

HEREFORDSHIRE COUNCIL

PUBLIC RIGHTS OF WAY MANAGEMENT STRATEGY

2005-2007

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SUMMARY

There is an increasing awareness of the role of public rights of way in bringing health, economic and sustainable transport benefits to the community. Traditionally rights of way management has been driven by the need to fulfil statutory duties, concentrating resources mainly on the maintenance of the network, enforcement of public rights and record keeping but it is now necessary to reconsider the aims of the service to realise the full potential of the rights of way network. This strategy is intended to guide this new direction for rights of way management in Herefordshire.

The Herefordshire Plan 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.

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:

LRI Produce a statement of priorities for dealing with modification order applications and definitive map and statement anomalies. (June 2005)

- LR2 *Ensure that the backlog of highest priority modification order applications is cleared by the end of 2006, and subsequently ensure that the highest priority claims are determined within 12 months of an application or the discovery of an anomaly. (December 2006)*
- LR3 *Actively seek out deficiencies in the rights of way network and investigate evidence for the existence of rights of way in such areas. (within 15 years)*
- 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. (Beyond 2010)*
- LR5 *Produce a digitised definitive map and statement (December 2007)*

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 and 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 (July 2005)*
- ME3 *Electronically link the rights of way database to the digitised definitive map. (Feb 2006)*
- ME4 *Prepare and implement a management plan for the prioritisation, inspection and maintenance of the network. (Dec 2005)*
- ME5 *Prepare a standards guide for rights of way furniture and surfacing (Dec 2005)*
- 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 (C)

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 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. (June 2005)

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. Specific objectives to guide the Council's work in this area are:

I 1 Produce a Rights of Way Improvement Plan. (Nov 2007)

I 2 Implement the Rights of Way Improvement Plan (As per Rights of Way Improvement plan)

I 3 Work with relevant officers to incorporate the Rights of Way Improvement Plan into the Local Transport Plan (July 2005)

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 (Sept 2005)

PP 2 Develop and promote the public rights of way web site (Dec 2006)

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)

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.

SECTION 1: CONTEXT

1.1 Introduction

- 1.1.1 The county of Herefordshire is crossed by a network of public footpaths, bridleways and byways which allows residents and visitors to experience the beauty and peace of the countryside away from the distraction and noise of traffic. The county is deeply rural, with a distinctive, peaceful landscape of rolling hills, small woodlands, hedgerows, orchards, meadows and cultivated fields. It is uncrowded, but accessible, without the austerity of rural areas further to the west and north. Our knowledge and understanding of the natural and historic environment can be enhanced by the use of public paths, providing benefits for individuals and by contributing to the protection of that environment. The spending of visitors using paths to explore and enjoy the countryside boosts the local economy. Rights of way in and near the more built up areas of the county can be important as part of traffic-free routes, facilitating transport both within the urban areas and linking these areas to the countryside.
- 1.1.2 The rights of way network in the county has evolved over the centuries to meet the transport needs of the public. The management of this network is the legal responsibility of Herefordshire Council as the highway authority. The Council has a duty to keep a record of the location and status of rights of way on the definitive map and statement, and must maintain the paths and protect them from obstruction. The success of the Council in fulfilling this responsibility, however, depends not only on the resources and priority it gives to the service, but also on the commitment of many other bodies and individuals, including parish councils, landowners, farmers and users of the network. It is essential that the aims of the service are clear, and progress towards those aims is directed by a well co-ordinated, strategic approach.
- 1.1.3 Herefordshire Council has set out its objectives in a Corporate plan in line with the vision and priorities of the Herefordshire Plan. The role of public rights of way and the way it links in with the corporate plans objectives in increasingly becoming recognised. Public footpaths, bridleways and byways open to all traffic are a resource which can bring leisure, health, economic and sustainable transport benefits to the people of Herefordshire. In late 2002, the Council included the production of a new strategy for the future delivery of the rights of way service as a high priority in the service's Best Value Improvement Plan.

1.2 Composition of the public rights of way network in Herefordshire

1.2.1 The total length of recognised public rights of way in Herefordshire is 3,358 km. The network consists of:

- footpaths, with a public right only to walk;
- bridleways, with a right to walk and ride on horseback and on a pedal cycle;
- byways open to all traffic, which may be used by vehicular and all other kinds of traffic, but are mainly used by walkers, horseriders and cyclists.

There are no roads used as public paths (RUPPs) in the county. The proportions of each type of right of way, compared to England as a whole, are given in Table 1:

| TABLE 1 | Herefordshire | | England* | |
|-------------------|---------------|-----|----------|-----|
| | km | % | km | % |
| Footpaths | 2,942 | 88 | 147,420 | 78 |
| Bridleways | 394 | 11 | 32,130 | 17 |
| RUPPs | 0 | 0 | 5,670 | 3 |
| Byways | 22 | 1 | 3,780 | 2 |
| Total | 3,358 | 100 | 189,000 | 100 |

* Countryside Agency 2001: Rights of Way Condition Survey

It can be seen that the network in Herefordshire is deficient in routes which can be used by horseriders and cyclists compared to that in the rest of the country. The distribution of the recorded paths within the county is based on their historical development and the accuracies of the process by which they were first recorded in the 1950s. This does not necessarily suit present day requirements. For example, bridleways are virtually non-existent in the south and south west of the Malvern Hills AONB.

1.3 Current condition of the rights of way network and service

1.3.1 No complete survey of the county's rights of way network has been undertaken. It is therefore impossible to know accurately the current extent to which the paths are useable by the public. However, the number of problems which have been reported to the Council gives one indication of this.

Table 2 gives details of the numbers of problems reported each year during the past few years:

| TABLE 2 | 1999-2000 | 2000-2001 | 2001-2002 | 2002- 2003 | 2003-2004 |
|---|-----------|-----------|-----------|------------|-----------|
| No of problems reported | 1569 | 1761 | 1946 | 2851 | 5387 |
| No of reported problems resolved | 1257 | 1107 | 1214 | 1958 | 3998 |
| % of reported problems resolved | 80 | 63 | 62 | 69 | 74 |

It can be seen that the number of problems notified to the Council has steadily increased over the past five years. This may not be due simply to the increase in the actual number of problems. There may also be an increasing awareness of public rights and a rise in

overall usage of the network. It can be seen that there are many physical problems with the network and that currently the Council has difficulty resolving them.

