



JLAF02

Agenda item 6: Rights of Way Improvement Plans – a briefing note.

Introduction

Section 60 of the Countryside and Rights of Way Act 2000 places a duty on highway authorities (HAs) to prepare and publish a Rights of Way Improvement Plan (ROWIP) by November 2007. However, guidance from the Department of the Environment, Food and Rural Affairs (DEFRA) in November 2002 indicated that ROWIPs were to become part of each authority's Local Transport Plan (LTP). The LTP is a five year plan and as the next plan is due to be published in mid 2005, the timetable for the production of the ROWIP may have to be reconsidered.

The ROWIP is intended to be a mechanism for improving the local network of public rights of way and other non-motorised routes in light of the needs of all types of user.

The ROWIP must contain:

1) **an assessment**

- ◆ of the extent to which local rights of way meet the present and future needs of the public;
- ◆ of the opportunities provided by local rights of way for exercise and other forms of outdoor recreation and the enjoyment of the authority's area;
- ◆ of the accessibility of local rights of way to the blind or partially sighted people and people with mobility problems,

2) **a statement**

- ◆ of the action they propose to take for the management of local rights of way, and for securing an improved network of local rights of way, with particular regard to the matters dealt with in the assessment

Scope of the ROWIP

The ROWIP must assess the extent to which local rights of way meet the present and future needs of the public. "Local Rights of Way" are defined in CROW as including footpaths, bridleways and Byways Open to All Traffic (i.e. those classes of highway normally managed by PROW Officers) but the definition also includes cycle tracks.

Any assessment should also look at the availability and distribution of other means of access such as some permissive routes and Access land (as provided by Part 1 of CROW when in force) and the interrelation between these.

Relationship to other plans

HAs may have a whole series of other plans and strategies (completed or being developed) for related areas of work. These related areas may include transport, healthy living, leisure, recreation, sport, tourism, and community strategies. Rights of way improvement plans should be developed within the context of these and other relevant plans and strategies. Improvement plans should, in turn, influence these areas of local authorities' responsibilities – in particular, they may be relevant to the economic, social and well-being aspect of community strategies.

Most HAs previously developed targeted business plans, "Milestones Statements", to help achieve the so called "Recreation 2000" targets (to have all PROW legally defined, properly maintained and well publicised by the year 2000). No HA in England achieved this target. Whilst the ROWIP is not a Milestones Statement under another name, it is considered that it will supersede the Milestones Statement. Existing Milestones Statements may nonetheless provide useful information with which to develop the ROWIP.

Generally, HAs should be prepared to adapt or develop existing plans in accordance with proposals in its ROWIP.

The Process

Assessment of the existing network and likely future demand

The assessment process will require HAs to:

- (a) study the definitive map and statement of rights of way;
- (b) collate and consider data on applications for modifications to the map and statement;
- (c) collate and consider data on requests for improvements to the network;
- (d) collate and consider data on the condition of the network;
- (e) undertake a survey to assess the nature and scale of the present and likely future needs of the public (both local people and visitors to the area) in relation to the rights of way network;
- (f) identify any other relevant information, including other plans and strategies for the area.

This should allow a preliminary assessment to be made of:

- ◆ the extent to which routes and networks are available to different groups of users;
- ◆ areas which are deficient in rights of way for all or particular groups;
- ◆ obvious inconsistencies or anomalies in relation to individual rights of way;
- ◆ other opportunities to improve the network,

The assessment should also help to set potential use and demand in the context of other relevant plans and initiatives for the area. There may, for example, be initiatives to encourage people to walk as part of a healthy living promotion or to encourage people to cycle to work or school. It should also be possible to draw conclusions about the choice of opportunities to walk, ride, cycle and drive horse drawn vehicles available close to where people live or stable their horses. Other relevant sources of information (such as the planning, economic development and transport policies for the area and social, demographic or other factors) may have a bearing on the recreational use of the area or the current or future demands made on rights of way, whether for recreational or other purposes.

Involving others

In all stages of the ROWIP process, but especially during the assessment there is a need to involve as wide a variety of interests as possible including the general public. In particular there should be consultation with:

- a) each neighbouring highway authority;
- b) each parish council,
- c) the Joint Local Access Forum (JLAF)
- d) the Countryside Agency;
- e) those bodies normally consulted with over changes to the rights of way network: the British Horse Society, Byways and Bridleways Trust, Cyclists Touring Club, Open Spaces Society and Ramblers Association, Auto Cycle Union and British Driving Society;
- f) Regional Development Agencies,
- g) English Nature,
- h) The Environment Agency,
- i) Governing sports bodies and groups (such as Sustrans)
- j) Conservation boards for the Cotswold and Mendip Areas of Outstanding Natural Beauty.

Preparation of a Statement of Action

Statements of action should follow from local highway authorities' assessments. These should make proposals for taking the required action and state, in broad terms, how these proposals are to be realised. They should set out objectives and targets for managing and improving local rights of way in respect of each type of user. For each conclusion, local highway authorities should establish:

- their proposed action;
- the estimated costs;
- the key organisations that they intend to involve in the proposed action; and
- the time scale within which they propose to complete the action.

