

ENVIRONMENT, PLANNING AND TRANSPORT COMMITTEE

Date: Wednesday 15 May 2002
Time: 2.00 to 4:45 pm
Venue: Blaenavon Workmen's Hall, Blaenavon

COUNTRYSIDE AND RIGHTS OF WAY ACT 2000

DRAFT CONSULTATION PAPER ON RIGHTS OF WAY IMPROVEMENT PLAN GUIDANCE.

1. Part II of the Countryside and Rights of Way Act 2000 contains a number of provisions to improve and strengthen the management of the 25,000 miles of public rights of way in Wales. Sections 60 and 61 of the Act require local highway authorities to prepare, consult on and publish strategic rights of way improvement plans for their areas.

These plans are the main means by which local authorities will identify, prioritise and plan for improvements to their local rights of way network - for the benefit of walkers, cyclists, equestrians and people with mobility problems.

2. The attached consultation paper (Annex 1) sets out the proposed guidance to local highway authorities on preparing, publishing and reviewing rights of way improvement plans.
3. It is intended that the guidance would issue - in bilingual form - for public consultation later this month. Prior to initiating public consultation the Committee's views are sought. A report on the outcome of the consultation exercise will be made to the Committee in due course.

May 2002 Countryside Division

EPT-09-02 (p 3) Annex 1

**RIGHTS OF WAY
IMPROVEMENT PLANS**

*DRAFT GUIDANCE TO LOCAL
HIGHWAY AUTHORITIES
IN WALES*

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SUMMARY

S.1 Public rights of way provide one of the main means by which people can enjoy the countryside in Wales. At the same time the network provides paths away from busy roads, from people's homes within their area and to the local countryside. The importance of rights of way to the rural economy and tourism in particular was demonstrated during the 2001 foot and mouth outbreak. Regular walking, cycling and horse riding also lead to benefits in health and well being.

S.2 Rights of Way Improvement Plans (ROWIPs) are the main means by which local highway authorities will identify improvements for walkers, cyclists, equestrians and people with mobility problems through:

- The better management, improvement and promotion of their existing local rights of way
- Changes, or additions to the network

S.3 It is proposed that an authority's Rights of Way Improvement Plan should include an Assessment and a Statement of Action. The Assessment would cover the following:

- The condition of the existing rights of way network, its legal definition, publicity,

management and protection.

- The existing and likely future needs of different classes of users of local rights of way, the accessibility of local rights of way to blind or partially sighted people and others with mobility problems.
- Identify areas where provision for one or more class of user is considered to be deficient or is likely to be deficient in the future and indicate the scale of those deficiencies.
- Specify other shortcomings that have been shown by the review to exist.

- The opportunities and priorities for the improvement of the existing network, its management and development.

- The resources available and those required to meet people's needs for local rights of way.

S.4 The Statement of Action would include:

- Conclusions of the assessment.
- The aims and objectives for the improvement of local rights of way, and the benefits arising.
- The actions to be taken, when and by whom.
- Targets for the period of the Plan.
-

- The financial and staff resources required to implement the improvements proposed.

- How progress will be monitored and reported.

It is suggested that the Statement of Action should be presented in the form of a business plan.

S.5 A summary of the stages of the Rights of Way Improvement Plan process is included in this guidance (see page 11).

S.6 It is envisaged that local highway authorities will consult and receive representations on their draft rights of way improvement plan – with the published plan being advertised and made available to the public. The Local Authorities have up to five years to produce and publish their Rights of Way Improvement Plans under the Act (Sc. 60(1)).

S.7 The Act requires a new assessment and amended plan or report to be produced at least once every 10 years after the first ROWIP is published (Sc.60(3)).

COMMENTS

Views on the enclosed guidance should be sent to Angharad Huws in Countryside Division, National Assembly for Wales, Cathays Park, Cardiff CF10 3NQ (countryside.division@wales.gsi.gov.uk) – by 31st July 2002. If you would like to discuss any matter in this paper before submitting comments please contact Gerry Quarrell or Angharad Huws on 029 2082 3557 or 5168.

