



## JLAF06: Background Papers

### Agenda item 5: JLAF Administration

#### Member Appointments.

The appointments of nine members of the JLAF, those appointed for a period of two years from 2003, will expire before the next full meeting of the JLAF. A recruitment process will begin soon that will adhere to statutory requirements such as the advertisement of vacancies in the local press and considering the membership as a whole in achieving a balance of interests on the Forum.

As part of this process, the members concerned will be contacted in writing with details of the appointment process and will be invited to express their interest in re-appointment.

<b>Membership of the JLAF</b>		
<b>JLAF Member</b>	<b>Interest Category</b>	<b>Period of Membership</b>
Councillor Chris Cray - Bath & North East Somerset Council	Nominated as Councillor Members	Nominated annually by each Council
Councillor Christopher Orlik - Bristol City Council		
Councillor Howard Gawler - South Gloucestershire Council		
Bill Blyth	Other	Appointed to the JLAF for <b>2</b> years from 16/05/2003
David Colbourne	Other	Appointed to the JLAF for <b>3</b> years from 16/05/2003
William Dawson	User	Appointed to the JLAF for <b>3</b> years from 16/05/2003
Ann Fay	User	Appointed to the JLAF for <b>3</b> years from 16/05/2003
John Gunnery	Landowner	Appointed to the JLAF for <b>3</b> years from 16/05/2003
Rae Harris	User	Appointed to the JLAF for <b>2</b> years from 16/05/2003
Peter Hart	User	Appointed to the JLAF for <b>3</b> years from 16/05/2003
Robert Killen	Landowner	Appointed to the JLAF for <b>2</b> years from 16/05/2003
Alun Morgan	Other	Appointed to the JLAF for <b>2</b> years from 16/05/2003
Ray Newbigin	User	Appointed to the JLAF for <b>2</b> years from 16/05/2003
Angela Nicoll	User	Appointed to the JLAF for <b>2</b> years from 16/05/2003
Ronald Phelps	User	Appointed to the JLAF for <b>2</b> years from 16/05/2003
Andrew Short	User	Appointed to the JLAF for <b>3</b> years from 16/05/2003
Adam Stratton	Landowner	Appointed to the JLAF for <b>3</b> years from 16/05/2003
Janet Wallis	Other	Appointed to the JLAF for <b>3</b> years from 16/05/2003
Chris Weedon	Other	Appointed to the JLAF for <b>2</b> years from 16/05/2003
Robin Winfield	Landowner	Appointed to the JLAF for <b>2</b> years from 16/05/2003
Paul Wynne	Landowner	Appointed to the JLAF for <b>3</b> years from 16/05/2003

---

## Agenda item 6: Avon Area Cycle Maps

---

This is an extract of text from the draft maps, to be published this spring, which gives the purpose of the maps and an indication of what is shown on the maps. Copies of the draft maps will be on display at the meeting.

### **"The purpose of this map.**

This map is one of a set of four covering the whole 'Avon' area. The maps are intended to be useful for all types of cyclists – experienced or inexperienced - from local trips to grand tours. They are especially designed so that you can see whether your route is hilly or flat, and so that you can choose quiet roads or quicker routes.

### **What it shows.**

On this map we have attempted to show ALL roads and paths legally available for cyclists to use. This includes bridleways but not public footpaths. Bridleways and minor roads are shown regardless of their condition and suitability for cycling. In general PRIVATE roads are not shown. In a few cases we may have got something wrong. We cannot be held responsible for errors but please let us know if you spot any. In a few cases we have shown routes as BRIDLEWAYS when they are legally open to motor vehicles, but are rarely used by motorists.

### **Notes on the KEY.**

We have coloured roads according to how busy they are and how easy they are to cycle on, regardless of their A, B, or unclassified status. However the road number does still appear, as do National and Local cycle route numbers.

Lengths of road that are very quiet are highlighted in yellow providing they form through routes.

### **Tourist Attractions.**

We have shown tourist attractions, which appear in Ordnance Survey Maps, guidebooks and brown tourist signing on the ground. However there are lots of other interesting things for cyclists to find for themselves, and we have shown a few examples of these. Get out on your bike, explore the lanes, and find your own. There are lots of listed buildings, archaeological sites, beauty spots and public houses that may interest you."

---

# Agenda item 7: Discovering Lost Ways

---

From: <http://www.countryside.gov.uk/WiderWelcome/DLW/index.asp>:

## “Discovering Lost Ways

**The Discovering Lost Ways Project will research and identify rights of way which are missing from the definitive map, before the cut-off date of 2026.**

Lost Ways - But not forever. The Countryside and Rights of Way Act 2000 set a deadline of 1st January 2026 to register forgotten historic footpaths and bridleways on the definitive map. It is therefore essential to uncover as many rights of way as possible over the next 21 years and the Discovering Lost Ways Project is responsible for making sure this happens.

After an initial research report on the scale and nature of the task and options for taking the work forward, we concluded that the best way to carry out the work was to set up an Archive Research Unit (ARU). This Unit will undertake and coordinate the systematic research of historic documents held in over 100 national and local records offices throughout England.

Following a thorough competitive tendering process, a contract was signed with Land Aspects on 6th July 2004 and the launch of the Unit announced by Alun Michael at the IPROW conference on 9th July. *[a copy of the Press Release Follows]*

### How will the ARU operate?

The detailed evidence collection will start with research in the National Archives at Kew, utilising this central collection of Tithe and Finance Act Records. This will be followed by a staged approach to county based research in local records offices, beginning in two 'lead' areas - Wiltshire and Cheshire.

In advance of this evidence collection, base maps will be prepared using OS contemporary mapping 1:10,000 Raster data, supplemented with available local authority information. A comparison will be made with digitised OS pre-war Historical Map Data County Series.

