road to path or path-to-path.

| Priority | Routine Inspection | Reactive Inspection |
|---|--|----------------------------|
| Category 1 | | |
| <ul style="list-style-type: none"> • Herefordshire Council promoted routes. E.g. Wye Valley Walk | Yes – Once a year | Within 2 weeks |
| Category 2 | | |
| <ul style="list-style-type: none"> • Other published routes. E.g. Herefordshire Trail, Three Rivers Ride | No unless by volunteers | Within 3 months |
| <ul style="list-style-type: none"> • Well used paths in or around a settlement | No – unless by volunteer Parish Footpath Officers | Within 3 months |
| Priority | Routine Inspection | Reactive Inspection |
| <ul style="list-style-type: none"> • Other paths known to be popular | No – unless by volunteer Parish Footpath Officers. | Within 3 months |

| | | |
|---|-------------------|-------------------------|
| • Paths made up specifically for disabled access | Yes – Once a year | Within 3 months |
| • Links to visitor attractions | No | Within 3 months |
| Category 3 | | |
| • Paths not identified in categories 1,2 and 4 | No | Between 3 and 6 months |
| • Routes identified on the ROWIP as paths to be improved | No | Between 3 and 6 months |
| Category 4 | | |
| • Cul-de-sacs | No | Between 6 and 18 months |
| • Neighbourly disputes | No | Between 6 and 18 months |
| • Paths with little or no amenity value i.e. paths that serve little or no value in terms of enjoyment, access or utility | No | Between 6 and 18 months |

Table 1 – Inspection Schedules

3.0 Other Inspection considerations

The officer dealing with the defect will also consider the following when deciding how quickly a defect needs to be inspected.

- **Hazard** - Defects in all path categories that are identified by the inspecting officer as being hazardous will be inspected and appropriate remedial action taken within 48 hours. At inspection this may involve legally closing the path and /or tasking a works gang or responsible landowner to carry out works to resolve the defect or make the site safe.
- **Inconvenience** – There is a defect on the path but the public are still able to use it. E.g. Missing sign post
- **Complaint volume** - The number of reports, from different sources, that have been received on the same issue or path.
- **Public benefit** - If from officer experience it is known that resolving the issue will be of particular public benefit.
- **Work efficiency** - If an officer can group a number of defects together in an area or along the same path.
- **Other policies and guidelines** – Public Rights of Way Enforcement Protocol for example.
- **Status of route** – Because of the shortage of safe off road routes for cyclists, horse riders and carriage drivers, the inspecting officer will consider prioritising those routes, which are available to different categories of user.
- **Ploughing and cropping** - Reports on ploughing and cropping will be dealt with as detailed in the Public Rights of Way Enforcement Protocol. Alleged breaches of legislation will normally be inspected within 10 working days of receiving the report.

4.0 Maintenance

Once the location, nature and responsibility for rectifying the defect are confirmed, remedial action will be taken either by the landowner or by Herefordshire Council.

4.1 Landowner Responsibility

In terms of maintenance landowners are responsible for maintaining stiles and gates, the cutting back of overgrowth, complying with ploughing and cropping legislation and ensuring paths are kept clear of general obstructions. Once the reported defect has been inspected and identified as being the responsibility of the landowner to rectify, the landowner will generally be requested to clear the obstruction within two to six weeks, depending on the nature of the obstruction. If the defect is not rectified within that time action will be taken in accordance with the Public Rights of Way Enforcement Protocol.

4.2 Herefordshire Council Responsibility

The maintenance and improvement of signposts, watercourse crossings and surfaces (including undergrowth) are the responsibility of Herefordshire Council (unless the surface has been deliberately damaged). These defects or improvements will be dealt with in accordance with the following maintenance prioritisation.

4.2.1 Maintenance Prioritisation

The Officer dealing with the case can resolve many simple defects immediately. These include small-scale vegetation clearance and waymarking.

However a large amount of maintenance work needs to be carried out by the Public Rights of Way maintenance teams employed by Herefordshire Jarvis Services (HJS). Due to limited resources it is important that work issued to HJS is done so on a prioritised basis. The officer dealing with the case will allocate a priority rating to each job based on the following considerations: -

- **Category of route**
 - See table 1.
- **Nature of defect**
 - Hazardous – Likely to result in serious injury to people.
 - Obstruction – Blocks use of a path.
 - Inconvenience – Minor problem that does not stop a person using the path.
- **Cost**
 - The practical work required to resolve the defect may incur costs disproportionate to the benefit they will provide.