- 1.3.2 Another indication of the condition of the rights of way on the ground is provided by the Performance Indicator BVPI 178, the percentage of the total length of footpaths and other rights of way in an authority's area which are considered to be easy to use by members of the public. Table 3 compares the figures produced for 2003/4 by Herefordshire Council and the other highway authorities in the Midlands Regional Best Value Group:

| TABLE 3 | Hereford shire | Derby shire | Leicester shire | Lincoln shire | Northants | Notting hamshire | Shrop shire | Warwick shire | Worc ester shire |
|---------------------------|-----------------------|--------------------|------------------------|----------------------|------------------|-------------------------|--------------------|----------------------|-------------------------|
| BVPI 178 score (%) | 43.5 | 51.5 | 66 | 64.5 | 52 | 59.4 | 41 | 59 | 54 |

It can be seen that Herefordshire's score was the second lowest by several percentage points. It may well be the case that not all the authorities collected the information in the same way, so the results may be somewhat misleading, but the overall impression that Herefordshire's rights of way are in an appreciably worse condition than other neighbouring and similar authorities is inescapable.

- 1.3.3 This strategy for rights of way management in Herefordshire must therefore be read in the context that the physical condition of the public paths is in need of considerable improvement if their full potential for public enjoyment is to be realised.
- 1.3.4 The rate of dealing with applications to record newly recognised rights of way on the definitive map and statement, to correct errors in the map and statement and to process legal changes to rights of way, is improving. There are, however, still large backlogs of cases to be considered, many inherited from the former Hereford and Worcester County Council.
- 1.3.5 The Council runs a very successful Parish Paths Partnership (P3) Scheme. There are currently 38 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 Footpath Officer (PFO) 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 PFOs covering a total of 193 parishes, which amounts to about 80% of the county. Training events for parishes in the P3 scheme and PFOs are also run. These schemes bring not only benefits to the rights of way network but also help to foster community involvement.

1.4 Current organisation of the management of rights of way by Herefordshire Council

- 1.4.1 The Environment Directorate has responsibility for public rights of way and commons. All public rights of way statutory duties and powers are carried out by the Rights of Way section of the Highways and Transportation service, with support from the Legal Services section. Responsibility for the country parks and public open spaces lies with the Parks and Countryside service.

1.5 National policy and research context

- 1.5.1 Many national policy documents, detailed in the Bibliography, describe and support the value of rights of way networks, and the need for these networks to be improved and better promoted. These include the Countryside Agency's strategy, the Rural White paper, and government advice to local authorities on planning policies and encouraging walking. Many national tourism strategies stress the link between enjoyment of the countryside and the benefits of tourism to the local economy.
- 1.5.2 Work carried out by DETR in 1999 entitled "Appraisal of Options on Access to the Open Countryside of England and Wales" provides much useful information on the health and economic benefits of walking. Research is quoted to support the value of exercise in reducing mortality and morbidity and improving the quality of life, with particular emphasis on the role of walking as the most popular and available form of exercise for all people, with the consequent increase in welfare and reduction in the burden on public health expenditure.
- 1.5.3 The recognition of the potential role of rights of way in enhancing the quality of life, and the possible inability of the historic network to fulfil this role, has resulted in a new duty being introduced by the Countryside and Rights of Way (CROW) Act 2000 for highway authorities to prepare a Rights of Way Improvement Plan.
- 1.5.4 These have reflected and reinforced the movement of the management of rights of way away from emphasis on ensuring that all existing public paths are legally and physically maintained, to greater stress on providing an improved network which meets the needs of and benefits all users. It is recognised however, that underpinning this is the legal requirement of the council to keep all rights of way unobstructed and maintained.

1.6 Current and future direction of the management of the rights of way service

- 1.6.1 Since the inauguration of the Herefordshire Council, the rights of way service has been reactive, concentrating on its basic statutory responsibilities for the maintenance of paths, the enforcement of the public's rights, and the legal recording of those rights. It is now being increasingly realised that a well maintained and promoted network of public paths has a vital role to play in improving the prosperity of the county through the economic benefits of tourism, as well as enhancing the quality of life for residents in terms of enjoyment of the countryside, improvement in health and the use of more sustainable means of transport. The obligations of the Council to provide facilities and services,

which are accessible to and enjoyed by all members of the community, have also increased.

- 1.6.2 For these potential benefits to be realised, it is essential for rights of way to be managed pro-actively. A well-maintained and promoted network, which provides routes giving suitable access to the areas where a need has been identified and people want to go, must be created.

1.7 The Rights of Way Asset

- 1.7.1 Prior to 2002, responsibility for promoted routes in Herefordshire rested with the Parks and Countryside service but was transferred to the Public Rights of Way service as a result of an internal reorganisation. The work of the Council with respect to the promotion of the use of the rights of way network has concentrated on two recreation routes, the Mortimer Trail and the Wye Valley Walk, and the production of leaflets describing circular walks.
- 1.7.2 Both of these routes and the circular walks are important financial and social assets to the county. The December 2002 assessment of the economic value of the Mortimer Trail illustrated the success of this promotion in terms of public enjoyment and economic benefits. The findings indicated that in the year 2000, users who walked from one end of the path to the other, spent a total of £181,000 in the county. The assessment also highlighted the greater benefits that would result from better marketing.
- 1.7.3 The findings of the study are supported by a number of other documents, most notably the Advantage West Midlands commissioned report, Informal Recreation and the Regional Economy, (January 2003) and the Ramblers Association report entitled The Economic and Social Value of Walking in England,(September 2003). Within Herefordshire this aspect of the Rights of Way service has considerable potential for extension and improvement.