Archive research in the two lead areas will be completed in May 2005. This will be expanded to collect all of the available evidence for ten counties by the end of the third year of the contract. We will use the experience from this initial period to refine our approach as necessary, in discussion with the key interests and anticipate countrywide coverage in less than ten years.

### Liaison and planning

In advance of the research beginning in each County, the Regional Planning and Liaison Officer (RPLO) will contact key interests including rights of way and archive officers, volunteer groups and experienced researchers, landowners and managers to explain the process and devise an Archive Research Plan (ARP). This ARP will detail how the work will be approached and tailored to reflect local factors, such as progress with the definitive map and research already undertaken.

We will be developing further aspects of the work, in discussion with partners, over the coming months as implementation begins. This will include:

- exploring the potential of an accreditation scheme, endorsed by the key interest groups, in order to minimise the need for surveying authorities to reassess in detail the quality of evidence collected by the ARU;
- identifying the best mechanism (and claiming body) for submitting claims to the order making authorities;
- involving local volunteers in evidence collection and deciding how any evidence that they have already collected can best be organised to assist the core aim of ensuring that lost ways are put on the definitive map. Support for volunteers will include training and a reimbursement scheme set against rigorous quality assurance standards.

For further information, please contact Ellie Stevenson on 01242 521381 or email: [ellie.stevenson@countryside.gov.uk](mailto:ellie.stevenson@countryside.gov.uk). Further updates, as the work progresses, will be posted on this website.”

Countryside Agency Press Release on Discovering Lost Ways issued on the 9<sup>th</sup> July 2004, from:  
<http://www.countryside.gov.uk/WhoWeAreAndWhatWeDo/pressCentre/nrlostways.asp>

### **"Lost Ways, but not forever - 9 July 2004**

**Nearly 10% of England's rights of way do not appear on the definitive maps kept by highway authorities and could be lost forever if the definitive maps are not brought up to date. On behalf of the Government the Countryside Agency is setting up a special Archive Research Unit to systematically research and record these 'lost ways'.**

Pam Warhurst, chair of the Countryside Agency said: "Unless we take action now to map our lost rights of way there is a danger they will be lost to us forever. The network of rights of way is important to everyone for a myriad of reasons. The countryside a place where people work and where one in five of us lives. But it is also a health centre, an art gallery and a museum, it is a place for adventure, for quiet contemplation and for socialising. Rights of way link all this together, which is why this project is so important."

Rural Affairs Minister Alun Michael said: "Historic routes are a priceless and fascinating part of our heritage. Government is committed to recording as many of them as possible before the cut-off date of 2026, which was introduced by the Countryside and Rights of Way Act 2000. That is why we are funding the Countryside Agency's Discovering Lost Ways project. I am delighted that we now have a structured and systematic way of tracking down the 'lost ways' so that they can be recorded for everyone's benefit."

Speaking at the Institute of Public Rights of Way Officers seminar today (9 July) IPROW president Mike Ogden said: "The network of rights of way in England and Wales is managed by just a few hundred people. It's important to remember how vital this network of paths is to the population – they are nothing short of a national treasure. The Discovering Lost Ways project will help highway authorities do their job as curators and custodians of the network for the benefit of generations of people to come."

Following the Countryside and Rights of Way (CroW) Act 2000 the Countryside Agency was tasked by government to find the best way to record all lost rights of way in England, including both missing links in the network and mapped rights of way wrongly recorded (eg bridleways as footpaths). A contract has been let to 'Land Aspects' (part of the Mouchel Parkman group) to set up and run the Archive Research Unit (ARU) to undertake the research and mapping of all lost rights of way in England.

To keep in touch with the development of the Discovering Lost Ways Projects visit the Countryside Agency's website [www.countryside.gov.uk](http://www.countryside.gov.uk).

-ends -

#### **Notes to editors:**

**For further information or interview please ring the Countryside Agency press office on 0207 340 2907/9.**

The Rural White Paper '*Our countryside: the future*' (2000) introduced the Government's commitment to ensure all rights of way would be recorded and mapped before a cut off date of 1 January 2026.

The Countryside Agency is the statutory body working to make the quality of life better for people in the countryside and the quality of the countryside better for everyone. It is a non-departmental public body sponsored by the Department for Environment Food and Rural Affairs. More information at [www.countryside.gov.uk](http://www.countryside.gov.uk)

Mouchel Parkman is a professional support services group. The company employs over 4,000 staff, has 73 managed services contracts and a forward order book in excess of £700m. [www.mouchelparkman.com](http://www.mouchelparkman.com) "

---

# Agenda item 8: Cotswold Area of Outstanding Natural Beauty (AONB) Conservation Board

## The Cotswolds Area of Outstanding Natural Beauty (Establishment of Conservation Board) Order 2004

---

From: <http://www.countryside.gov.uk/WiderWelcome/DLW/index.asp>:

### Cotswold AONB FACT SHEET 2: Cotswolds Conservation Board

From: <http://www.cotswoldsaonb.com/conservation.asp>

#### Duties of the Board

It is the duty of the Board to pursue two purposes:

- to conserve and enhance the natural beauty of the Area of Outstanding Natural Beauty (AONB)
- to increase the understanding and enjoyment of the special qualities of the AONB.

In carrying out its twin purposes the Board must foster the economic and social well being of its communities.

#### Size and structure of the Board

The Board is made up of 40 Members; 17 local authority nominees, eight parish council nominees and 15 Secretary of State nominees.

It is proposed that the full Board will appoint from its membership an Executive Committee of 12 members - six drawn from the local authority nominees, four from the Secretary of State nominees and two from the parish council nominees. The Board will elect its own chairperson and vice chairperson.

#### Drafting of the Establishment Order

Primary or enabling legislation the Countryside and Rights of Way (CROW) Act 2000 provided for the establishment of Conservation Boards. The AONB measures within the CROW Act came into force with effect from 1 April 2001.