- **Seasonality**
 - The practical work required to resolve the defect may need to be carried out at a particular time of year or in particular conditions. Examples being; large scale vegetation clearance is more efficient when leaves are off trees and hedges, access to sites may need a period of dry weather or river levels need to be low to carry out bridge works.
- **Environmental**
 - The practical work required to resolve the defect may need to be carried out at a particular time of year or in particular conditions to avoid damaging flora and fauna. Licences for work may be required from the Environment Agency or other body.
- **Work efficiency**
 - One piece of work may not justify high priority, however when it is grouped with other outstanding pieces of work of a higher priority it may make more efficient use of available resources to complete all the work at the same time.
- **Deterioration**
 - The condition of the path or furniture may be satisfactory at present but it is apparent that it has a limited life span.
- **Alternative routes**
 - An alternative route may be available ensuring public access
- **Enforcement**
 - If a landowner has been requested to carry out their statutory responsibility such as reinstating a path, it is reasonable to expect Herefordshire to carry out their responsibility at the same time e.g. Install a ditch crossing where the path leaves the field that is subject to reinstatement.
- **Status of route**
 - The clearance of a bridleway for example is likely to benefit a wider section of the community than the clearance of a footpath.

After consideration of the above, the Officer will allocate a priority rating as set out in table 2 below.

| 1 Priority | 2 Timescale |
|------------|------------------|
| Hazard | Within 48 hours |
| 1 | Within 3 months |
| 2 | Within 1 year |
| 3 | Within 18 months |

Table 2 – priority ratings

Once the work has been completed by HJS the defect will be cleared from the database.

Resources

The officer dealing with the case will need to consider alternative methods (other than through HJS or the landowner) for resolving the defect. This will include Parish Paths Partnership Scheme Parish Footpath Officers, volunteers, and private contractors.

Parish Paths Partnership Scheme

The Parish Paths Partnership Scheme enables parishes to carry out maintenance works on the rights of way network, which would normally be the responsibility of Herefordshire Council or a landowner, in return for a grant from Herefordshire Council. The parish can choose how they seek to clear the defect and may involve the use of contractors, volunteers or the landowner. The terms and condition issued to parishes as part of the scheme will be amended in accordance with this Rights of Way Inspection and Maintenance Plan.

The scheme offers local residents the opportunity of becoming involved in the maintenance of rights of way and offers excellent value for money. For these reasons the intention is for the scheme to be expanded in line with resources.

Parish Footpath Officers

Minor works such as waymarking and localised clearance can be passed through to the volunteer Parish Footpath Officer nominated by the parish council to be responsible for local paths. Parish Footpath Officers provide an essential contribution to the maintenance of the public rights of way network. Herefordshire Council will therefore seek to widen the coverage of Parish Footpath Officers and continue to offer training, support and expenses payments.

Volunteers

Herefordshire Council will, whenever practically possible, make use of volunteer resources provided the necessary health; safety and insurance standards are met. Volunteers can undertake a variety of tasks from building bridges, clearance work and waymarking.

4.1.1 Access Improvements

Under s.146 of the Highways Act 1980 Landowners are responsible for the maintenance of stiles and gates and are entitled to claim a grant of a minimum of 25% towards the cost of the works. Under the same section, Herefordshire Council has the power to carry out all the work at their own expense if they so wish.

Herefordshire Council has adopted the principle of the least restrictive option when looking at access points along a path. This means consideration will be given to improving access along a route and upgrading furniture to remove as many obstacles as possible. In practical terms this means removing a stile or gate to leave a gap, replacing a stile with a gate, replacing a kissing gate with a pedestrian or fully accessible gate, or installing an easy access stile.

On receiving a report of a damaged or broken stile, efforts will be made to secure access improvements. To facilitate this Herefordshire Council will offer to supply and install a gate if it replaces a stile, remove a stile or gate if it leaves a gap, install a cross step, or carry out any other work that is regarded as access improvement, at no expense to the landowner. If the landowner does not wish to have access improved, they will be requested to either install a gate or stile supplied by Herefordshire Council in lieu of the 25% statutory grant or requested to install a stile or gate to the satisfaction of the responsible officer and invited to claim a minimum of 25% of the costs incurred.