SECTION 2: AIMS FOR THE MANAGEMENT OF PUBLIC RIGHTS OF WAY IN HEREFORDSHIRE

2.1 The Herefordshire Plan

2.1.1 The Herefordshire Plan provides an overall vision for the future of Herefordshire. This vision is to:

- Create fair and thriving communities, which will be inclusive for all allowing equal and full access to opportunities and services
- Properly protect the environment and enhance it for all those who live and work in it and those who visit it
- Build a strong, competitive and innovative economy with a balanced mix of businesses, jobs and homes through which the local economy can flourish

2.1.2 The Plan describes ten Ambitions to realise this vision. Of these Ambitions, those, which the availability of a well-maintained, well-promoted and accessible rights of way network could help to achieve, are:

- Improve the health and well-being of Herefordshire people
- Tackle poverty and isolation in Herefordshire
- Encourage communities to shape the future of Herefordshire
- Develop Herefordshire as an active, vibrant and enjoyable place to be
- Protect and improve Herefordshire's distinctive environment
- Develop an integrated transport system for Herefordshire
- Support business growth and create more and better paid work in Herefordshire

2.2 Herefordshire Council's Corporate Plan

The Corporate Plan provides the link between the Herefordshire Plan's Ambitions and the delivery of the Council's contribution to those Ambitions through its individual service areas. The Corporate Plan's objectives are for the Council to be:

Responsive to local needs by:

- Increasing economic and social prosperity
- Enhancing quality of life
- Protecting the physical environment
- Engaging with the local community through, and by providing, community leadership

An effective organisation by:

- Ensuring the Council has the energy, ability and ambition to seek improvement, whilst retaining the ability to innovate

2.3 Aims for the management of public rights of way

2.3.1 The public rights of way management service of the Council should aim to assist with the achievement of the Corporate Plan's objectives, and hence contribute to the realisation of the Herefordshire Plan's Ambitions. On this basis, five overall aims for the management of rights of way can be developed. 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**

2.3.2 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. Reference should be made to the original documents, listed in the Bibliography, for full details of the policies and the basis on which they have been formulated.

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

2.4.1 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 to Health initiative. The Herefordshire Unitary Development Plan revised Deposit Draft May 2004 (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.

2.5 Aim: To increase economic prosperity

2.5.1 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.

2.5.2 Total spending by the 4.5 million tourists in Herefordshire in 1999 was around £129 million and supported in the region of 4,600 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 Crises had a negative or

significant negative impact on their income. In 1994/5, users of the Offa's Dyke National Trail spent £1,257,639 locally. This does not include the additional spending in Herefordshire on other activities of the visitors attracted by the Trail. These figures provide a quantitative indication of the economic importance of public paths.

- 2.5.3 The 1998 UK Day Visits Survey found that in England each person spent an average of £6.50 during their day trips to the countryside. 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.
- 2.5.4 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 second draft of 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.

2.6 Aim: To improve sustainable transport

- 2.6.1 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 second draft of 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.

2.7 Aim: To provide access for all

- 2.7.1 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.

2.8 Aim: To increase community involvement

- 2.8.1 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.

2.9 Conclusion

- 2.9.1 The achievement of the five aims for the future management of public rights of way in Herefordshire, as detailed above, will help the Council to fulfil its objectives in its Corporate Plan and hence realise the vision of the Herefordshire Plan.

SECTION 3: SPECIFIC OBJECTIVES FOR THE MANAGEMENT OF PUBLIC RIGHTS OF WAY IN HEREFORDSHIRE

3.1 Introduction

- 3.1.1 Rights of way management encompasses many areas of work. It is necessary for each of these to be carried out in a way which will contribute to the overall aims of the Rights of Way service as set out above. Specific objectives for each area of work will therefore be set.
- 3.1.2 The elements of rights of way management carried out by the Council can be categorised as:
1. Keeping an accurate **legal record** of public rights of way (LR)
 2. Protecting the public's right to use the paths safely and conveniently by means of **maintenance and enforcement** (ME)
 3. **Changing** the network (C)
 4. **Improving** the network (I)
 5. **Publicity and promotion** of the use of rights of way (PP)
 6. **Liaison** (L)
 7. **Environmental management** (EM)
- 3.1.3 The role of the Council in performing these tasks is prescribed by legislation, and by the overall wish of the Council to provide a high quality of life for its residents. The Council has an obligation to fulfil the statutory duties for rights of way management, and to consider whether or not it wishes to use the statutory powers. However the Council does have some discretion about the priority which it gives to these duties and powers and the manner in which it performs them. It is therefore relevant to consider these duties and powers in turn, and to determine how each should be carried out in order to support the overall aims for the Rights of Way service.

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

- 3.2.1 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. 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.
- 3.2.2 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 order 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.

3.2.3 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, no LEMO's have been made; the map and statement are therefore 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.

3.2.4 The existence of an accurate legal record of public rights of way underpins the public's use of the network. Achievement of the five 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.

3.2.5 Objectives

- (i) There are currently around 100 outstanding EMO applications which have been made to the Council alleging that rights of way not on the definitive map and statement should be shown, or that rights of way which are shown are of the wrong status or in the wrong place, or are not in fact rights of way at all. The new CROW Act 2000 has introduced a provision that after 2026, public rights on paths dedicated before 1949 will be extinguished, so such rights will not be able to be added to the map and statement. This will inevitably result in a large number of new applications being made to the Council before the deadline.

There are also over 300 recorded errors and anomalies in the definitive map and statement which are not the subject of formal applications to change the map and statement. These should be investigated, and, if relevant, EMO's made to correct the map and statement.

It is essential for the Council to prioritise the order in which it deals with this large backlog of applications and anomalies, both for its own efficient working and as a defence in appeals to the Secretary of State.

The consideration of applications to change the definitive map and statement is specifically mentioned in the statutory guidance for the new duty under the CROW Act

2000 to produce a Rights of Way Improvement Plan. Therefore the statement of priorities will need to be revised once the Improvement Plan is produced.

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|---------------------------|---|----------------------------------|
| Objective LR 1 | Produce a statement of priorities for dealing with modification order applications and definitive map and statement anomalies. | Time scale: June 2005 |
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| Objective LR 2 | Ensure that the backlog of highest priority modification order applications is cleared by the end of 2006, and subsequently ensure that the highest priority claims are determined within 12 months of an application or the discovery of an anomaly | Time scale: December 2006 |
|---------------------------|---|--------------------------------------|

- (ii) There are areas of the county where specific deficiencies in the rights of way network have been recognised. If it is considered that it is possible that rights of way exist in these areas, but are not currently shown on the definitive map and statement, and that the recognition of public rights would help to achieve the overall aims for the rights of way service, then evidence for the existence of these rights should be sought. This work should be carried out in close collaboration with the Countryside Agency's "Discovering Lost Ways" project, and the developing Rights of Way Improvement Plan. Rights of way which exist, but are not recognised, cannot contribute to the quality of life, economic and other benefits of the use of rights of way, and the investment of time and effort in finding these lost paths can therefore be amply rewarded.