**June 2001** - Cotswolds AONB Partnership appointed Land Use Consultants (LUC) to review the option of establishing a Conservation Board for the Cotswolds AONB. LUC identified the advantages and disadvantages of a Conservation Board and recommended a proposed size and structure for the board proposal.

**November 2001 to February 2002** - Cotswolds AONB Partnership consulted all member organisations of the Partnership on the option of establishing a Cotswolds Conservation Board.

**June 2002** - the Partnership appointed LUC to develop proposals for the content of any Conservation Board Establishment Order, with a particular focus on the duties and functions of the Board.

**November 2002 to February 2003** - Cotswolds AONB Partnership consulted all member organisations of the Partnership on the draft content of the Establishment Order.

**March to May 2003** - Department for Environment Food and Rural Affairs (Defra) informally consulted the 17 Local Authorities, all parish councils, the Countryside Agency, Local Government Association, English Nature, National Trust and the Campaign for the Protection of Rural England on the proposed content of the Establishment Order.

**January to March 2004** - Defra formally consulted the 17 local authorities on the draft Establishment Order

**June 2004** - Defra formally consulted the 17 local authorities on final amendments to the Draft Establishment Order

**June 2004** - Draft Establishment Order laid before Parliament by Ben Bradshaw MP, Defra Minister for Nature Conservation and Fisheries.

#### **Consideration of the Draft Establishment Order by Parliament**

- Draft Order laid before Parliament on 16 June 2004
- Draft Order discussed by a Standing Committee of the House of Commons on 1 July 2004
- Draft Order discussed on the floor of the House of Lords on 2 July 2004
- Draft Order discussed on the floor of the House of Commons on 6 July 2004
- Order made or signed on 8 July 2004
- Order came into force on 22 July 2004

#### **The Conservation Board's Establishment Day - Tuesday 14 December 2004**

The Establishment Day is the day that the Board receives its duties and functions as provided for by the Countryside and Rights of Way Act 2000. All board members will have been appointed in time for Establishment Day. The Establishment Day will also be the day on which the Board is formally launched.

#### **The Conservation Board's Operative Day - Tuesday 1 February 2005**

The Operative Day is the day that the Board receives its powers as provided for by the Establishment Order i.e. the powers held concurrently with/shared with the local authorities.

#### **Publications**

- Countryside and Rights of Way Act 2000, The Stationery Office, December 2000
- Explanatory Notes, Countryside and Rights of Way Act 2000, Chapter 37, The Stationery Office, 2001
- Department of the Environment, Transport and the Regions (DETR) Circular 04/2001, Countryside and Rights of Way Act 2000, The Stationery Office, 2001
- Review of the Option of a Conservation Board for the Cotswolds AONB, Cotswolds AONB Partnership, November 2001
- Advice Notes on Establishing a Conservation Board for the Cotswolds AONB, Cotswolds AONB Partnership, December 2001
- Proposals for the Cotswolds AONB Conservation Board Establishment Order, Cotswolds AONB Partnership, November 2002
- Cotswolds Area of Outstanding Natural Beauty, Advantages of Creating a Cotswolds Conservation Board, Cotswolds AONB Partnership, February 2004
- The Cotswolds Area of Outstanding Natural Beauty (Establishment of Conservation Board) Order 2004, (Statutory Instrument 2004 No 1777) The Stationery Office, June 2004

---

# Agenda item 9: Updates

## a. South Gloucestershire Council Rights of Way Enforcement Policy

---

The following is a copy of the Enforcement Policy that was adopted in January 2005:

### **“Introduction**

South Gloucestershire Council is under a statutory duty imposed under section 130 of the Highways Act 1980 to assert and protect the rights of the public to the use and enjoyment of, and prevent so far as possible, the unauthorised stopping up or obstruction of, all public rights of way within the area of the Authority. The aim is to ensure that all public rights of way remain in a condition that is safe and easy for use by the public. The Council carries out practical works to maintain them and when problems occur will use advice and persuasion and, where necessary, direct enforcement action or prosecution proceedings.

To this end, the Council will give advice, practical assistance and guidance to help farmers and landowners comply with the law. It will also provide information, education and advice to all those who use or wish to use the public rights of way network in South Gloucestershire.

### **Principles**

There are four basic principles, which underlie the implementation of this policy. These are:

1. **Proportionality** - relating the enforcement action to the seriousness of the breach. Some incidents have the potential to place the public's health and safety at risk, others interfere with people's enjoyment and rights and the Service's ability to carry out its activities. Enforcement action will be proportionate to the risks posed and to the seriousness of any breach of the law.
2. **Consistency** - taking a similar approach in similar circumstances. This does not mean uniformity of action. When assessing a breach Officers will need to exercise their professional discretion taking into account all the relevant factors of the case. Such relevant factors might include the seriousness of the breach, the impact or potential impact on the public, the attitude of those responsible for the breach and the history of previous breaches.
3. **Transparency** - ensures that those against whom enforcement action is taken are aware of the legislative requirements and aware of the likely consequences of non-compliance. Distinction will need to be made between statutory requirements and what is good practice or desirable but not compulsory. Transparency should aid those being regulated in complying with statutory requirements and minimise the need for further enforcement action. It also helps maintain public confidence in the ability of the Service to fulfil its duties. Where enforcement action is required an explanation (usually in writing) will be given of why that action is necessary and when it must be carried out. Unless urgent action is required, an opportunity will be provided to discuss what is necessary to comply with the law.
4. **Targeting** – ensuring that enforcement action is directed primarily to where the risks or impact on the public is greatest. Action will be focused on those directly responsible for the breach and who are best placed to control it. Prioritisation will be based on a number of factors including; where public safety is being compromised; PRoW forming National, Regional, strategic and local routes.