If the landowner fails to install or repair the furniture, enforcement action is likely to be initiated as set out in the Public Rights of Way Enforcement Protocol.

| |
|--|
| 8E PARISH CONSULTATION EXERCISE |
|--|

Dear

YOUR OPPORTUNITY TO CONTRIBUTE TO THE FUTURE OF COUNTRYSIDE ACCESS IN YOUR PARISH

We are asking your Parish Council, and the people of your Parish, what improvements you feel are needed within the public rights of way network in Herefordshire over the next 5-10 years. We are currently working to produce the Herefordshire Rights of Way Improvement Plan. The Plan is intended to identify both the priorities for action, and the way in which we work towards achieving the Improvement Plan's objectives.

We need the help of your Parish Council to ensure that the Plan meets the needs of local people, and visitors to your parish, who wish to access the countryside, either for recreation, or simply to get from one place to another. We also want to listen to the needs and views of local landowners, farmers and others who work in the countryside.

We would like to bring this consultation exercise to the attention of your Parish Council. I enclose a Parish Council questionnaire. This is to collect the views of the Parish Council. A copy of the 1989 Definitive Map of your Parish is included with the questionnaire along with a location map. Please feel free to consult widely. If you have a Parish Footpath Officer it would be advisable to involve them in this questionnaire. Later in the year a different questionnaire will be circulated to gather individual views from the general public, tourists and user groups.

This Questionnaire must be returned to me by 31st May 2004, along with the Definitive Map, in the FREEPOST envelope included.

All the Parish Councils in Herefordshire are being consulted. Any work your parish has already done towards a Parish Plan should be used to help inform your response.

If you are no longer the relevant contact for your Parish, please pass this letter on, or let us know the current contact details.

Please note that at the end of the consultation period, copies of responses may be made available to the public on request.

Rights of Way Improvement Plan consultation draft

Parish Council name: _____

SECTION 1: Parish Council Involvement in Rights of Way

To what extent is your parish council involved in the development and maintenance of footpaths and bridleways? (please tick which apply)

| | Does not wish to have any involvement | Interested in becoming involved | Already Involved | If involved or interested in becoming involved, Please give details below: |
|---|---------------------------------------|---------------------------------|--------------------------|--|
| Maintenance of existing routes (MR) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Please indicate location on the map and label MR |
| Permissive access agreements (PA) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Please indicate location on the map, and label as PA |
| Dedication of new access (NA) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Please indicate location on the map and label as NA |
| Research to define unrecorded routes | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Please enclose any related information |
| Production of information leaflets / maps | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Please list leaflets/maps: _____ _____ _____ |

Are there any other public rights of way related activities that your parish council is or would like to be involved in? (For example: establishing walking groups or work parties.)

Yes No

If "yes", please give details.

A

SECTION 2: Improvements Needed to Existing Rights of Way in your parish(es)

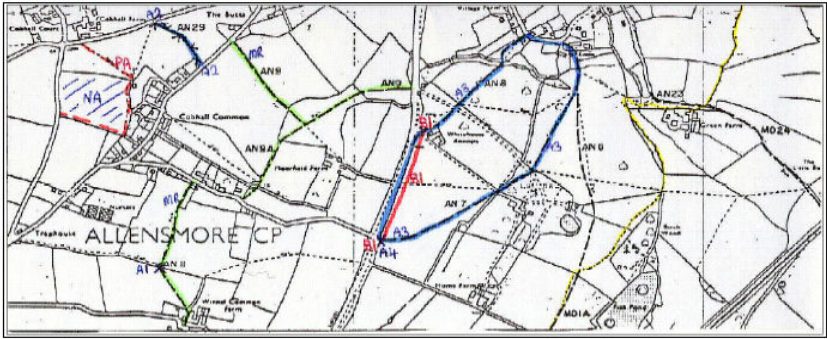
Attached is the Definitive Rights of Way map of your parish(es) with the parish boundary in yellow and a legend denoting type of rights of way. A location map is also enclosed for orientation purposes (with parish boundary in purple).

Please think about improvements your Council would like to see made to existing footpaths and bridleways.

Then take the following steps for each remedial action needed:

1. Mark the large Definitive map with a cross or line at the point where the improvement is needed, preferably in BLUE pen. A point feature is an improvement at a particular place e.g. a stile. A linear feature is an improvement over a given distance
2. Write an 'A' then a number e.g. A1 by the cross. If a line is used, please put A1 at the beginning and end of the line on the map.
3. In the table on the next page write the code e.g. A1 and indicate the improvement that should be made

EXAMPLE:
Section of Definitive Map:



Section of Table:

| Your Map Ref. | Path no. (if known) | Signage | Stile/Gate upgrade to improve access | Surface improvement to increase access | Change of status e.g. footpath to bridleway | Identify safer routes, crossings | Locally promoted walks | Routes your parish would like to maintain if resources were available | Improvements of key links to improve access | COMMENTS |
|---------------|---------------------|---------|--------------------------------------|--|---|----------------------------------|------------------------|---|---|--|
| A1 | AN11 | | ✓ | | | | | | | Only stile on route. Gate would make whole route accessible. Parish would be happy to maintain if had resources. |
| A2 | AN29 | | | | | | ✓ | | | Parish promotes short circular walk. |
| A3 | AN7/8 | | | | | | ✓ | | | Sign with directions & distance to the church. |
| A4 | AN7 | ✓ | | | | | | | | |

Parish Council name: _____

A

SECTION 2: Improvements Needed to Existing Rights of Way in your parish(es)

Please think about the improvements you feel are required to the rights of way within your parishes

| Your Map Ref. | Path no. (if known) | Signage | Stile/Gate upgrade to improve access | Surface improvement to increase access | Change of status e.g. footpath to bridleway | Identify safer routes, crossings | Locally promoted walks | Routes your parish would like to maintain if resources were available | Improvements of key links to improve access | COMMENTS |
|---------------|---------------------|---------|--------------------------------------|--|---|----------------------------------|------------------------|---|---|----------|
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Parish Council Name: _____

B

SECTION 3a How adequate do you feel the provision of rights of way is within your parish?

Use the table below to state how adequate you feel the network is within your parish, set against the criteria listed below. Use the following sheets in Section 3b to outline improvements to your local rights of way network. Please note improvements should be based on identified 'need' rather than a 'wish list'.

criteria code

Adequacy of:

- 1 routes from centres of population which allows easy access to the countryside
- 2 routes used in conjunction with public transport which allows easy access to the countryside
- 3 routes to enable people to avoid busy roads or developments
- 4 access to and within areas of countryside or access to a particular feature, attraction etc
- 5 links which create circular routes
- 6 convenient and safe crossings over roads, rivers, railways and canals
- 7 access to common land and open access land
- 8 routes accessible for blind or partially sighted people
- 9 routes accessible for less mobile (e.g. with wheelchairs or pushchairs) or less agile people
- 10 attractive routes which support local tourism
- 11 routes for local journeys such as walking to the shops, work, doctors and other local amenities

| Footpath* | | | Bridleway* | | | BOAT* | | |
|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| Good | Average | Poor | Good | Average | Poor | Good | Average | Poor |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
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| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
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| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
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| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
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| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

* Footpath - used only by those on foot.
 * Bridleway - used for riding or leading a horse as well as on foot.
 * BOAT = Byway open to all traffic - used for walking, riding or leading a horse or cycling. Also a right of way for any kind of wheeled vehicle including cars and horse-drawn vehicles.

Having completed the above table please use the following pages to propose routes to enhance the adequacy of the above route provision. Proposals will be analysed using the criteria above to help provide evidence of identified need. It will also help the proposal if you have, or could identify, funding sources and possible volunteers to assist in implementation.

Parish Council Name _____

B

SECTION 3b Proposals to improve the Adequacy of the rights of way network.

This is an opportunity for you to propose additions or alterations to the rights of way network in order to improve the network for all users. Please use the definitive map to indicate your proposals and label with the letter 'B'.

Proposals will be analysed using the criteria on the previous page to help provide evidence to identify need. It will also help the proposal if you have, or could identify, funding sources and possible volunteers to assist in implementation.

Then take the following steps **for each remedial action needed**:

1. **Mark the large Definitive map** with a cross or line where the proposed improvement is needed, preferably in RED pen.
2. Write a 'B' then a number e.g. B1 by the mapped feature & then detail the proposal in the table below

EXAMPLE:

| Map ref | Criteria code met (see previous page) | Details | Status | possible funding identified? | possible volunteers identified? |
|---------|---------------------------------------|--|----------|------------------------------|---------------------------------|
| B1 | 3, 4 & 10 | To provide a route off the busy road (unsafe) Access to local attraction - parish church | Footpath | No | Yes parish councillors |

| Map ref | Criteria code met (see previous page) | Details | Status | possible funding identified? | possible volunteers identified? |
|---------|---------------------------------------|---------|--------|------------------------------|---------------------------------|
| | | | | | |
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Parish Council name: _____

SECTION 4: Are there any other comments from your parish about access to the countryside?

Parish Clerk Details:

Name: _____

Address: _____

E-mail:

Date: _____

Signature: _____

THANK YOU FOR YOUR TIME

Please note that, at the end of the consultation period, copies of responses may be made available to the public on request.