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|---------------------------|--|--|
| Objective LR 3 | Actively seek out deficiencies in the rights of way network and investigate evidence for the existence of rights of way in such areas | Time scale: Within 15 years |
|---------------------------|--|--|

- (iii) It is important to ensure that all the legal changes to rights of way which have taken place since the map and statement were last published in 1989 are correctly shown, and accurate routes are used for the on-going digitisation of the definitive map. Once the backlog of legal changes has been removed, it is necessary for the efficient management of the network that new changes are shown on the map and statement as quickly as possible, so that everyone can be sure of the correct legal position. A new provision in the CROW Act 2000 will make this task easier, since changes to rights of way made by means of public path orders produced by the Council itself will automatically authorise changes to the map and statement. LEMO's will only be needed for the few orders made by other bodies, such as the Highways Agency and the Secretary of State.

| | | |
|---------------------------|--|------------------------------------|
| Objective LR 4 | 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. | Time scale: Beyond 2010 |
|---------------------------|--|------------------------------------|

- (iv) Once the digitisation of the definitive map has been completed, a new digitised definitive map and statement for Herefordshire should be produced. This will greatly assist all who have a role to play in protecting and enhancing the rights of way network.

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|---------------------------|---|--------------------------------------|
| Objective LR 5 | Produce a digitised definitive map and statement | Time scale: December 2007 |
|---------------------------|---|--------------------------------------|

3.3 Maintenance and Enforcement (ME)

3.3.1 The Council has a duty under the Highways Act 1980 and other legislation to ensure that all public rights of way are: -

- Unobstructed,
- in a safe and convenient condition for public use,
- easy to find and follow.
- maintained in respect to path surfaces, bridges, signposts and waymarkers.

The Council should also enforce the removal or repair of obstructions and deterrents to the use of rights of way. These include: -

- defective or unauthorised stiles, gates and other barriers,
- failure to reinstate cross-field paths after ploughing and cultivation,
- crops planted on paths,
- overhanging vegetation,
- misleading or deterrent notices,
- dangerous animals,
- harassment of users
- encroachments into the width of the paths.

3.3.2 In addition to its statutory powers and duties, the Council aims to increase community investment in rights of way management, including the setting of local priorities and assisting with maintenance.

3.3.3 Objectives

- (i) An assessment of methods by which resources could be increased and used more effectively to maintain the network has been taking place following the production of the Best Value Improvement Plan for the Council's Rights of Way service. This work should continue, with a stress on maintaining the effectiveness of the Parish Footpaths Officer and Parish Paths Partnership schemes in both resolving maintenance problems and securing the involvement of people in the improvement of their local areas. If relevant, more involvement of local community groups should be sought, if this can be achieved without loss of quality or a distortion of priorities. Landowners and occupiers play an important role in the maintenance of rights of way as in the majority of cases they own the stiles and gates which provide the access to rights of way. It is important to work effectively with landowners and occupiers and emphasise the benefits of good

maintenance. Securing funding for improved maintenance from tourism-related sources and through the Local Transport Plan should be a priority.

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|---------------------------|---|--------------------------------|
| Objective ME 1 | Investigate more effective methods and alternative sources of funds for maintaining paths to an appropriate standard | Time scale: Ongoing |
|---------------------------|---|--------------------------------|

- (ii) The need for an enforcement strategy has been recognised in the Best Value Improvement Plan. The Council should have a clear policy, consistently applied, with good information for landowners and the public, and effective legal support. Landowners should be aware that offences will be dealt with quickly and fairly, and that the public's right to safe and convenient use of public paths will be upheld by the Council. Evidence suggests people tend not to return to an area where they have encountered problems.

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|---------------------------|--|----------------------------------|
| Objective ME 2 | Prepare a strategy for dealing with enforcement problems in an effective manner to include policy, procedures and a statement of priorities | Time scale: July 2005 |
|---------------------------|--|----------------------------------|

- (iii) The digitisation of the definitive map provides an opportunity for the database to be linked to the map to create an accurate and very useful system for recording the location of structures, types of surfaces etc, and the existence of problems. This will improve the management of the network and its assets.

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|---------------------------|--|--------------------------------------|
| Objective ME 3 | Electronically link the rights of way database to the digitised definitive map. | Time scale: February 2006 |
|---------------------------|--|--------------------------------------|

- (iv) It is essential to produce a management plan, including a prioritisation list, to deal with the backlog of physical maintenance and enforcement problems. Again, this is necessary for both for the Council's own efficient working, and as a defence if a person applies to the magistrates' court under the new CROW Act 2000 provision to secure the removal of certain obstructions.

The resolution of problems should be prioritised according to the impact of the problem on users, which will depend on the nature of the problem itself and the importance to users of the route on which it occurs.

To implement the prioritisation scheme effectively, it is essential to be both aware of the problems and the value of the routes on which they have occurred. At present, maintenance and enforcement work is carried out on a reactive basis, responding to problems reported by the public and council staff. Many people who meet a problem do not have the time, ability or desire to involve themselves with communicating with the Council and instead do not use the route or do not attempt to find it again. Visitors to an area are particularly likely to be deterred by one unfortunate experience which they have themselves or are told about by others. If the overall aims of the Rights of Way service are to be achieved, it is essential to identify routes which are particularly important for recreational enjoyment or sustainable transport, so that they can be inspected regularly to discover problems.

There is considerable opportunity in this process of identifying important routes for working with partners, such as the transportation, leisure and tourism teams within the Council, volunteer users and local communities, thus helping to achieve the overall aim of the service of increasing community involvement. Since the development of new routes may take place, revision of the list needs to be ongoing. Again the Rights of Way Improvement Plan will inform this process and the list will need to be revised to take the conclusions of the Plan into account.

The Council has to be confident that the standard of inspection is high, and therefore training of the inspectors is vital. Again community effort can be harnessed, as well as that of volunteer users and landowners. The management plan should also describe the means by which it will be ensured that, once identified, high priority maintenance and enforcement problems are quickly and effectively resolved. It is also important that the management plan include the role landowners play in the maintenance of the network and that emphasis is placed of working in a spirit cooperation rather than confrontation.

