

A STRATEGY FOR THE PUBLIC RIGHTS OF WAY SERVICE IN HEREFORDSHIRE – CONSULTATION

Report By: Director of Environment

Wards Affected

Countywide

Purpose

To consider the draft strategy for the Public Rights of Way Service.

Considerations

1. The Best Value Improvement Plan for the Public Rights of Way Service identified the need for the adoption of a comprehensive strategy to guide the future development of the service.
2. A Draft Strategy has been developed with a view to adoption in early 2004 after a process of consultation. The summary of the strategy is attached as Appendix 1. A full copy of the Strategy will be sent separately to members of the Committee and deposited in the Members Library.
3. Since preparation of the Improvement Plan, the implementation of the Countryside and Rights of Way Act 2000 (the CROW Act) has led to the formation of the Local Access Forum for Herefordshire, a statutory group which will also be consulted on the Strategy.
4. The CROW Act also places a duty on this Council to prepare a Rights of Way Improvement Plan by 2007. However, the Government has advised that the Rights of Way Improvement Plan should be incorporated into the next Local Transport Plan (for the period 2006/07 to 2011/12) and therefore the aim set out in the Strategy is to complete the Improvement Plan in 2005 in time for the LTP.

Financial Considerations

5. The Public Rights of Way Strategy will need to be delivered within the financial resources available for the Service but the Draft Strategy highlights the severe constraints on service development imposed by current funding levels.

Risk Management

6. The Council has a range of statutory duties covering its responsibilities for the Public Rights of Way network. Failure to fulfil these duties could result in successful legal challenge or the issue of directions from the Secretary of State.

Alternative Options

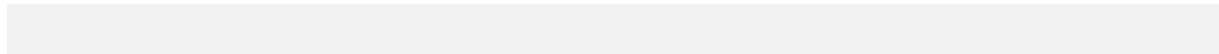
There are no alternative options.

RECOMMENDATION

THAT Committee consider the draft Public Rights of Way Strategy and advise the Cabinet Member (Highways and Transportation) of their views.

BACKGROUND PAPERS

- The Countryside and Rights of Way Act 2000



HEREFORDSHIRE COUNCIL

PUBLIC RIGHTS OF WAY MANAGEMENT STRATEGY

Consultation Draft

SUMMARY

There has recently been a new awareness of the role of public rights of way in bringing health, economic and sustainable transport benefits to the community. Previously the need to carry out statutory duties with respect to rights of way management has driven the service provided in Herefordshire by the Council, but it is now necessary to reconsider the aims of the service so that the full potential of the rights of way network can be realised. This strategy is intended to guide this new direction for rights of way management in Herefordshire.

The Herefordshire Plan, revised in June 2000, sets out a vision for Herefordshire to create fair and thriving communities, protect and enhance the environment and build a strong, competitive and innovative economy. The contribution which Herefordshire Council will make towards the achievement of the ambitions of the Herefordshire Plan is identified in the objectives described in the Council's Corporate Plan. The overall aims of the Council's public rights of way service have been devised to contribute to the fulfilment of the Corporate objectives, and hence the Herefordshire Plan Ambitions.

These aims are to manage the rights of way network so that it:

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

Specific objectives have been set to ensure that each of the aspects of rights of way management contributes to the achievement of these five aims. These areas of work and their principal specific objectives are:

Keeping an accurate legal record of public rights of way (LR)

The definitive map and statement, which provide the legal record of the location and status of public rights of way in the county, form the basis of the management of the network. It is only by having an up to date and accurate record that the public and landowners can be certain of the public's rights, and the Council can ensure that those rights are protected and that the aims of the rights of way service are achieved. The objectives to achieve this accurate record are:

- LR1 Produce a statement of priorities for dealing with modification order applications and definitive map and statement anomalies. (April 2004)*
- LR2 Ensure that the backlog of highest priority modification order applications is cleared by the end of 2004, and subsequently ensure that the highest priority claims are determined within 12 months of an application or the discovery of an anomaly.(December 2004)*
- LR3 Actively seek out deficiencies in the rights of way network and investigate evidence for the existence of rights of way in such areas. (From December 2004)*
- LR4 Remove the backlog of legal event modification orders and subsequently ensure that these changes are made within 6 months of the confirmation of a legal order. (August 2005)*
- LR5 Produce a new, digitised consolidated definitive map and statement (December 2005)*