Please return this questionnaire and the Definitive map using the FREEPOST envelope provided.

The FREEPOST address is as follows:
 Herefordshire Council Research Team
 FREEPOST SWC4816
 P.O.Box 4
 Hereford
 HR4 0BR

| |
|-----------------------------------|
| 8f LANDOWNER QUESTIONNAIRE |
|-----------------------------------|

Improving public access to the countryside

We are currently working to produce the Herefordshire Rights of Way Improvement Plan. The Plan is intended to identify both the priorities for action, and the way in which we work towards achieving the Improvement Plan's objectives. As part of our consultation we would like to find out your views as landowners, on the public rights of way network and on how rights of way affect you.

1. Public rights of way and your land?

| | | | |
|---|--------------------------|----|--------------------------|
| Do you have public rights of way on your land? | | | |
| Yes | <input type="checkbox"/> | No | <input type="checkbox"/> |
| If yes, how many of each of the following do you have on your land: | | | |
| footpaths | <input type="checkbox"/> | | |
| bridleways | <input type="checkbox"/> | | |
| Byways open to all traffic | <input type="checkbox"/> | | |

| Please indicate your involvement with any form of farm diversification in the table below: | | | |
|---|--------------------------|-----------------------------|--------------------------|
| <i>(PLEASE TICK ONE BOX ONLY IN EACH ROW)</i> | Already involved | Possible future involvement | No involvement |
| Caravan/camping site | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| B&B | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Farm shops | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Tea rooms | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Permissive access | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Shooting/hunting | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Agri-environment schemes | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Dedicate new access land | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Other (please state) _____ | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

| Do rights of way have an effect on you and/or your business? | | | | |
|--|-----|--------------------------|----|--------------------------|
| | Yes | <input type="checkbox"/> | No | <input type="checkbox"/> |
| Comments: | | | | |

2. Our existing public rights of way service

As the highway authority for Herefordshire we are responsible for over 2,113 miles (3,400 km) of public rights of way giving access to the countryside.

Our existing service focuses on looking after the rights of way network and is made up of six main areas of work, (listed below). How satisfied are you with each area?

| Please indicate how satisfied or dissatisfied you are with the level of service provided in your local area: | | | | | |
|---|--------------------------|--------------------------|-----------------------------------|--------------------------|--------------------------|
| (PLEASE TICK ONE BOX ONLY IN EACH ROW) | Very satisfied | Fairly satisfied | Neither satisfied or dissatisfied | Fairly dissatisfied | Very dissatisfied |
| a. Definition – maintaining the definitive map and administering legal changes to the path network. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b. Protection – taking statutory enforcement action where paths are obstructed. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| c. Maintenance – looking after path surfaces and furniture, including bridges, signposts & way marks. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| d. Improvement – carrying out practical improvements to make access along paths easier. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| e. Promotion – providing information about the path network and what we do to look after it. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| f. Liaison – addressing issues and conflicts regarding rights of way. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| | First most important | | Second most important | Third most important | |
| Please indicate which of the above areas (a, to f), of our existing service are most important to you. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| | Very satisfied | Fairly satisfied | Neither satisfied or dissatisfied | Fairly dissatisfied | Very dissatisfied |
| Overall, how satisfied or dissatisfied are you with the Council public rights of way service? (TICK ONE BOX ONLY) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

3. Future challenges

The Countryside and Rights of Way Act reinforces a number of the authority's existing obligations as well as identifying a number of new challenges regarding countryside access.

| Please indicate how important each of the following challenges are to you: | | | | | |
|---|--------------------------|--------------------------|----------------------------------|--------------------------|--------------------------|
| (PLEASE TICK ONE BOX ONLY IN EACH ROW) | Very important | Fairly important | Neither important or unimportant | Fairly unimportant | Very unimportant |
| 3 ACCESS LAND | | | | | |
| a. Management of 'access land' – ensuring there are wardens and resources in place to look after access land. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| DEFINITION ISSUES | | | | | |
| b. 'Lost Ways' project – identifying and recording any 'lost ways', (which are old paths that have not been claimed), prior to the 'cut-off' date in 2025. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| c. Missing links – the steps we take to identify and add missing links to create complete networks. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| OTHER CHALLENGES | | | | | |
| d. Quiet lanes - the steps we take to check and 'fill in' any broken parts of the rights of way network – by quiet lanes, verges or footways | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| e. Practical improvements – making access along paths easier for less mobile users. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| f. Standards of information – need for user guides and/or customised maps. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| g. Recreational routes – better provision and management of promoted routes, regional routes and circular walks. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| | First most important | Second most important | Third most important | | |
| Please indicate which of the above challenges (a, to g), are most important to you. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | | |

4. Related areas

The Herefordshire Plan is a community strategy which provides an opportunity to plan for the future and focus efforts on the issues important to the people who live, work and visit the county. Herefordshire Council aims to address those issues which are important by using the Ten ambitions. Rights of way can be directly linked to a number of these ambitions as outlined below.