***At all stages when considering enforcement action, the Council will take full consideration of the Human Rights Act 1998.***

## Scope of the Policy

### POLICY 1

**Wherever obstructions or other breaches of relevant legislation are identified, South Gloucestershire Council will utilise its various enforcement powers as set out in this document to remedy the problem.**

Enforcement will be considered wherever appropriate statutory powers exist to deal with actions or inactions that may lead to risks to the public or to their rights being infringed. However, this policy is directed primarily towards the areas listed below. An Enforcement Action Plan (EAP) is contained in Appendix 1 to this document. The EAP includes general guidance illustrating the usual sequence of events.

Section 131 and 131A	- Unlawful surface disturbance
Section 134	- Interference by ploughing
Section 137	- Wilful obstruction
Section 137A	- Interference by crop other than grass
Section 143	- Interference by obstruction
Section 146	- Broken stile/gate
Section 149	- Material deposited on highway
Section 154(1)	- Overhanging vegetation
Section 154(2)	- Dangerous tree adjoining PROW
Section 162	- Placing rope across a highway
Section 164	- Barbed wire causing nuisance

Other miscellaneous nuisances, obstructions and offences will be dealt with in a comparable manner according to the circumstances of the case.

### **Courses of Action**

There are several possible courses of action available to the Council:

1. **To Give Advice** - Advice may be given when we consider that the infringement is of a minor nature, and the Council is confident the owner or occupier involved will take the required corrective action. The owner or occupier will be requested to take appropriate remedial action. An informal notice may be posted on site if the owner/occupier cannot be located.
2. **Enforcement Notices** - A formal Notice may be served, where appropriate, if an offence has been committed and where a request, in writing, to take remedial action has failed. Such Notice will include provision for the Council to take direct action to remove obstructions or nuisances or to deal with the appropriate restoration of paths and to recover its costs.
3. **Prosecution** - In some circumstances the Council will prosecute if it believes it to be in the public interest to do so and this may be undertaken in tandem with the service of Notices (as above).

**Whilst prosecutions are a last resort they remain an important part of our enforcement process. We will prosecute to provide a deterrent against offences being committed, but we will only take such action when other attempts to secure compliance have failed, or are considered likely to fail.**

Each case is considered on its merits taking into account additional factors which reflect the Code of Practice for the Crown Prosecution Service.

Prosecution may be considered when one or more of the following applies:

- There is a significant risk to public safety
- There is a flagrant breach of the law, or if notice has been given that legal proceedings will be considered for future breaches.
- There has been a failure to heed advice or instructions or take corrective action.
- There is a history of infringements by the defendant.

## Additional Considerations

- Is the prosecution in the public interest?
- Does the evidence provide a realistic prospect of conviction?
- Is a conviction likely to result in a significant fine or other penalty?
- Is the Offence widespread within the Council area?

Each case will be subjected to an ongoing process of review to ensure the level of enforcement action continues to be appropriate. Once we decide to prosecute we will proceed without undue delay.

## Managing and Prioritising Enforcement Task List

### **POLICY 2**

**In dealing with enforcement cases, priority will normally be given to cases where, in the view of Officers, one or more of the following criteria are met:**

- 1. Where continuation of the obstruction provides an unacceptable health and safety risk;**
- 2. Where resolution of the obstruction will provide a significantly enhanced PROW network;**
- 3. Where resolution of the obstruction will contribute significantly to other Council objectives;**
- 4. Where the obstruction adversely affects a PROW which forms part of a promoted route;<sup>1</sup>**
- 5. Where a significant number of valid complaints have been received about the obstruction from a variety of independent sources**

There are a significant number of unresolved obstructions to the PROW network. Whilst only a small number seriously impact on the public's enjoyment of the network, it is important that all these issues are addressed so that users and landowners / occupiers have certainty about the extent of the public's rights. As a consequence it is necessary that a system of prioritising the enforcement work of the PROW Team is operated.

Non-seasonal obstructions (those not related to the cultivation of arable crops) coming to the attention of the PROW Team are categorised as follows:

PRIORITY OBSTRUCTIONS	Obstructions where one or more of the criteria set out in Policy 2 are met. These obstructions will be dealt with as a matter of urgency by the PROW Team.
ROUTINE OBSTRUCTIONS	Obstructions which do not meet the criteria set out in Policy 2 but which nonetheless may have a negative impact on the public trying to use the path. These obstructions will be added to a "Routine Obstructions" list and dealt with in chronological order of receipt as and when resources allow.
DE MINIMIS OBSTRUCTIONS	Obstructions which appear negligible in their impact on the public use of the path. These will be recorded on file but no further specific action proposed. Resolution of the issue will be sought if an opportunity arises, for instance if the obstructed path is identified on a search in the process of the sale of the surrounding land or if development is proposed for the affected land.

<sup>1</sup> a series of paths, circular or otherwise, which has been publicised by means of a leaflet, book or otherwise by South Gloucestershire . The Cotswold Way National Trail, The Dramway, The Frome Valley Walkway are examples of such routes.

In some cases, as time passes it becomes progressively more difficult to secure the removal of an obstruction. Officers retain discretion to deal with "new" obstructions immediately, regardless of the above prioritisation, where that is considered an effective use of resources. This applies to all seasonal obstructions. Alternatively, "new" obstructions may be placed at the top of the "Routine Obstructions List" where that is more appropriate.

## **Use Of Public Path Orders (PPOs)**

### **POLICY 3**

**A Public Path Order may be considered as an acceptable alternative to enforcement action only where all of the following criteria are met, and subject to approval of the Public Rights of Way and Common Registration Committee :**

- 1. The obstruction was not a deliberate attempt to interfere with the public's use of the route;**
- 2. The obstruction is not of recent origin (the use of PPOs to deal with obstructions placed after the date of adoption of this policy will only be considered in exceptional circumstances);**
- 3. In the opinion of an SGC PROW Officer, an alternative route exists that will fulfil the requirements of the relevant PPO legislation**

A number of obstructions on PROW may be longstanding and of such a nature that successful enforcement action may be costly, difficult to achieve or undesirable. An example of this might be where buildings had been constructed over a PROW some years ago.

