



Joint Local Access Forum (JLAF)

for Bath & North East Somerset, Bristol City and South Gloucestershire

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Lorna Stafford by email

Discovering Lost Ways
Natural England
John Dower House
Crescent Place
Cheltenham
Gloucestershire
GL50 3RA

This letter constitutes formal advice from the Joint Local Access Forum for Bath & North East Somerset, Bristol City and South Gloucestershire. Bath & North East Somerset, Bristol City and South Gloucestershire Councils are required, in accordance with section 94(5) of the Countryside and Rights of Way Act 2000, to have regard to relevant advice from this forum in carrying out its functions.

Wednesday 7th November 2007

Dear Ms Stafford,

Discovering Lost Ways, JLAF reply to Natural England Ebulletin

Thank you for giving us the opportunity to contribute to the Natural England's (NE) report to Ministers on the Discovering Lost Ways (DLW) project. Because of the severe time constraints, we emailed all our JLAF members and I have used extracts from their replies to answer the five questions. This approach, and this response was ratified by JLAF members at their meeting on Friday, 2nd November 2007. The JLAF would be grateful to receive feedback on the comments it has made as part of this consultation.

1. It is 2020.....

"I had a delightful walk in ordinary countryside (not just the uplands). It gave access to river banks and the tops of hill. The greatest pleasure was that since the network was improved there has been a much greater variety of circular walks clearly shown on hard copy and electronic maps."

"Reads like advertisers' drivel. In my favourite countryside, I might not even need a map. The "contribution to my experience" (an emetic phrase) would be to enable me to plan a new route and follow it without getting more than pleasantly lost."

"Because it is "my favourite bit of the countryside" and I was "using the Rights of Way", I did not need to use a map."

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The JLAF is a statutory body established by the three councils shown below, to provide advice as to the improvement of public access to land in the area of Bath & North East Somerset, Bristol City and South Gloucestershire for the purposes of open-air recreation and enjoyment of the area. Its views do not necessarily represent those of the three councils.



BATH & NORTH EAST SOMERSET




South Gloucestershire
Council

2. What needs to change.....

"If we are using an evidence based approach it is difficult to see how the procedure can be changed without giving the right of appeal. In this case the standard of proof is going to be high, relatively expensive to produce and may take a long time in public enquiry. Has anyone thought of a better way? It would make more sense to identify routes that the public wants without having to establish the existence of a lost way. This could be made attractive to the landowners as an alternative to DLW. But no change should be made to DLW without a viable alternative being in place."

"More skilled staff to work on the archives: not necessarily paid. Consider what is achieved in local and industrial history by amateurs.

Some sense of urgency amongst the professional administrators. Perhaps this paper is even now overdue?"

"More links need to be made between PROW, for example more circular routes."

3a. LAF role in DLW.....

"This LAF would probably welcome the opportunity to get involved. There is the issue of consensus but all parties would probably rather be part of the process with the opportunity of keeping it balanced."

"What is there to discuss? Either there is documentary evidence that stands up or there isn't. As a jury, JLAF might be considered prejudiced."

"The JLAF role would be chiefly to instil a sense of urgency. JLAF members were not appointed for their archive research skills."

"The Pathfinder Project 4 in Herefordshire is the best way to tackle this subject. The main emphasis should be on the proper maintenance of the existing PROW and the linking of PROW, using DLW where they are needed."

3b. LAF in route specific discussions.....

"We would expect to set up a working party to investigate any ideas. But we do not necessarily have the ability to consult widely. Although we have a small number of members who are willing and able to give their time there may be a problem of overwhelming them."

"I don't think it's desirable, but it would need a standing subcommittee of members who were interested. A better model perhaps is the Highway Authority PROW Liaison Groups that deal with details that JLAF rightly avoids."

"In the first instance, give LAFs the task of finding practical methods of linking PROW using DLW. This JLAF could form a small group of interested JLAF members and we have a Chairman available to guide this work."

3c. DLW / ROWIP relationship.....

"None! Connecting these two approaches would only lead to confusion and delay. Do not give anyone the excuse to procrastinate."

"DLW may provide routes that would otherwise be very expensive in respect of compensation: they may still be quite expensive in respect of procedure. Locally, I have Dundry in mind. These routes will necessarily be "historical" not "desire lines"."

"We should have mentioned to need to research DLW to link PROW in our comments on the ROWIP, but we did not do so."

"I think that Natural England should perform the research on historic Rights of Way with a standard approach across the country and then the LAFs be involved with any resulting routes being included in the ROWIP."

In addition, some further comments were made:

"The consultees for the original Definitive Map following the Countryside Act 1949 were mainly representatives of walking groups, parish councils and landowners. It is not surprising that many **bridleways** and possibly **Byways** were not recorded or downgraded to footpath status. Also since the parishes worked in isolation, a route which was a bridleway in one parish could become a footpath when it crossed the boundary into the next parish."

"The LAFs because they cover many parishes should study the bigger picture and involve more users such as the **Equestrian** groups (includes riding and driving of horses), **Cycling** groups as well as the **Ramblers** groups. These users on a day out may cross a few parishes or even LAF areas."

"I think that this project is a bit of a can of worms and consideration should be given to its sustainability and financial worthiness."

"The rediscovery and proper development of the historical network should be one where "time is not the essence". The Minister should not try to bounce this work by artificial constraints and short-term considerations of short-term value for money."

"You asked us to think "outside the box" and I suggest that you are asking the wrong people. By definition most LAF members are knowledgeable about the PROW and take exercise in the countryside. Natural England should be making an effort to increase the **demand** for use of the PROW rather than just expanding the **supply** of PROW. This means that more PROW need to be created near urban areas and they need to be well maintained."

"One subject that should be considered is DLW in urban areas. Whilst this might be irrelevant at first sight (given an assumption that many lost ways have been built over) this is not always the case, as has been shown in the Bath Definitive Map project, particularly where sometimes legally 'lost' ways are unrecorded even though currently used by the public. Perhaps note that legally 'lost' is not always 'lost' to use. This is the case in areas developed before 1949 and where pre-existing routes have been incorporated or reserved in post 1949 development. Those historic routes now built over would be a matter of greater contention."

Yours sincerely,

Mr Ray Newbigin, Chairman of the Joint Local Access Forum
pp Mr Robin Winfield, Vice Chairman of the Joint Local Access Forum
pp Mr Ron Phelps, Deputy to the Chairman and Vice Chairman of the JLAF.

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