How important do you feel these different issues are with regard to future developments in rights of way?

| Please indicate how important or unimportant these related areas are to you: | | | | | |
|---|--------------------------|--------------------------|----------------------------------|--------------------------|--------------------------|
| <i>(PLEASE TICK ONE BOX ONLY IN EACH ROW)</i> | Very important | Fairly important | Neither important or unimportant | Fairly unimportant | Very unimportant |
| a. Protect and Improve Herefordshire’s distinctive environment- <i>e.g. by protecting and maintaining historic routes.</i> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b. Develop an integrated transport system for Herefordshire - <i>e.g. maintain routes which can be used in conjunction with public transport or allow users to avoid busy roads.</i> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| c. Reduce poverty and isolation in Herefordshire – <i>e.g. create and maintain links to isolated areas.</i> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| d. Improve the health and well being of Herefordshire people - <i>e.g. provide routes which can be used for exercise and recreation.</i> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| e. Encourage communities to shape the future of Herefordshire – <i>e.g. involvement in parish path partnership schemes and parish plans.</i> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| f. Support business growth and create more and better paid work in Herefordshire – <i>e.g. promote routes which encourage people to visit local shops and amenities.</i> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| g. Partnerships - Development of wider council and community partnerships – <i>e.g. development of voluntary work</i> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| h. Develop Herefordshire as an active, vibrant and enjoyable place to be – <i>e.g. encourage visitors through access to the countryside and particular attractions or features.</i> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| | First most important | Second most important | Third most important | | |
| Please indicate which of the above areas (a to h) are most important to you or the organisation you represent. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | | |

5. Are there any further issues relating to countryside access that you feel should be considered in the production of the Herefordshire’s rights of way improvement plan?

8g USER GROUPS QUESTIONNAIRE

Improving public access to the countryside

We are currently working to produce the Herefordshire Rights of Way Improvement Plan. The Plan is intended to identify both the priorities for action, and the way in which we work towards achieving the Improvement Plan's objectives.

1. Our existing public rights of way service

As the highway authority for Herefordshire we are responsible for over 2,113 miles (3,400 km) of public rights of way giving access to the countryside.

Our existing service focuses on looking after the rights of way network and is made up of six main areas of work, (listed below). How satisfied are you with each area?

| Please indicate how satisfied or dissatisfied you are with the level of service provided in your <u>local area</u> : | | | | | |
|--|-------------------------------------|--------------------------|-------------------------------------|--------------------------|-------------------------------------|
| (PLEASE TICK ONE BOX ONLY IN EACH ROW) | Very satisfied | Fairly satisfied | Neither satisfied or dissatisfied | Fairly dissatisfied | Very dissatisfied |
| a. Definition – maintaining the definitive map and administering legal changes to the path network. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b. Protection – taking statutory enforcement action where paths are obstructed. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| c. Maintenance – looking after path surfaces and furniture, including bridges, signposts & waymarks. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| d. Improvement – carrying out practical improvements to make access along paths easier. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| e. Promotion – providing information about the path network and what we do to look after it. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| f. Liaison – addressing issues and conflicts regarding rights of way. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| | First most important | | Second most important | | Third most important |
| Please indicate which of the above areas (a to f), of our existing service are most important to you: | <input checked="" type="checkbox"/> | | <input checked="" type="checkbox"/> | | <input checked="" type="checkbox"/> |
| | Very satisfied | Fairly satisfied | Neither satisfied or dissatisfied | Fairly dissatisfied | Very dissatisfied |
| Overall, how satisfied or dissatisfied are you with the Council public rights of way service? (TICK ONE BOX ONLY) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

2. Future challenges

The Countryside and Rights of Way Act reinforces a number of the authority's existing obligations as well as identifying a number of new challenges regarding countryside access.