In such cases the making of a PPO (e.g. a diversion order to circumvent or avoid the obstruction) may appear a more appropriate and efficient response.

Nonetheless, to act as an effective deterrent an enforcement policy must avoid the danger of appearing to condone obstructing a PROW merely because it would be awkward or difficult to take direct action or prosecute. Consequently, the making of PPOs to deal with obstructions on PROW would be acceptable only in certain limited circumstances as detailed **Policy 3**.

In cases where a PPO is considered acceptable normal PPO procedures will be applied including provisions for the recovery of the Council's costs. In the event of the application being unsuccessful for any reason, then the case will be dealt with as a standard enforcement issue.

**Nothing in this Policy is in any way affects the powers available to the Council to take direct action to remove unsafe or unauthorised obstructions or deposits in the highway.**

## **Appendix 1**

### **Enforcement Action Plan**

- Complaint received from a member of the public.
- Complaint put onto CAMS ( 3 working days after receipt )
- Acknowledge Complaint/Report ( 3 working days after receipt )
- Field Officer investigates the complaint within a specified time limit appropriate to its prioritisation.
- Field Officer negotiates with the landowner/tenant to resolve the complaint within a specified time scale. ( normally not less than 10 working days )
- Field Officer revisits to ensure the work has been completed.
- If the work has not been completed the Field Officer may serve an Enforcement Notice ( normally not less than 10 working days to comply )
- If necessary consult Legal over possible prosecution.
- Advise complainant of result

---

## Agenda item 9: Updates

### b. Cross-Compliance

---

Extract from:

#### **Introduction - Cross compliance conditions**

at: <http://www.defra.gov.uk/farm/capreform/singlepay/crosscomply/index.htm>

"Cross compliance is a series of standards that farmers need to meet in order to receive their subsidy payment in full.

There are two main elements, Statutory Management Requirements (SMRs) and Good agricultural and environmental condition (GAEC) standards. Farmers will be inspected to check that they are meeting these standards, and breaches may result in sanctions being imposed."

Extract from:

#### **CAP: Single Payment Scheme - Cross compliance GAEC**

at: <http://www.defra.gov.uk/farm/capreform/singlepay/crosscomply/gaec.htm>

#### **Rights of way**

Farmers must not obstruct or disturb the surface of the path of a public right of way which runs across their land (however farmers may plough the path of a right of way so long as the path is reinstated within any prescribed time limit); and must maintain any stile or gate for which they are responsible that is on the path of a public Right of Way."

There is a website for cross compliance support and advice for England that can be found at:

<http://www.crosscompliance.org.uk/>

Defra's web pages on Cross Compliance are under "Single Payments Scheme" in the "Common Agricultural Policy (CAP) Reform" section of their website at:

<http://www.defra.gov.uk/farm/capreform/singlepay/crosscomply/index.htm>

---

## Agenda item 9: Updates

### c. Bath & North East Somerset Council Strategy for Horse Riding

---

Bath & North East Somerset Council Press Release on the Strategy for Horse Riding:

"Reference: PR2055

**Publish Start Date:** 25 February 2005

For Immediate Release

Panel presents findings on Horse Riding Strategy

BATH & North East Somerset Council's Horse Riding Strategy has been reviewed by the Planning, Transportation, Economy and Sustainability (PTES) Overview and Scrutiny Panel and the findings presented to the Executive Member for Transportation and Highways.

Cllr Sir Elgar Jenkins was due to make a decision on the strategy in November but in the light of comments from members of the public about a lack of consultation, he decided to delay his decision until the PTES Overview and Scrutiny Panel has looked at the issue in more detail

The strategy's main aims included opening up equestrian access on some of the area's cycle paths thus enhancing, promoting and enlarging the network of routes accessible for horse riders.

Another important part of the strategy was to promote awareness of safety and increase safety skills for all users in their interaction with each other.

Cllr Peter Metcalfe, Chairman of the PTES Overview and Scrutiny Panel, said: "In approaching this review, the Panel has undertaken wide ranging consultation in order to encourage a fuller public debate with the users and the community.

"Our recommendations and findings have now been presented to Cllr Sir Elgar Jenkins and I hope that they will assist him to make an informed decision on this issue."

The Panel's recommendations included the unanimous opinion that a 12-month trial period on the routes identified should go ahead and that shared access on multi-use paths should be a fundamental goal for the Council to work towards.

However, the Panel has asked the Executive Member to ensure that further consultation is undertaken where trial routes cross over neighbouring authority borders and that in conjunction with all affected parties, a code of conduct, user guidelines and signage are put in place before commencement of the trial.

The Panel also expressed regret that yet again a flawed consultative process had occurred and it requested that the whole Executive put in hand a review of the Council's procedures to restore public confidence.

### **Notes to Editors:**

Copies of the report containing the Panel's findings and recommendations are included with the e-mail version of this press release.

In March 2004 widespread consultation was undertaken and copies of the draft Strategy were sent to numerous groups.

Comments received in the consultation period revealed a mixed response to the issue of allowing equestrian access on pedestrian/cycle paths.

In general, there was support for extending the network available to horses and permitting equestrian access on these paths might be a useful way of achieving this objective.

Adverse comments were received about the proposed means of risk assessment and safety concerns, particularly the possible conflict between multiple users and the constraints of the physical nature of the routes. Comments were also made regarding the safety issue of horse excrement on the paths and the risks that this might create for other users.