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| Objective ME 4 | Prepare and implement a management plan for the prioritisation, inspection and maintenance of the network. | Time scale: December 2005 |
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- (v) A guide, agreed by both landowning and user groups, possibly through the Local Access Forum, needs to be produced to ensure that new and repaired structures and surfaces comply with access for all guidelines and legislation and the relevant British Standards. The Council may make agreements with landowners to improve structures on public paths; the guide will help the Council to persuade landowners to enter into such agreements, and to accept that only suitable new structures can be authorised in line with current and emerging legislation.

| | | |
|---------------------------------|---|---|
| Objective ME 5 | Prepare a standards guide for rights of way furniture and surfacing. | Time scale December 2005 |
|---------------------------------|---|---|

- (vi) Local knowledge and expertise can be harnessed to improve the quality of life for residents and to attract visitors, by promoting recreational and sustainable transport opportunities based on the local networks of public rights of way. Tourism enterprises, including small accommodation providers, have an incentive to promote recreational routes, and the Council can play an important enabling and co-ordinating role. Initiatives such as Parish Plans and the Herefordshire Partnership work with parishes are also relevant. Working in partnership in this way will help to achieve the aim of the Rights of Way service of increasing community involvement.

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|---------------------------------|---|--------------------------------------|
| Objective ME 6 | 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 | Time scale: Ongoing |
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3.4 Changing the network (C)

- 3.4.1 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.
- 3.4.2 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 will introduce a new right for owners and occupiers of many kinds of 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.
- 3.4.3 The Council also has powers to initiate orders itself, if it believes that they would benefit the public.
- 3.4.4 Powers are also available under the Town and Country Planning Act 1990 to stop up or divert public paths in order to allow development to take place.
- 3.4.5 The changes in the law will mean that the Council will need to devote more resources to this order-making function. It is desirable for the Council to establish 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.

3.4.6 Objectives

- (i) The system of dealing with public path orders, both those which are the subject of external applications and those which the Council initiates itself, needs to be reviewed. Effective and consistent procedures, based on current best practice, should be adopted and publicised.

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| Objective C 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 | Time scale: June 2005 |
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3.5 Improving the network (I)

3.5.1 The new aims for rights of way management in Herefordshire are concerned with making the network more suitable for delivering the goals of enhanced health, enjoyment, economic prosperity, sustainable transport and access for all. The Rights of Way Improvement Plan (ROWIP) required by the CROW 2000, will be an important tool for the Council to ensure that these aims are achieved. The statutory guidance for the preparation of the ROWIP covers the necessity for an assessment of the extent to which the network currently meets the needs of local people and visitors. These include the recreational and sustainable transport needs of walkers, cyclists, horseriders, carriage drivers and those with mobility problems, both residents and visitors. The second part of the Improvement Plan will be a statement of action to improve the rights of way network in order to meet those needs, detailing specific improvements and possible sources of finance to fund them.

3.5.2 Objectives

- (i) Whilst there is no duty to implement the ROWIP, the Plan will support the realisation of the objectives of the Corporate Plan and hence the Ambitions of the Herefordshire Plan. Its implementation will assist that Plan's vision for the future of the county. It is therefore vital that the highest priority proposals in the Improvement Plan are implemented as quickly as possible.

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| Objective I 1 | Produce a Rights of Way Improvement Plan | Time scale: November 2007 |
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| Objective I 2 | Implement the Rights of Way Improvement Plan | As per Rights of Way Improvement Plan |
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- (ii) After 2005, the Rights of Way Improvement Plan will be incorporated into the Local Transport Plan. Detailed guidance on this will be produced by Defra, but effective links between the relevant sections of the Council need to be established as soon as possible. This co-ordination will greatly assist the aim of the public rights of way service to improve sustainable transport.

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| Objective I 3 | Work with relevant officers to incorporate the Rights of Way Improvement Plan into the Local Transport Plan | Time scale: July 2005 |
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3.6 Publicity and promotion of the network (PP)

3.6.1 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.

- 3.6.2 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.
- 3.6.3 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.
- 3.6.4 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.

3.6.5 Objectives

- (i) The piecemeal development of recreational routes, usually arising from the vision and energy of one or two key individuals, will not necessarily meet or stimulate demand in a manner which will achieve the aims for the rights of way service. A strategic approach to the assessment of the need for the promotion of suitable routes for all users, and those who currently do not use rights of way, should be formulated. Consideration should be given to the most effective methods of promotion in each case. This work will involve close liaison with the developing ROWIP and the new Local Access Forum. Partnerships with user and other groups are essential, but the aspirations of such groups should not be allowed to over-ride the Council's own aims for the management of the Rights of Way network.

The procedures should include development of the opportunities provided by the Wye Valley Walk, the Mortimer Trail and the Offa's Dyke National Trail. The production of such procedures is a key action point in both the rights of way Best Value Improvement Plan and the Tourism Strategy for Herefordshire.

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| Objective PP 1 | Produce and implement procedures for a structured, prioritised approach to the promotion of recreational routes including those suitable for all users | Time scale: Sept 2005 |
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- (ii) 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.

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| Objective PP 2 | Develop and promote the public rights of way web site | Time scale: December 2006 |
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- (iii) 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.

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| Objective PP 3 | Continue to participate in the running and development of promotional events, including the Herefordshire Festival of Walking | Time scale: Ongoing |
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3.7 Liaison (L)

3.7.1 The Rights of Way staff cannot deliver the objectives of this strategy on their own. Many of the objectives specifically involve close working with other sections within the Council and 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 Rights of Way section, but more specific objectives can be set:

3.7.2 Objectives

- (i) The CROW Act 2000 introduced a new responsibility to local authorities, to set up and run a Local Access Forum in their area. The Forum will have a very important role to play in helping the Council to establish its priorities in relation to the overall aims of the Rights of Way service. Particular involvement of the Forum will be needed to help establish the detailed criteria for the prioritisation of modification order applications and definitive map and statement anomalies and preparing the prioritised list (Objective LR 1), establishing the criteria for prioritisation of maintenance and enforcement problems (Objective ME 2) and the procedures for promotion (Objective PP 1). The Forum will assist with the preparation of the statutory Rights of Way Improvement Plan, which itself will be closely related to the objectives for the rights of way service.