Further copies of this paper can be obtained from Angela Forster in Countryside Division (tel. 029 2080 1398). The text is also published on the National Assembly's website at <http://www.wales.gov.uk/keypubconsultation/>

1. INTRODUCTION

1.1. Public rights of way provide one of the main means by which people can enjoy the countryside in Wales. The public path network also provides routes for people to get around within their local area, by more sustainable modes, often away from busy roads. The importance of rights of way to the economy, and tourism in particular in Wales, was demonstrated during the 2001 foot and mouth outbreak. Regular walking, cycling and horse riding also lead to benefits in health and well being.

1.2 For many local highway authorities in Wales there is a need to improve the management of their existing network. For example, no authority in Wales met the Government's year 2000 target for local rights of way to be well maintained, legally defined and well publicised. The Welsh Assembly Government expects local highway authorities to achieve a continuous improvement in these tasks, and this is reflected in the Best Value Performance Indicators adopted for Rights of Way.

1.3 Rights of Way Improvement Plans will be the prime means by which local highway authorities will identify, prioritise and plan for improvements to their local rights of way network – and in doing so make better provision for walkers, cyclists, equestrians and people with mobility problems.

1.4 The Welsh Assembly Government expects local highway authorities to use the Rights of Way Improvement Plans to plan strategically for:

- The development, better management and promotion of their existing local rights of way;

- Changes or additions to the rights of way network.

The Plans should also take account of the significant amount of new access land that is expected to become available in Wales by 2004/2005 under the Countryside and Rights of Way Act 2000. Other relevant strategies should also be taken into account for example the Welsh Assembly Government's draft Walking and Cycling Strategy for Wales.

2. THE CONTEXT AND SCOPE OF RIGHTS OF WAY IMPROVEMENT PLANS

The duty on local highway authorities

2.1 Under section 60 of the Countryside and Rights of Way Act 2000, each local highway authority is required to publish a rights of way improvement plan for all of their area. In drawing up the plan, authorities are required to assess the extent to which local rights of way meet the present and likely future needs of the public; the opportunities provided by local rights of way (and in particular by footpaths, cycle tracks, bridleways and restricted byways) for exercise and other forms of open-air recreation; the enjoyment of their area; and the accessibility of local rights of way to blind or partially sighted persons and others with mobility problems.

2.2 Rights of way improvement plans should also include a statement of the action local highway authorities 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 this guidance.

2.3 The work leading up to the published improvement plan should be conducted to a timetable (see paragraph 3.2.1 below). The Act allows authorities five years, from the date on which Sections 60 and 61 of the Countryside and Rights of Way Act 2000 come into force, to publish their improvement plans. The expected commencement date for these sections is autumn 2002; therefore all local authorities would be expected to have plans in place by 2007. In practice and given the potential importance of their plans, the Welsh Assembly Government hopes that authorities will agree to give this task priority and aim to prepare the plans as quickly as possible.

2.4 In addition, local highway authorities are required to make a new assessment and review their plans and decide whether to amend them, not more than ten years after first publishing their plans and subsequently at intervals of not more than ten years.

Joint working with National Park Authorities

2.5 For parts of an authority's area within a National Park, local highway authorities may make arrangements for the National Park authority (NPA) to carry out some or all of the highway authority's functions in relation to rights of way improvement plans (Section 61 (5)). Whatever arrangements are put in place, a clear statement of those arrangements should be made as soon as possible after Section 61(4) has come into force.

Funding

2.6 The duty to prepare improvement plans is a new duty under the Countryside and Rights of Way Act 2000. As for all new duties arising from the Act, the National Assembly for Wales has provided funding to local authorities in recognition of this. If there are joint working arrangements between a NPA and a local highway authority for the production and implementation of the Plan then there needs to be liaison between the parties on the funding arrangements.

Local highway authorities should continue to fulfil their existing duties to maintain and keep under review the legal record of public rights of way and to ensure that ways are adequately signposted, well maintained and free from obstruction. The preparation of improvement plans may well highlight the need to strengthen the resources allocated by authorities to these existing duties.

Links to other plans

2.7 Local authorities may be in the process of developing or have in place other plans and strategies for related areas of work, such as: planning, community, healthy living, education, leisure, countryside, recreation, sport, tourism, and transport. These related plans and strategies should help provide the context and the overarching aims for rights of way improvement plans. Improvement plans should, in turn, influence these areas of local authorities' responsibilities.