In early November 2004, the Executive Member for Transportation & Highways, Cllr. Sir Elgar Jenkins was presented with a report 'Strategy for Horse Riding – Equestrian Access on Cycle Paths' seeking a decision to undertake a 12 month trial of shared access on selected sections of pedestrian/cycle paths.

A further batch of comments was received as a result of this paper, providing a wide range of views and concerns about the trial.

As a result of the high level of interest in the matter, the Executive member deferred making a final decision until the Planning, Transportation, Economy and Sustainability Overview & Scrutiny Panel could undertake a Review of the matter and provide a report.

### **For More Information Contact:**

Cllr Peter Metcalfe, Chairman of the Planning, Transportation, Economy and Sustainability Overview and Scrutiny Panel, on Tel: 01225 313249 or e-mail [pjpma@aol.com](mailto:pjpma@aol.com)

### **For More Comment Contact:**

Cllr Peter Metcalfe, Chairman of the Planning, Transportation, Economy and Sustainability Overview and Scrutiny Panel, on Tel: 01225 313249 or e-mail [pjpma@aol.com](mailto:pjpma@aol.com)

**Issued by:** Bath and North East Somerset Press Office, tel 01225 477827 or 477283, email: [pressoffice@bathnes.gov.uk](mailto:pressoffice@bathnes.gov.uk) "

---

## Agenda item 9: Updates

### **d. Use of mechanically propelled vehicles on rights of way: the Government's framework for action (the Government's response to the consultation paper of the same title), and Use of mechanically propelled vehicles on rights of way in the "Draft Natural Environment and Rural Communities Bill"**

---

The government has published its response to its consultation: "Use of mechanically propelled vehicles on rights of way: the Government's framework for action" that the JLAF responded to one year ago.

This review is taken from the Defra website at:

<http://www.defra.gov.uk/wildlife-countryside/cl/mpv/index.htm>

#### **Use of mechanically propelled vehicles on rights of way**

The Countryside and Rights of Way Act 2000 introduced a number of significant changes relating to the vehicular use of rights of way.

Section 47 - 51 of the Act introduces a new category or right of way - Restricted Byway - to replace the category known as Road Used as Public Path. Restricted byway carries a right of way on foot; a right of way on horseback or leading a horse; and a right of way for vehicles other than mechanically propelled vehicles. Detailed regulations are required to implement the restricted byway provision, to be made under section 52 of the Act. These proposed approach to the regulations was the subject of a consultation exercise; Consultation paper on proposed amendments to legislation when Roads Used as Public Paths are reclassified as restricted byways (September 2003).

Paragraph 5, Schedule 7 of the Act both widens and strengthens the offence of driving mechanically propelled vehicles elsewhere than on roads (section 34 Road Traffic Act 1988):

- The offence is extended to cover the new, category restricted byway;
- The phrase 'mechanically propelled vehicle' has been inserted into section 34 to replace the term 'motor vehicle'. This means that those categories of vehicle that fall outside the legal definition of a 'motor vehicle', such as unregistered or unlicensed scramblers and quad bikes, can now be prosecuted under section 34; and
- The onus is now on the person charged under section 34 to prove that there are public vehicular rights of way over a way recorded as footpath bridleway or restricted byway. Previously, the onus was on the prosecution to prove there were no vehicular rights.

These changes all came into force on 30 January 2001.

Paragraph 6, Schedule 7 of the Act introduces a new section 34A into the Road Traffic Act 1988. Section 34A prevents anyone charged with driving on a way recorded as a footpath, bridleway or restricted byway from bringing forward a defence that public vehicular rights existed, unless they are an essential user. However, after careful consideration the Government has decided not to implement section 34A because the provision is considered to be incompatible with European human rights legislation.

Following the non-implementation of section 34A, the Government has carried out a review of policy on the use of motorised vehicles on rights of way and published the consultation paper; Use of mechanically propelled vehicles on Rights of Way (December 2003). [The JLAF responded to this consultation]

[The analysis of responses to the restricted byways and mechanically propelled vehicles consultation has now been published in 'The 'Government's framework for action \(January 2005\)', alongside a Defra research project report on the existing use of byways open to all traffic by motor vehicles.](#)

'The Government's framework for action' sets out the Government's decision to legislate to limit the basis on which new rights of way may be acquired for mechanically propelled vehicles, and end the situation whereby historic use by non mechanically propelled vehicles, such as horse-drawn vehicles can give rise to a right of use by modern mechanically propelled vehicles. Legislation will further ensure that a long period of illegal mechanically propelled vehicular use over a footpath, bridleway or any other land will not inappropriately give rise to public vehicular rights. The measures will become law as soon as a legislative opportunity is available.

The regulations to implement the restricted byway provisions are to be made during 2005 and the restricted byway provisions will then be brought into force.

New guidance to promote the better enforcement of existing powers to manage vehicles on rights of way and an update to the document, 'Making the Best of Byways' is also to be published during 2005."

## **Use of mechanically propelled vehicles on rights of way in the "Draft Natural Environment and Rural Communities Bill"**

On the 10<sup>th</sup> February 2005 the government published the Draft Natural Environment and Rural Communities Bill. It is likely that provisions to "clarify the use of mechanically propelled vehicles on rights of way" will be included in the Bill. The following is from pages 16-17 of the Draft Natural Environment and Rural Communities Bill Policy Statement at:

<http://www.defra.gov.uk/rural/pdfs/ruraldelivery/bill/policy-statement-cmd6460.pdf>

### "RIGHTS OF WAY

6. A central part of the Government's Rural Strategy is to improve enjoyment of an attractive and well managed countryside for all. This will be at the heart of the Integrated Agency's functions. Our Countryside and Rights of Way Act (CRoW) creates a new right of access to some of the finest countryside in England and Wales, enabling members of the public to walk across some large areas of land for the first time.