Maintenance and Enforcement (ME)

The Council has a duty under the Highways Act 1980 and other legislation to ensure that all public rights of way are kept unobstructed, in a safe and convenient condition for public use, and are easy to find and follow. This assists both the people using the paths and the owners of the land over which the routes run. The maintenance of path surfaces, bridges, signposts and waymarkers is the direct responsibility of the Council. The relevant specific objectives are:

- ME1 Investigate more effective methods & alternative sources of funds, for maintaining paths to an appropriate standard (ongoing)*
- ME2 Prepare a strategy for dealing with enforcement problems in an effective manner to include policy, procedures and a statement of priorities (December 2003)*
- ME3 Electronically link the rights of way database to the digitised definitive map. (December 2003)*
- ME4 Prepare and implement a management plan for the prioritisation, inspection and maintenance of the network. (April 2004)*

ME5 Prepare a standards guide for rights of way furniture and surfacing (December 2004)

ME6 Continue to develop the Parish Paths Partnership scheme and to work with other relevant schemes to support community organisations to become more involved in the maintenance and promotion of recreational and utilitarian routes. (Ongoing)

Changing the Network (CI)

The Council has legal powers available to enable it to change the location and status of rights of way so that they better suit the needs of the public and of land managers. Changes which will assist in the achievement of the aims of the rights of way service should be given priority. The relevant objective is:

CI 1 Produce a set of procedures, including standard costs and timescales, and a statement of priorities, for making agreements and orders to create, divert and stop up paths. (March 2004)

Improving the network (I)

The Rights of Way Improvement Plan, required by the Countryside and Rights of Way Act 2000, will be an important tool for the Council to ensure that the aims for rights of way management of making the network more suitable for delivering the goals of enhanced health, enjoyment, economic prosperity, sustainable transport and access for all are achieved. Legislation has set out that the Rights of Way Improvement plan should be incorporated into the Local Transport Plan which is due to be revised and published in 2005. Specific objectives to guide the Council's work in this area are:

I 1 Produce a Rights of Way Improvement Plan. (December 2005)

I 2 Implement the Rights of Way Improvement Plan (2006 onwards)

I 3 Work with relevant officers to incorporate the Rights of Way Improvement Plan into the Local Transport Plan (Ongoing)

Publicity and Promotion of the network (PP)

The realisation of the potential of the rights of way network as a key resource in the rural economy, and improving the quality of life for all residents, depends on effective provision of information. Sustained use of the network will only occur 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. Specific objectives are:

PP1 Produce and implement procedures for a structured, prioritised approach to the promotion of recreational routes including those suitable for all users.

PP 2 Develop and promotes the public rights of way web site. (Ongoing)

PP 3 Continue to participate in the running and development of promotional events, including the Herefordshire Festival of Walking. (Ongoing)

Liaison (L)

The council cannot deliver the objectives of this strategy on its own. Many of the objectives specifically involve close working with outside agencies. The roles of current and potential rights of way users, the owners of the land over which the paths run, and community groups are also critical. Informal liaison with all these interests will be built into the day-to-day work of the public rights of way section in the Environment Directorate, but more specific objectives can be set:

- L 1 Continue to actively support the Local Access Forum and establish formal links with LAFs in neighbouring authorities. (Ongoing)*
- L 2 Continue to support the Rights of Way Liaison Group as a less formal setting specifically for discussion of users' and landowners' interests (Ongoing)*
- L 3 Establish and maintain a working group consisting officers with responsibilities for rights of way, transport planning, cycling, tourism, and parks and countryside, with input from other officers when appropriate, to develop the role of rights of way for recreation, local transport, tourism and healthy living. (Autumn 2003)*

Environmental Management (EM)

The minimisation of any adverse environmental impact of working procedures and practices used in the management of the rights of way network is essential to fulfil the aims of the rights of way service. A specific objective is:

EM 1 Promote Good Environmental Management throughout the public rights of way service. (Ongoing)

By working towards these objectives, the improvement of the rights of way network within the County will bring substantial benefits in terms of enhancing the quality of life, increasing economic and social prosperity, and protecting the physical environment. Capitalising on such benefits will enhance the Council's capacity to improve further the rights of way provision across the County.