2.8 Local highway authorities may have developed work programmes or business plans to help them to identify the work needed to fulfil their statutory duties and responsibilities towards rights of way. These plans will be helpful to authorities as they work towards their improvement plans.

Other statutory duties and responsibilities

2.9 The National Assembly for Wales has a duty to promote sustainable development in everything it does. The Assembly expects local authorities to follow sustainable development principles in exercising their duty with regard to ROWIPs and their implementation.

2.10 Local highway authorities, under Best Value, must make arrangements to secure continuous improvement in the way in which their functions are exercised, having regard to a combination of economy, efficiency and effectiveness. In doing so, authorities must consult, among others, representatives of persons who use or are likely to use services provided by the authority. The preparation and implementation of improvement plans is compatible with this requirement.

2.11 Local highway authorities and the Welsh Assembly Government will have to take account of the published rights of way improvement plan for an area when they have to decide about the diversion, creation or extinguishment of a public path under the Highways Act 1980.

Monitoring

2.12 Local highway authorities should put in place arrangements for monitoring progress on preparing and implementing their rights of way improvement plans. Under Section 71 of the Act, the Assembly intends to make regulations requiring local highway authorities to publish reports on performance of their functions relating to rights of way. One such requirement would be for the local highway authorities to report on progress in preparing and implementing their rights of way improvement plans. This would be additional to any requirement to make reports and returns under Section 230 of the Local Government Act 1972 (such as the Performance Indicator for Rights of Way).

Section 2 – Views are invited on the following issues

Q1 How should ROWIP relate to local transport plans, and existing and/or proposed walking and cycling strategies?

Q2 Are the links to other plans sufficiently explored?

Q3 Are there other plans that are likely to be relevant to ROWIP that should be identified in the guidance?

Q4 What requirements should the Welsh Assembly Government make for reporting on the progress in developing and implementing the ROWIP?

3. PREPARING A RIGHTS OF WAY IMPROVEMENT PLAN

3.1 Introduction

3.1.1 A rights of way improvement plan should consist of two main elements:

- an Assessment of local rights of way
- a Statement of Action for the management and improvement of local rights of way

3.1.2 For this purposes local rights of way are defined as the public footpaths, cycle tracks, bridleways and restricted byways and the ways shown in definitive maps and statements as restricted byways and byways open to all traffic within each highway authority's area. (Until the commencement of Section 47 of the Countryside and Rights of Way Act 2000 references to restricted byways and to ways shown in definitive maps and statements as restricted byways should be read as ways shown in definitive maps and statements as roads used as public paths.) Cycle tracks with or without a right of way on foot other than those in or by the side of a highway consisting of or comprising a made-up carriageway come within the scope of rights of way improvement plans.

3.1.3 The Assessment authorities make under Section 60(1)(a) and 60(3)(a) should aim to establish:

- The strategic context for the management and improvement of local rights of way.
- The condition of the existing rights of way network, its legal definition, publicity, management and protection.
- The existing and likely future needs of different classes of users of local rights of way, the accessibility of local rights of way to blind or partially sighted people and others with mobility problems.
- Identify areas where provision for one or more class of user is considered to be deficient or is likely to be deficient in the future and indicate the scale of those deficiencies.
- Specify other shortcomings that have been shown by the review to exist.
- The opportunities and priorities for the improvement of the existing network, its management and development.
- The resources that is available and required to meet people's needs for local rights of way.

3.1.4 Local highway authorities should arrange for the studies and surveys they undertake to be given sufficient publicity to ensure that members of the public in the area are aware that the assessment is taking place and that they have the opportunity to contribute to it.

3.1.5 The Statement of Action should establish:

- The conclusions of the assessment.
- The aims and objectives for the improvement of local rights of way, and the benefits arising.
- The actions to be taken, when and by whom.
- Targets for the period of the Plan.
- The financial and staff resources required to implement the improvements proposed.
- How progress will be monitored and reported.

3.2 The Rights of Way Improvement Plan (ROWIP) Process

3.2.1 As their starting point, authorities should set out how they intend to produce and publish their ROWIP, together with a timetable. Authorities should make this outline available to the public and others with an interest.