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| Objective L 1 | Continue to actively support the Local Access Forum and establish formal links with LAFs in neighbouring authorities | Time scale: Ongoing |
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- (ii) Although the Local Access Forum is now up and running, the existing Rights of Way Liaison Group should continue to be run and supported by the Council. The new stress on the improvement of the rights of way network for the full range of current and potential users means that it is essential that these users be consulted concerning their needs, and the ways in which possible conflicts between those needs can be reduced.

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| Objective L 2 | Continue to support the Rights of Way Liaison Group as a less formal setting specifically for discussion of users' and landowners' interests | Time scale: Ongoing |
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3.8 Environmental management (EM)

- 3.8.1 Public rights of way staff are currently carrying out a comprehensive environmental audit to assess the environmental impacts of working procedures and practices being used in the management of the network. This includes the work carried out by contractors. Aspects covered by the audit include physical impacts on the natural environment, materials used, the implications of the Disability Discrimination Act 1995 and the effects on sustainable transport and sustainable communities. Areas of best practice will be identified, and recommendations will be made to minimise any adverse effects and to make improvements where necessary.
- 3.8.2 The findings of this audit will provide valuable information concerning the ways in which procedures can be improved to help deliver the aims of the Rights of Way service. The specific objective is:

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| Objective | Promote Good Environmental Management | Time scale: |
| EM 1 | throughout the Public Rights of Way service | Ongoing |

SECTION 4: IMPLEMENTATION OF THE STRATEGY

4.1 Resources

- 4.1.1 *Public rights of way staff:* The due dates set against the objectives in this strategy are based on current staff resources. The rolling out of the CROW Act will have a significant impact on the Rights of Way service in terms of resource requirements. The organisation and staffing of the Rights of Way team should be periodically reviewed to ensure that it is best able to meet the demands of the service as the remaining provisions of the CROW Act come into force.
- 4.1.2 *Legal staff:* it is essential for the effective management of the Rights of Way service that there is sufficient expertise and time among the legal specialists in the Council to provide day-to-day legal advice to the rights of way staff, as well as deal with modification order determinations, the serving of enforcement notices and so on.
- 4.1.3 *Training:* the new functions introduced by the CROW Act 2000, the continually developing definitive map legislation, and the appointment of new staff, mean that the training needs of staff involved with rights of way management should be continuously reviewed and met. Innovative methods of training, such as informal workshops organised under the auspices of the CSS Regional Group, should be considered.

Informal and formal training of officers dealing with the making of evidential modification orders, both in the Rights of Way and the Legal Services sections of the Council, should be given a high priority. It is essential that best practice in this complicated, constantly developing area is followed to ensure the most effective use of resources.

- 4.1.4 *Non-staffing funding:* the new direction for the Rights of Way service set out in this strategy will require additional funding for the increased maintenance and promotional costs. For example, in relation to the aim of increasing economic prosperity through tourism, a specific action point stated in the Tourism Strategy for Herefordshire is to “Develop and promote health and well-being tourism through activities in Herefordshire’s fine environment, including *improved resources for*, and marketing of, walking, cycling and riding”.
- 4.1.5 *Sources of funding:* central government has increased the Formula Spending Shares for the Council by an amount which it deemed to be sufficient to cover the spending needed to carry out the new duties imposed on the Council by the CROW Act 2000. This funding is somewhere between £31,000 and £49,000 each year (Somerset RSG Team 2002). Funds may be available through the Local Transport Plan to improve rights of way where they will contribute to improvements to sustainable transport, particularly safe routes to school. Other sources of funding are available, but are usually project-specific and involve officer time to arrange and generally require matching funding.

4.2 Effects of the non-implementation of the strategy

- 4.2.1 The Rights of Way service of the Council is striving to contribute more fully to the objectives of the Council's Corporate Plan and, through these, the Ambitions of the Herefordshire Plan. The implementation of this strategy provides the means by which rights of way management will contribute more effectively to the achievement of the Ambitions. Were the key elements of this strategy not to be implemented, then considerable opportunities for improving the quality of life for the people of Herefordshire would be missed.
- 4.2.2 The real potential contribution of the rights of way network to improving the local economy through an increase in tourism revenue will not be realised without the implementation of the strategy. It is recognised by the Countryside Agency (CA 20) and the Council (Tourism Strategy for Herefordshire) that there is a direct correlation between the availability of an attractive, safe, well promoted rights of way network and the number of visitors to an area, and that such visitors make a sustained and vital contribution to the economy. Resources to implement this strategy must be forthcoming in order to deliver these economic benefits
- 4.2.3 The government places great stress on the continuous improvement of Council services, and is able to take measures to ensure that this improvement occurs (Local Government Act 1999). There is a new provision in the CROW Act 2000 for the Secretary of State to require reports on the performance of the Council's rights of way functions. Failure to carry out statutory duties effectively can also result in unfavourable judgements by the Ombudsman, and, in legal cases, from judicial review. This can have adverse financial consequences, as well as causing dissatisfaction among the residents of the county who use or want to use the network. This strategy seeks to avoid such a situation in Herefordshire.

4.3 Monitoring the implementation of the strategy and reviewing the strategy

- 4.3.1 The objectives of the strategy have been given specific time scales so that progress towards their achievement can be measured. It is suggested that the progress made up to the end of 2005 should be formally evaluated in July 2006, and a progress report produced. Progress on objectives will also be monitored by the Local Access Forum as a permanent agenda item. The need to review and up date the strategy should be considered at the same time.

4.4 Conclusion

- 4.4.1 This strategy has been prepared to guide Herefordshire Council's management of the county's public rights of way during the coming years. The focus for the service is to deliver the benefits which rights of way can provide for the people of the county in terms of improved quality of life, economic prosperity, sustainable methods of transport, access for all sections of the population and involvement by communities in improving their local environment. The current service, is operating with a stress on carrying out statutory duties. This strategy seeks to change this emphasis to one that seeks to pro-actively increase the value of the network to help to achieve the objectives of the Corporate Plan and the Ambitions of the Herefordshire Plan.