In the guidance document DEFRA gave an example of what such a Statement might actually look like. This is reproduced below:

Conclusion from assessment	Recommended action	Estimated costs	Completion date	Key organisations
Island access land sites require public access.	Seek to negotiate new footpaths for all island access land.	£20,000	April 2008	Approach landowners to seek a creation agreement.
People with mobility problems encounter too many obstructions on rights of way.	Remove obstructions and maintain 12 identified routes to a standard fit for use by wheel chairs	£15,000	April 2009	Identify priority routes with local disabled user groups.
Not enough off-road routes for horse riders longer than 15 km.	Seek to upgrade footpaths or create ten new bridleways in south and east of county.	£30,000	April 2010	Work with local BHS, Bridleway Groups and equestrian businesses to identify potential routes greater than 15km.

Draft Plan

Completion of the Statement of Action should enable HAs to publish a draft ROWIP containing details of the assessment, the conclusions drawn from it and the Statement itself. It should also specify where detailed plans will be set out and how progress in implementation will be monitored. It is likely that this will be in the form of an annual Business Plan

Publication of the ROWIP and publicity

As noted above it is essential to involve the public and a variety of organisations and bodies throughout the ROWIP process. When the draft and final ROWIP is published, it will be advertised in two local newspapers and copies will be made available at main offices, libraries and on the web.

All representations received on the draft plan will be acknowledged and considered before the publication of the final plan.

Meeting the needs of those with visual or mobility impairments

The Act requires HAs to assess the accessibility of local rights of way to blind or partially sighted persons and others with mobility problems. Those with mobility problems can include those with children and pushchairs. Family and friends who accompany people with mobility problems are also affected by the accessibility of the network.

The nature of the working countryside and characteristics of the rights of way network itself means that there will always be barriers to some users on many rights of way. Routes in remote or hilly areas may be accessible by only the fittest. But HAs should be aware of the scope for improvements that will open up the network to a wider range of people.

Relatively few rights of way are suitable for use by those with mobility problems. A major limitation on use is the number of stiles, steps, heavy farm gates and narrow bridges on rights of way. Even those rights of way which are free from such barriers, and which could be part of an easy-to-use circular route or a local network of paths, are not generally managed, promoted or maintained with the needs of people with mobility problems in mind. In many cases, it would be relatively easy and inexpensive to open such ways to everybody. The development of accessible, sturdy and stock-proof gates designed for paths to British Standard 5709, and of well-designed robust powered wheelchairs now enables many more people with mobility problems the potential of better access to the open countryside.

HAs should assess the need for works to existing ways and the need for new ways to enable people with mobility problems, including disabled riders, to enjoy a higher proportion of the network than is currently the case. In making these assessments, HAs should work on the principle that the needs of people with mobility problems should always be taken into account in the management, maintenance and improvement of local rights of way. Authorities should also bear in the mind that needs will differ between individuals with varying degrees of mobility. They should also recognise the importance of publicity and information about access to the network so that people with mobility problems are encouraged to make use of public rights of way and can make decisions about which are suitable for their degree of mobility.

Role of the JLAF

The role the JLAF in relation to ROWIPs may include, for example:

- ◆ commenting on opportunities for access to open countryside especially where new linear routes may be desirable;
- ◆ assisting HAs in setting priorities for implementing their plans;
- ◆ commenting on published draft plans.

Implementation and Review

Whilst there is a duty to produce a ROWIP there is no corresponding duty to implement the proposals within the Statement of Action. However, it is recognised that it would not be desirable to produce a Statement of Action where there was no likelihood of implementation. This is one of the reasons why the exemplar Statement includes "Estimated Costs" - focusing HAs on the realistic and attainable and ensuring that some thought is given at this early stage as to how the proposals might be implemented

A ROWIP must be reviewed (including carrying out a new assessment) within ten years of its publication. Given that it is now to be incorporated within the LTP process which has a review cycle of five years, this requirement may become redundant.

Briefing Note prepared November 2003

FURTHER INFORMATION

1. Countryside and Rights of Way Act 2000 – section 60 – “Rights of Way Improvement Plans” (www.legislation.hmso.gov.uk/acts/acts2000/20000037.htm)
2. Countryside and Rights of Way Act 2000 (Commencement No. 2) Order 2002 (<http://www.hmso.gov.uk/si/si2002/20022833.htm>)
3. ROWIP Statutory Guidance to Local Highway Authorities in England (DEFRA, November 2002) (<http://www.defra.gov.uk/wildlife-countryside/cl/rowip/rowip.pdf>)
4. DEFRA Letter to Local Highway Authorities (November 2002) (<http://www.defra.gov.uk/wildlife-countryside/cl/rowip/letter.htm>)
5. Public Rights of Way Good Practice Guide - ROWIP Guidance (<http://www.prowgpg.org.uk/gpg/default.asp?PageID=39>)
6. Countryside Agency Website - ROWIP Guidance (<http://www2.countryside.org.uk/access/improvementplans01.htm>)