Diagram 1: Summary of the ROWIP process and timetable

<u><i>Stage of Process</i></u>	<u><i>Timing</i></u>
<i>Commencement of Sections 60 and 61</i>	Autumn 2002
<i>Outline and timetable</i> for the production of the authority's ROWIP, including: <ul style="list-style-type: none"> ● the assessments it will make ● how it will deliver and resource the production of the plan ● the reports to be made on progress and the outcomes 	Autumn 2003 By end of Year 1
<i>Carry out the Assessment</i>	Years 1 to 3
<i>Report and conclusions of the Assessment</i>	Autumn 2005 By end of Year 3
<i>Draft rights of way improvement plan</i> (including the report of the Assessment, and a statement of the action)	
<i>Consultation period</i> (minimum of 3 months)	
<i>Representations received</i>	
<i>Revision of Draft ROWIP</i>	

<i>Publication of ROWIP</i>	Autumn 2007 By end of Year 5
<i>Monitor [and report on] progress</i>	
<i>New assessment; revision of plan or report</i>	Before end of Year 10 from the Plan's publication

3.3 The Assessments

Documents and sources of information

3.3.1 In establishing the strategic context, and in turn the aims and objectives of the rights of way improvement plan, the documents, plans and other sources of information that should be scrutinised alongside the definitive map and statement, include:

- Unitary Development Plans (UDPs), local transport plans; countryside strategies;
- tourism, economic regeneration, community development or rural recovery plan proposals or studies that have been undertaken in the area and which have a bearing on rights of way or the use of the countryside for recreation;
- assessments that have been made of the route network or its potential for development as part of a sustainable local transport infrastructure (e.g. safe routes to schools and workplace strategies or the contribution of rights of way to any local walking or cycling strategies, including healthy living initiatives);
- plans or proposals for the development of off-road routes, home zones or traffic calming;
- national and local landscape planning (eg including tools such as Landmap), nature conservation, archaeological and other designations together with any strategies, policies or plans associated with those designations. Information about the amenity value, vulnerability, use and management of these designated areas and sites in so far as it is relevant to rights of way;
- the Welsh Assembly Government's draft Walking and Cycling Strategy.

3.3.2 This evaluation should help to set local rights of way in the context of other relevant plans and initiatives for the area, and give a preliminary indication of the extent to which local rights of way meet the present and likely future needs of the public. 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. 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.

3.3.3 By looking at the local network in relation to the types of landscape and other significant physical or geographical characteristics of the area, the most attractive areas of countryside, the predominant patterns of land use and the main visitor attractions, local highway authorities can begin the task of identifying the opportunities the network provides for exercise and other forms of open-air recreation and enjoyment.

The definitive map and statement and related documents

3.3.4 An accurate and up to date definitive map of the rights of way for an area underpins the management of the network. The full recording of existing rights of way may also complete gaps in the network without the need to create new links. Scrutiny of the definitive map and statement, and its management, together with information about any unrecorded rights of way and past requests for improvements to the network should allow a preliminary assessment to be made of the following areas of work:

- That the definitive map and statement accurately records the highways that should be shown on it (including undecided cases that may modify the map).
 - The extent to which routes and networks are available to different groups of users (particularly equestrians, walkers, cyclists and the mobility impaired).
 - Present modification orders and past and present requests for diversions, creations or extinguishment.
 - 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 management of definitive map work.

3.3.5 For any part of their area that currently does not have a definitive map, local highway authorities will have to rely on such information as is available about the ways that are thought to be rights of way.

3.3.6 Local highway authorities should look at the definitive map in conjunction with the wider highway network, cycle tracks and permissive routes, including towpaths and routes through woodlands and forests. This overall assessment should help to highlight those rights of way that might be used in combination with other types of access, unsurfaced roads and other lightly trafficked minor highways. It should also assist in

identifying those rights of way which may effectively be unusable or which put users at risk because they can be reached only along heavily trafficked roads without an adequate verge, footway or crossing.