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PUBLIC RIGHTS OF WAY STRATEGY ACTION PLAN

| Objective | Action | Due date | Milestones | Risks | Links | Performance indicator/ relevant acts | Lead post |
|---|--|-----------|---|--|-------------|---|---|
| Legal record (LR) | | | | | | | |
| <p><i>LR1</i></p> <p><i>Produce statements of priorities for dealing with modification order applications and definitive map and statement anomalies.</i></p> | <p>Work with Local Access Forum and User groups to produce statement of priorities which is aligned with aims of strategy</p> <p>Produce a revised prioritised list of outstanding applications</p> | June 2005 | Draft statement prepared - Jan 2005 | With cut off date set for 2026 (CROW Act 2000) unless a robust prioritisation process is put in places, key areas of the network will be go unrecorded and will be lost with subsequent loss of asset. | HIAF, Users | Wildlife and Countryside Act 1981 CROW Act 2000. | PROW Manger |
| <p><i>LR2</i></p> <p><i>Ensure that the backlog of highest priority modification order applications is cleared by the end of 2006, and subsequently ensure that the highest priority claims are determined within 12 months of an application or the discovery of an anomaly.</i></p> | <p>Identify highest priority applications in line with LR1</p> <p>Revise current modification application procedures</p> <p>Review and revise current modification order processes</p> <p>Clear highest priority</p> <p>Ensure systems in place to</p> | Dec 2006 | Identify highest priority applications – Oct 2004 | <p>Out of date definitive map</p> <p>Directed To make order by Secretary of State.</p> | | Wildlife and Countryside Act 1981 CROW Act 2000 | PROW Manager / Definitive Map Modification Officers |

| Objective | Action | Due date | Milestones | Risks | Links | Performance indicator/ relevant acts | Lead post |
|--|--|-----------------|--|--|---|--|---|
| | determine all future high priority claims are processed within one year | | | | | | |
| <i>LR3</i> <i>Actively seek out deficiencies in the rights of way network and investigate evidence for the existence of rights of way in such areas.</i> | Work with the lost ways project team, user groups and volunteers to identify a system to proactively research evidence of lost ways. | Within 15 years | Production of lost ways project by Countryside Agency | Loss of asset with subsequent limited tourism attraction and local amenity provision | Volunteers, user groups, Countryside Agency | Wildlife and Countryside Act 1981 / Countryside and Rights of Way Act 2000 | PROW Manager / Definitive Map Modification Officers |
| <i>LR4</i> <i>Remove the backlog of legal event orders and subsequently ensure that these changes are made within 6 months of the certification of a legal order.</i> | Identify outstanding legal event orders (up to 900) and most appropriate method of updating the definitive map Set up procedure to ensure future changes to the definitive map are supported by a legal event modification order Produce a methodology for carrying out search for deficiencies in the rights of way network | 2010 | Dec 2007 – Identify backlog and methodology for dealing with backlog | Out of date definitive map possibly subject to legal challenge | Legal services ROWIP | Wildlife and Countryside Act 1981 CROW Act 2000 | PROW Manger / To be reviewed |
| <i>LR 5</i> <i>Produce a digitised definitive map and statement</i> | Complete digitisation process of definitive map. | Dec 2007 | Meet annual digitisation targets | Delaying of valuable network management tool with potential to be accessed across council including e- | IT services | Wildlife and Countryside Act 1981 | PROW Manger / GIS Officer |

| Objective | Action | Due date | Milestones | Risks | Links | Performance indicator/ relevant acts | Lead post |
|---|--|-----------|---|--|--|--|--|
| | | | | government | | | |
| | | | | | | | |
| Maintenance and Enforcement (ME) | | | | | | | |
| <i>ME1</i> <i>Investigate more effective methods and alternative sources of funds, for maintaining paths to an appropriate standard</i> | <p>Increase use of volunteers and Parish Footpath Officers</p> <p>Work with Herefordshire Jarvis Services to establish more cost effective methods of maintenance</p> <p>Seek funding sources for major projects and community based initiatives</p> | Ongoing | <p>Produce regular PFO newsletter</p> <p>Set up working group with HJS</p> <p>Carry out Audit of funding sources annually</p> | <p>Deterioration of current network.</p> <p>Failure to meet targets</p> <p>Lack of community involvement</p> | User groups, volunteers, Parishes, Herefordshire Partnership | <p>BVPI 178</p> <p>Tourism Strategy, Local Transport Plan, Highways Maintenance plan</p> | <p>PROW Manger / Area Officers / Wardens</p> |
| <i>ME2</i> <i>Prepare a strategy for dealing with enforcement problems in an effective manner to include a published policy procedure and statement of priorities.</i> | <p>Produce a robust and effective approach to enforcement to include policy and procedure</p> <p>Identify and prioritise outstanding long term obstructions</p> <p>Produce a statement of priorities for dealing with all types of enforcement issues including long term obstructions</p> | July 2005 | Draft strategy produced - September 2004 | Inconsistent approach to enforcement. | User groups, Landowners | <p>Enforcement concordat</p> <p>BVPI 178</p> | PROW Manger |
| <i>ME3</i> <i>Electronically link the rights of way database to the</i> | | February | | Inefficient | | BVPI 178 | PROW |

| Objective | Action | Due date | Milestones | Risks | Links | Performance indicator/ relevant acts | Lead post |
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| <i>digitised definitive.</i> | | 2006 | | management system | | | Manger / ICT |
| <i>ME4</i> <i>Prepare and implement a management plan for the prioritisation, inspection and maintenance of the network.</i> | Identify high priority routes to include promoted trails and popular walks Initiate system of regular inspection and maintenance | Dec 2005 | Draft maintenance management plan produced July 2005 | Deterioration of strategically important routes and key local paths | User groups, local communities | BVPI 178 Tourism strategy Local transport Plan | PROW Manger / Area Officers / Wardens |
| <i>ME 5</i> <i>Prepare a standards guide for rights of way furniture and surfacing.</i> | Produce a policy and accompanying standards guide for rights of way furniture and surfacing taking into account all users | Dec 2005 | Produce draft policy Aug 2005 | Inconsistent standards Paths will become increasingly inaccessible | User groups, local communities | BVPI 178 CROW Act 2000 DDA 1995 | PROW Manger / Area Officers / Wardens |
| <i>ME6</i> <i>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.</i> | Increased investment into Parish Paths Partnership Scheme | Ongoing | Complete review of current parishes on scheme – April 2004. Draft new guidelines | More reliance on current PROW budget. Less community involvement | Parishes Local communities | CROW Act 2000 DDA 1995 | PROW Manger / Area Officers / Wardens |