| Please indicate how important each of the following challenges are to you or to the organisation you represent: | | | | | |
|---|--------------------------|--------------------------|----------------------------------|--------------------------|--------------------------|
| (PLEASE TICK ONE BOX ONLY IN EACH ROW) | Very important | Fairly important | Neither important or unimportant | Fairly unimportant | Very unimportant |
| ACCESS LAND | | | | | |
| a. Management of 'access land' – ensuring there are wardens and resources in place to look after access land. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| DEFINITION ISSUES | | | | | |
| b. 'Lost Ways' project – identifying and recording any 'lost ways', (which are old paths that have not been claimed), prior to the 'cut-off' date in 2025. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| c. Missing links – the steps we take to identify and add missing links to create complete networks. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| OTHER CHALLENGES | | | | | |
| d. Quiet lanes - the steps we take to check and 'fill in' any broken parts of the rights of way network – by quiet lanes, verges or footways | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| e. Practical improvements – making access along paths easier for less mobile users. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| f. Standards of information – need for user guides and/or customised maps. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| g. Recreational routes – better provision and management of promoted routes, regional routes and circular walks. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| | First most important | Second most important | Third most important | | |
| Please indicate which of the above challenges (a to g), are most important to you: | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | | |

3 Related areas

The Herefordshire Plan is a community strategy which provides an opportunity to plan for the future and focus efforts on the issues important to the people who live, work and visit the county. Herefordshire Council aims to address those issues which are important by using the Ten ambitions. Rights of way can be directly linked to a number of these ambitions as outlined below.

How important do you feel these different issues are with regard to future developments in rights of way?

| Please indicate how important or unimportant these related areas are to you or to the organisation you represent: | | | | | |
|--|--------------------------|--------------------------|----------------------------------|--------------------------|--------------------------|
| (PLEASE TICK ONE BOX ONLY IN EACH ROW) | Very important | Fairly important | Neither important or unimportant | Fairly unimportant | Very unimportant |
| a. Protect and Improve Herefordshire's distinctive environment- <i>e.g. by protecting and maintaining historic routes.</i> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b. Develop an integrated transport system for Herefordshire - <i>e.g. maintain routes, which can be used in conjunction with public transport or allow users to avoid busy roads.</i> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| c. Reduce poverty and isolation in Herefordshire – <i>e.g. create and maintain links to isolated areas.</i> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| d. Improve the health and well-being of Herefordshire people - <i>e.g. provide routes which can be used for exercise and recreation.</i> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| e. Encourage communities to shape the future of Herefordshire – <i>e.g. involvement in parish path partnership schemes and parish plans.</i> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| f. Support business growth and create more and better paid work in Herefordshire – <i>e.g. promote routes which encourage people to visit local shops and amenities.</i> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| g. Partnerships - Development of wider council and community partnerships – <i>e.g. development of voluntary work</i> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| h. Develop Herefordshire as an active, vibrant and enjoyable place to be – <i>e.g. encourage visitors through access to the countryside and particular attractions or features.</i> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| | First most important | Second most important | Third most important | | |
| Please indicate which of the above areas (a to h) are most important to you or the organisation you represent: | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | | |

4. Does the organisation you represent have a policy regarding public access to the countryside?

Yes No

If so, what is it? (please attach any relevant papers/documents)

5. What geographical area does your organisation represent? (please tick those which apply)

National County Local Parish Other (please specify)

6. Are you or the organisation you represent already involved or would like to be involved in the following:

| | Already involved | Interested in getting involved | Any other comments |
|--|--------------------------|--------------------------------|--------------------|
| a. Maintaining existing rights of way | <input type="checkbox"/> | <input type="checkbox"/> | |
| b. Permissive access agreements | <input type="checkbox"/> | <input type="checkbox"/> | |
| c. Dedication of new access | <input type="checkbox"/> | <input type="checkbox"/> | |
| d. Research to define unrecorded routes | <input type="checkbox"/> | <input type="checkbox"/> | |
| e. Producing maps, information and/or leaflets | <input type="checkbox"/> | <input type="checkbox"/> | |
| f. Other activities for improving and/or encouraging access (please specify) | <input type="checkbox"/> | <input type="checkbox"/> | |

Would you/your organisation be interested in undertaking any (or any more) rights of way maintenance related tasks?

Yes No

4 If "yes" which tasks

.....
 Would you/ your organisation be interested in funding partner projects in your area:

Yes No

If "yes", do you have any particular projects in mind?

.....

7. Do you or your organisation need more/different access to the countryside?

Yes No

(question continued overleaf)

If, yes:

Why do you or your organisation need more or different access to the countryside?
(Please give examples.)

Where do you need this access?