The condition of the rights of way network

3.3.7 Local highway authorities should assess the condition of the rights of way network. This will help to identify:

- The ease of use of the network and its availability to different types of users, including those with mobility problems.
- The nature and scale of any problems with their rights of way.
- Where improvements in the maintenance of local rights of way can increase the use and accessibility of routes.
- The staff and financial resources required to properly maintain and improve the network for the benefit of the public.

3.3.8 Many authorities already survey rights of way on a regular basis and will be able to use or supplement this information to provide more complete or up to date information. Authorities should use a recognised condition survey methodology, such as that developed for the collection of information for the National Assembly for Wales Best Value Performance Indicator for public rights of way (NAWPI 6.10).

Management and enforcement of rights of way

3.3.9 There may be opportunities for an authority to deliver improvements for users and potential users of the network, through changes to the existing management of it. Authorities should:

- Review the authorities main policies for rights of way and bring them together in a clear statement.
- Assess the systems for the management of the network, including definitive map work, path maintenance and promotion.
- Enforcement and protection of rights of way, including removal of obstructions and systems for dealing with complaints from the public.
- Identify the changes required to improve the management of the network for the benefit of the public.

The publicity and promotion for rights of way

3.3.10 It is essential that rights of way that are available or have been improved for the public are appropriately promoted and publicised. Information to the public can improve their understanding of the countryside and its long-term care. It also helps to increase the confidence of users and landholders about their rights and responsibilities. Information is also key to encouraging visitors to an area and promoting the opportunities for them to enjoy the countryside through walking, cycling and horse riding. A review of what is currently available and its appropriateness to the needs of users, including those with mobility problems, will help decide the actions needed to bring improvements.

Assessing the needs of different classes of users

3.3.11 In making their assessments under (60)(1)(a) and (60)(3)(a), local highway authorities should consider the needs and circumstances of different classes and types of users and of wider interests relevant to their areas. Local highway authorities should therefore consider the adequacy of the existing network, or the need for additional provision to provide:

- Access to and within attractive areas of countryside such as watersides, coast and woodlands, or to provide or improve access to a particular viewpoint, feature or other attraction;
- Routes in order to support local tourism, economic regeneration or community-led initiatives;
- Access to important new areas of land that the public will be able to visit following the mapping exercise under Countryside and Rights of Way Act 2000;
- Opportunities for cycling, harness-horse driving, horse riding and walking other than on roads used mainly by motor vehicles; and to provide missing links in the network to enable people to avoid having to use such roads;
- Links which encourage walking and cycling as an alternative to the car (such as the Safe Routes to School, Stations and work initiatives);
- Routes from centres of population, which can be used in conjunction with public transport, or that allow people to gain easy access to the countryside from where they live;
- Circular routes and better facilities for cyclists, equestrians and walkers;
- Routes and crossings to ensure the safety of local rights of way users and help ameliorate the effect on people's enjoyment of the countryside of a major road, railway, river or development.

3.3.12 On ways carrying higher rights, authorities should assess if there is a need for better management or improvement of the way for the different classes and types of users. It is important that proposals for improving rights of way should not unduly benefit one class of user at the expense of another. In particular, improvements that are intended to benefit cyclists, harness-horse drivers, horse riders or walkers should not restrict lawful

motorised use of public vehicular rights of way. Further information about the needs of different types of users is in Appendix B.

Assessing the needs of people with mobility problems

3.3.13 The Act specifically requires local highway authorities to assess the needs of blind or partially sighted people and others with mobility problems. People with mobility problems include the elderly and infirm as well as disabled people. Family and friends who accompany people with mobility problems are also affected by the accessibility of the network.

3.3.14 Local highway authorities should assess the need for works to existing ways and the need for new ways to enable people with mobility problems to enjoy a higher proportion of the network than is currently the case. In making these assessments, local highway authorities should work on the principle that the needs of people with mobility problems should always be taken into account in the management, maintenance, promotion and improvement of local rights of way. Authorities should also bear in the mind that needs will differ between individuals of varying abilities. For further information see Appendix C.

3.3.15 Local highway authorities should also take account of the CROW Act 2000 Section 69 when preparing their rights of way improvement plans.