7. The rights of way network has mainly evolved as a result of historic use patterns. There are concerns, however, that this historic basis for establishing rights of way is inappropriate where rights are claimed for mechanically propelled vehicles, by virtue of historic use by non-mechanically propelled vehicles. Similarly there may be instances where a long period of illegal mechanically propelled vehicular use of a footpath or bridleway may inappropriately give rise to public vehicular rights. There is currently no provision for the environmental impact, the effect on local people or the effect on other users to be considered.

8. Having taken account of more than 14,000 responses to our consultation document, Use of mechanically propelled vehicles on rights of way (December 2003), we now intend to use the Natural Environment and Rural Communities Bill to clarify those vehicular rights of way that can be recorded on local authorities' definitive maps (local records of rights of way). We further propose to extend the power for public path creation orders to be made not only to provide access to open access land but to any site where the new Integrated Agency recommends that the Secretary of State should make such an order. 'Our aim is to safeguard and strengthen the future of the rights of way network for the better enjoyment of all'.

9. We are considering including these measures in the Bill on introduction to Parliament."

---

# Agenda item 11: Rights of Way Improvement Plans and the Joint Local Transport Plan

---

This is an updated version of the document previously titled "DRAFT Strategic Framework for developing the Public Rights of Way and Wider Access Network" that the JLAF considered at the last JLAF meeting. It has been prepared by Bath & North East Somerset, Bristol City, North Somerset and South Gloucestershire Councils.

## "Draft Strategy for Improving Local Rights of Way

### Introduction

Across the four Local Authorities of Bath & North East Somerset, Bristol City, North Somerset, and South Gloucestershire is a network of approximately 3000km of Public Rights of Way. These are a mix of Footpaths, Bridleways, Byways Open to All Traffic and Roads Used as Public Paths and have the same legal protection afforded to all highways. These, together with legally defined cycle tracks are collectively referred to as Local Rights Of Way. In recent years there has also been a significant expansion in the provision of (often permissive) multi user routes such as Greenways, National and Local Trails, and cycle routes, including the National Cycle Network. The network of all of these routes provides extensive opportunities for walkers, disabled people, horse riders and cyclists for both utilitarian and recreational travel.

The following strategy to improve this network and promote its use has been developed by the four authorities working in partnership. It aims to fulfil the requirements of Part 5 of the Full Guidance on Local Transport Plans: Second edition, published by the DfT in December 2004. This guidance highlights the value of the rights of way network to local transport planning in both urban and rural areas - particularly in delivering better networks for walkers and cyclists.

### Local Rights of Way & the Shared Priorities for Transport

It is vital to recognise the important role that an extensive and well-maintained Local Rights of Way network can play in meeting the Government's shared priorities for transport in Local Transport Plans, as this network has been frequently overlooked in conventional transport planning terms. It provides a network of routes that provide for both local and strategic journeys:

- **Congestion.** By ensuring the provision of a well maintained Local Rights of Way network people will be encouraged to leave their car at home for the many, and increasing, number of shorter journeys taken by the private car, and walk or cycle instead. Current research indicates that people will consider walking journeys of up to a mile or cycling up to 3 miles. Use of the Local Rights of Way Network can therefore substantially reduce congestion.
- **Air Quality.** The main users of the Local Rights of Way network are walkers, the disabled, cyclists and horse riders all of who have zero impact on air quality. A shift to those modes from private car use will result in a direct improvement in air quality.
- **Road Safety.** The young, old and infirm can view themselves as vulnerable users of the road network. Encouraging greater use of the Local Rights of Way network would have a positive impact on road safety by removing the number of vehicle journeys and replacing these with local walking, cycling journeys etc. These journeys need to be made on a Local Rights of Way network which is linked and not blocked by the dangers of road safety e.g. major highways.
- **Accessibility.** Accessibility planning is a process that aims to promote social inclusion by helping people from disadvantaged groups or areas access jobs, education and other services. The Local Rights of Way network is an essential piece of infrastructure in combating the problems faced by people in such groups. It is inexpensive to use and cheap to manage when compared to major highways. There are barriers to use however. These can be physical barriers such as stiles and gates, poor surfaces and lighting, and gradients, and other barriers such as a lack of information, fear of crime and lack of confidence.
- **Quality of Life.** The Local Rights of Way network is viewed as the single most important means by which people access the countryside and green space for open-air recreation and enjoyment (Countryside Agency). Peace, tranquillity, appreciation of landscape and environment, contact with the natural world and escape from the "rat-race" are all qualities that people associate with use of the rural network. In urban areas, the provision of Local Rights of Way along riversides, old railway lines and through parks and open-spaces can serve similar functions without requiring travel to rural areas.

## Further Benefits of the Local Rights of Way Network

- **Health.** Encouraging greater use of the Local Rights of Way network will contribute to wider government and social objectives to improve the health of people. Regular, sustained exercise such as can be obtained from walking, cycling and horse riding is recognised as an important part of the solution to illnesses such as obesity, cardio vascular disease and other related problems.
- **Economic Development.** The Local Rights of Way network is a key factor in the well-being of our economy as evidenced by the impact of the Foot and Mouth Disease outbreak in 2001 and the subsequent closure of large parts of the Public Rights of Way network. Substantial quantities of money are brought in to local economies by people using the Local Rights of Way network on day trips, by tourists – particularly those following promoted routes such as National Trails and by regular local users and ancillary activities, e.g. stabling and livery of horses.
- **Education.** Many routes provide access to sites of historical, environmental or cultural interest. These and others can provide educational opportunities though interpretation and media promotion to enhance the enjoyment of travelling and people's understanding of issues regarding land management practices, wildlife, local heritage, archaeology and conservation.