Are there any reasons why this demand cannot be met, and if so, what are they?

8. Are there any further issues relating to countryside access that you feel should be considered in the production of the Herefordshire's rights of way improvement plan?

8H VISITORS/ PUBLIC QUESTIONNAIRE



IMPROVING COUNTRYSIDE ACCESS IN HEREFORDSHIRE



We are currently working to produce a Rights of Way Improvement Plan for Herefordshire and would like your help to ensure it meets the needs of all those who wish to access the countryside for travel and recreation, whilst considering the needs of local landowners, farmers and others who work in our countryside. Public rights of way in Herefordshire are footpaths, bridleways and byways open to all traffic. Your answers to this questionnaire will give us an insight into current use of and attitudes towards the rights of way network. Please spare a few minutes to fill in this survey.

1. Are you: (please tick 1 box only)

- A local resident A visitor to Herefordshire

2. If you are a visitor to the county was Herefordshire's public rights of way network a factor in your decision to visit the county? (tick 1 box only)

- Yes No Unsure

3. If you are a visitor did/will you use Rights of Way during your stay? (tick 1 box only)

- Yes No Unsure

If you answered 'No' please go to question 14.

4. How often do you use public rights of way in Herefordshire? (tick 1 box only)

- never more than once a week more than once a month
 every day once a week once a month

If you answered 'Never' please go to question 14.

4a. Would you like to use the network, more than you have indicated above?

- Yes No Don't know

5. Are you? (tick as appropriate)

- a walker a horserider a cyclist
 Other _____



6. When you use the network are you USUALLY (tick 1 box only)

- on your own with a group of adults Other _____
 with one other with a family group

7. What is the MAIN reason you use rights of way? (tick as appropriate)

- pleasure/recreation dog walking health & exercise
 visit attractions to get to work/shops Other _____

8. When you use rights of way do you NORMALLY go - (tick up to 2 boxes)

- less than 2 miles 4 to 6 miles 8 to 16 miles
 2 to 4 miles 6 to 8 miles Over 16 miles



9. Which do you prefer: (tick 1 box only)

- promoted routes no preference linear routes
 circular routes

10. Where in Herefordshire do you walk/ride/cycle/other?

- North East South East
 North West South West
 Central (Hereford City area)



11. How do you usually access the countryside from home?

- public transport private vehicle horse
 on foot bicycle Other _____

12. Where would you usually go for information about rights of way?

- tourist information centres library
 Herefordshire Council internet
 maps guidebook/leaflet
 don't get info Other _____

13. How much on AVERAGE will you spend per day when in the countryside?

- less £5 £10-£15 £20-£30
 £5-£10 £15-£20 £30+

14. What deters you from using the rights of way network more or at all?

- don't know where routes are feeling intimidated
 insufficient number of routes paths obstructed
 concerned about getting lost Other _____



15. What would you like to see IMPROVED on rights of way in the county?

- surface signage greater promotion
 vegetation clearance more promoted routes fewer obstructions
 status change eg footpath to bridleway Other _____



| 16. How adequate do you feel the provision of public rights of way is in Herefordshire? Please rate the adequacy below according to each purpose: | Good | Average | Poor |
|--|-----------------------|-----------------------|-----------------------|
| Routes from centres of population which allows easy access to the countryside | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Routes used with public transport which allows easy access to the countryside | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Routes to enable people to avoid busy roads or developments | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Access to & within areas of countryside or access to a particular feature, attraction etc. | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Links which create circular routes | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Convenient and safe crossings over roads, rivers, railways and canals | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Access to common land and open access land | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Routes accessible for blind or partially sighted people | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Routes accessible for less mobile (e.g. wheelchairs, pushchairs) or less agile people | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Attractive routes which support local tourism | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Routes for local journeys e.g. walking to the shops, doctors & other local amenities | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |

About you: (please tick which apply)

17. Gender: Male Female

18. What age range are you in?

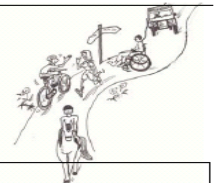
- under 16 16-24 25-39
 40-59 60-74 75+

19. Where do you live? (e.g. Hereford, Weobley)

20. Do you have a disability? No Yes
 If 'Yes', what type?

- Physical Sensory

Other _____



21. Any other comments regarding Herefordshire's Countryside Access?

THANK YOU for filling in this survey form!! **Please put your form in the box provided in libraries, info shops & Tourist Information Offices. Any queries please ring Pippa Evison on 01432 260794.**