| Objective | Action | Due date | Milestones | Risks | Links | Performance indicator/ relevant acts | Lead post |
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| Changing the Network (C) | | | | | | | |
| <i>C 1</i> <i>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</i> | Review current procedures (including application) and draft revised procedures incorporating new requirements of CROW Act Revise current costs and bring up to date. Draft statement of priorities | June 2005 | Draft procedures produced Feb 2005 | Out of date charges with subsequent loss of income. Inconsistent approach and prioritisation of applications | User groups, Local Access Forum Landowner groups Legal Services | Best value Review CROW Act 2000 | Public Rights of Way Manager /Public Path Order Officers |
| Improving the Network (I) | | | | | | | |
| <i>I1</i> <i>Produce a Rights of Way Improvement Plan</i> | Carry out research to establish current situation and future development areas of the service Produce final plan following consultation Incorporate appropriate statement in Local Transport Plan | Nov 2007 | Draft plan of action and current position statement produced March 2005 | Required by legislation | HIAF, user groups, public | CROW Act 2000 LTP | Public Rights of Way Manager Develop. Officer |

| Objective | Action | Due date | Milestones | Risks | Links | Performance indicator/ relevant acts | Lead post |
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| <i>I2 Implement the rights of Way Improvement Plan</i> | Prioritise key objectives in improvement plan Introduce a working program to implement the objectives | As set out in the Improve ment Plan / LTP | | Lack of Development for Countryside Access | Local Access Forum, Tourism, Transportation Planning | CROW Act 2000 Tourism Strategy | Public Rights of Way Manager |
| <i>I3 Work with relevant officers to incorporate the Rights of Way Improvement Plan into the Local Transport Plan.</i> | Identify key contacts and set up regular working groups | July 2005 | | Stand alone and therefore ineffective document. Lack of funding for projects | Transportation Planning | CROW Act 2000 LTP | Public Rights of Way Manager |
| | | | | | | | |
| Publicity and Promotion of the network (PP) | | | | | | | |
| <i>PP1 Produce and implement procedures for a structured, prioritised approach to the promotion of recreational routes including those suitable for all users</i> | Produce criteria for supporting routes proposed by individuals of organisations Identify current provision and area of development | Sept 2005 | Draft procedures produced May 2005 | Uncoordinated approach to promotion | Tourism, Local Access Forum, Disabled users | Tourism Strategy | Public Rights of Way Manager / Area Officers |

| Objective | Action | Due date | Milestones | Risks | Links | Performance indicator/ relevant acts | Lead post |
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| <i>PP2</i> <i>Develop and promote the public rights of way web site</i> | Develop website firstly as information point and secondly as an e-portal as part of Council's web policy. Create Link with LTP Website | Dec 2006 | | Loss of opportunity | IT | E-government | Public Rights of Way Manager |
| <i>PP3</i> <i>Continue to participate in the running and development of promotional events including the Herefordshire Walking Festival</i> | Evaluate first two walking festivals Steer future walking festivals to maximise economic benefits to county | Ongoing | Secure funding for 2005 festival | Loss of opportunity and income | Tourism | Tourism strategy | Public Rights of Way Manager |

| Objective | Action | Due date | Milestones | Risks | Links | Performance indicator/ relevant acts | Lead post |
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| | | | | | | | |
| Liaison (L) | | | | | | | |
| <i>L1 Continue to actively support the Local Access Forum and establish formal links with LAFs in neighbouring authorities</i> | Set up formal links with neighbouring authorities Continue to provide support, advice and training Herefordshire Local Access Forum | Ongoing | | Required by law | HIAF, neighbouring local authorities | CROW Act 2000 | Public Rights of Way Manager / Develop. Officer |
| <i>L2 Continue to support the Rights of Way Liaison Group as a less formal setting specifically for discussion of users' and landowners' interests</i> | Frequent meetings | Ongoing | | Loss of informal means of communication and negotiation | User groups | | Public Rights of Way Manager |
| | | | | | | | |
| Environmental management (EM) | | | | | | | |
| <i>EM 1 Promote good environmental management throughout the Public Rights of Way service</i> | Carry out environmental audit of service and feed in findings as appropriate | Ongoing | Environmental audit produced and approved Review hedge cutting /nesting bird protocol for PROW and undertake any training required. | Non-sustainable approach to service provision. | | GEM | Public Rights of Way Manager |
| | | | | | | | |

Responses to Consultation

The following organisations or individuals responded to the request for comments:

Worcestershire Local Access Forum
Bodenham Parish Council
Malvern Hills District Footpath Society
Open Spaces Society (Herefordshire East)
Open Spaces Society (South)
Wye & Welsh Landrover Club
Neil Barnes
Monkland & Stretford Parish Council
Open Spaces Society (Herefordshire East)
Transportation Unit, Hereford Council
R.G. Bathu
Hampton Bishop Parish Council
Hampton Court Ward
National Farmers Union (West Midlands)
Ramblers Association (Herefordshire area)
Mrs. E. Bryon
Canon Frome Parish Council
Herefordshire Local Access Forum
Open Spaces Society
D.L. & J.A. Seeney
I.J & J.R. Pike
Upton Bishop Parish Council
Monkland & Stretford Parish Council
J.E. Geary
Ashperton Parish Council
Arthur Lee

Byeways & Bridleways Trust
Marden Parish Council
Richard Brown
Cradley Parish Council
Countryside Agency
David M. Clark
British Horse Society
Countryside Agency
Kingsland Parish Council
Mrs. S.J. Gladwyn
J.P. Thomas, Councillor
Mr. B.V. Whitcombe
Bosbury & Coddington Parish Council
B.Atherton, Clerk to Linton Parish Council
Alan Edwards
Environment Agency
Much Cowarne Group Parish Council
Ross-on-Wye Civic Society
St. Martins & Hinton Ward, Herefordshire Council
H. Wilton, Wacton Parish Councillor
Orcop Parish Council
S.W. Quan & Co.
Ian Thornewell