## Added value from Improvements to the Network

It can be seen from the analysis above that delivery of specific schemes to improve the network will not only contribute towards achievement of the shared priorities for transport but also support wider government and quality of life aims. Such inherent benefits will add value to the schemes, and create the opportunity to secure additional funding from non-Local Transport Plan sources to further enhance investment.

## Rights of Way Improvement Plans

"Rights of Way Improvement Plans are intended to be the prime means by which local highway authorities will identify changes to be made, in respect of the management and improvements, to their local rights of way network in order to meet the Government's aim of better provision for walkers, cyclists, equestrians and people with mobility problems."

(para 1.1.7 Statutory Guidance to Local Highway Authorities in England, Defra, November 2002.)

The duty to produce a Rights of Way Improvement Plan (ROWIP) was introduced by the Countryside and Rights of Way Act 2000. It must be published by November 2007. After the commencement of the Act, it was announced that ROWIPs were to become a "strand" of the Local Transport Plans (LTPs). It was originally intended that ROWIPs be reviewed within ten years of publication. However, full integration of LTPs and ROWIPs is now being considered by 2010.

The ROWIPs will therefore be strategic documents that identify improvements over the life of each ROWIP through, for example, policy, management or physical improvements. Rather than identify specific projects and sites for enhancement, the ROWIPs are likely to identify (in a statement of action) the priorities and issues that such future projects should address. The ROWIPs will contain:

- An assessment of:
  - (a) the extent to which local rights of way meet the present and likely future needs of the public,
  - (b) the opportunities provided by local rights of way for exercise and other forms of open-air recreation and the enjoyment of the authority's area,
  - (c) the accessibility of local rights of way to blind or partially sighted persons and others with mobility problems, as well as other matters, and
- 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.

# Policy and Objectives for Improving the Local Rights of Way Network

## Overarching Vision:

A network of routes providing a variety of safe and attractive sustainable transport and recreation opportunities that meet the public's needs.

## Headline Objective:

***To increase the use of the local rights of way network as measured by the mechanisms set out in the Walking and Cycling Strategies.***

An early part of the process in preparing a Rights of Way Improvement Plan is to make an assessment of the key issues that relate to the local rights of way network and to users and potential users of the network. Notwithstanding the results of such assessments, the following are potential improvements that could be undertaken, which could contribute to the headline objective above:

- Increase in the availability of the network, including the improvement of route maintenance, the removal of obstructions, upgrading of appropriate existing routes, creation of key missing links and provision of safe road crossings;
- Enhancement of and promotion of safe routes to local services including education establishments, places of employment, recreation facilities, and public transport connections;
- Development of both local and strategic multi-user routes within the area. This will include both routes between towns and the country and routes within the urban areas linking its population with green spaces, parks and greenways, for example with 'green lungs';
- Development of routes in and near areas with low social deprivation indices. This will assist in improving accessibility to employment and services where there are existing barriers, for example, in areas of low car ownership;
- Development and enhancement of routes that will contribute to improved health, fitness and wellbeing as promoted by the public health agenda;
- Pro-active focused marketing including the development of green travel plans, and increased access to higher quality customer information;
- Investment in road safety training for vulnerable users including pedestrian and cycle training for school-children; and
- Securing more joined-up working and investment to enhance improvement activities and network management to include network surveys and customer research.

## Integration of Rights of Way Improvement Plans into the Local Transport Plan process at the Local Level

ROWIPs should guide implementation of higher-level policy to achieve a local vision for improved access, which is consistent with other plans and strategies. The four authorities recognise the important role that the rights of way and wider access network has to play in facilitating sustainable transport links in the area, thus helping to meet the core objectives of the LTP at the local level. In developing ROWIPs the authorities will ensure integration with the cycling & walking strategy to develop a coherent network of multi-user routes that meet the needs of all users and gives added value to all investments.

## The Rights of Way Improvement Plan Timetable:

The next stage in the production of ROWIPs is the ROWIP assessment. In carrying out those assessments, there will be opportunities for collaborative working where, for example, the residents of one authority are the users, or potential users of local rights of way in another authority. This will ensure the effective evaluation of assessment data against both strategic aims and recognised local needs. A range of objectives and methodologies will be required to produce the ROWIPs action statements, which will reflect the priorities for improvements in each authority area.

All four authorities are at a similar early stage in developing ROWIPs and expect to be able to publish before the November 2007 deadline. There is clear scope to coordinate approaches to various aspects of the ROWIP. An Officer working party with representatives from each authority has been established initially to produce this Strategy but also to explore further opportunities for partnership working as the process develops. In particular it is expected that the ROWIP process will be strengthened by a common approach to the assessment stages. This Strategy is intended to facilitate and assist in the production of ROWIPs, rather than dictate the content of the ROWIPs themselves.

Consideration is being given as to whether there is scope for a single joint ROWIP to be produced in the future. Production of this joint Strategy is recognition that we have common objectives and that there are many opportunities to work collaboratively.

Additional guidance is awaited from Defra and DfT on the complete integration into the LTP process by 2010.

”

(LTP Strategic Framework for PROW- DRAFT CJH TH200105.doc)

---

## Agenda item 13: The next meeting JLAF07 (in South Gloucestershire on the 1<sup>st</sup> July 2005) Proposed Following Meeting Dates

---

The following dates are proposed for full meetings of the JLAF, following a pattern of once every 4 months, on the first Friday of the month:

<b>JLAF07:</b>	Friday 1 <sup>st</sup> July 2005 in South Gloucestershire (date previously set)
<b>JLAF08:</b>	Friday 4 <sup>th</sup> November 2005 in Bristol (proposed)
<b>JLAF09:</b>	Friday 3 <sup>rd</sup> March 2006 in Bath & North East Somerset (proposed)
<b>JLAF10:</b>	Friday 7 <sup>th</sup> July 2006 in South Gloucestershire (proposed)