Links to other access opportunities

3.3.16 The adequacy of local rights of way should be considered within the wider context of opportunities for public access. The related opportunities that should be considered include:

- National Trails, the national cycle network, regional routes and other nationally or locally promoted walks and rides (including information about the popularity of these routes and the contribution they make to the local economy).
- The location, scale and popularity of the main recreational attractions. These might include recreation sites and facilities such as country parks, forest parks and picnic sites, land open to the public owned by bodies such as the National Trust, Forestry Commission, the Woodland Trust, British Waterways, the Environment Agency or water companies.
- Other main features or attractions in the areas (eg popular beaches, lakes, river valleys, attractive villages, viewpoints).
- Areas that are open to the public under grant schemes such as *Tir Gofal*, as a condition of exemption from inheritance tax, or as part of other programmes.
- Other land to which there is a right of access including Crown land, MOD land, and land owned by other Government departments to which the public are permitted to have access.

3.3.17 Local highway authorities should consider the extent to which rights of way provide adequate access to land to which a right of access on foot is to be given under Part I of the Countryside and Rights of Way Act 2000. This land will be identified as access land on maps prepared by the Countryside Council for Wales. Local highway authorities should assess the need for additional paths to enable the public to reach access land to which it is currently difficult or impossible to reach.

3.4 Rights of way improvement plans and partnership working

Accommodating the interests of land managers; heritage and nature conservation

3.4.1 While rights of way improvement plans are concerned with improving rights of way for the benefit of the public, it is nevertheless important that the interests of land holders, including those engaged in agriculture, forestry, heritage and nature conservation be taken into account. The needs of land management interests should be consulted at an early stage so as to increase understanding of the process, reduce potential conflict and secure a co-operative approach to improving the network. Early consultation may help to identify where there are mutual benefits. A co-operative approach developed at the start of the process will also help in the implementation of the Plan. The new Local Access Forums established under section 94 and 95 of the Countryside and Rights of Way Act 2000 will provide an important means to consult representatives of these interests.

Involving the public

3.4.2 Local authorities have wide experience of using market research and other techniques to test whether, and to what extent, the services that they provide are valued and meet the public demands and expectations. Local highway authorities should undertake surveys of the public's expectations of local rights of way. Survey might also help to assess the extent to which visitors are attracted from further afield, their spending patterns and their contribution to the local economy. The authority's surveys for Best Value may provide suitable information.

Consulting with other local authority departments, neighbouring authorities and others

3.4.3 There will be a need for close co-operation between different local authority departments as plans are prepared. It will be important to ensure that rights of way improvement plans take into account the provisions made in Unitary Development Plans, Local Transport Plans and other strategic plans or proposals for the area. In turn, authorities should ensure that proposals contained in rights of way improvement plans are supported by the policies and proposals in those relevant plans and strategies as appropriate.

3.4.4 A local highway authority's links with Community and Town Councils in their area should be used and developed to help inform and carry out the assessment of local rights of way. Local councils will also be an important way of gathering local views throughout the ROWIP process

3.4.5 Local highway authorities should also be aware that, before preparing their rights of way improvement plans and in particular in making any assessment under Section 60(1) and (3)(a), they are under a duty to consult under Section 61 (1):

- a. each highway authority whose area adjoins their area
- b. each Community Council, whose area is within their area
- c. the National Park authority for a National Park any part of which is within their area
- d. any local access forum established for their area or any part of it
- e. the Countryside Council for Wales (CCW)
- f. such persons as the Welsh Assembly may by regulations prescribe in relation to the local highway authority's area; and
- g. such other persons as the local highway authority may consider appropriate.

3.4.6 The Welsh Assembly Government does not propose to exercise its power under Section 61(1)(g) above, for the time being, but would be grateful for views on organisations future regulations might possibly prescribe.

3.4.7 In preparing their Plans, local authorities may find it helpful to ensure they consult the organisations in their area that are statutory consultees for rights of way orders (as stated in Welsh Office Circular 5/93 Public Rights of Way). This will help to reduce the likelihood of unexpected objections to orders linked to their ROWIP.

The role of local access forums

3.4.8 Local highway authorities should involve local access forums in the preparation or review of their rights of way improvement plans, particularly in making the assessments. They should also prepare progress reports for local access forums as plans are prepared, published, implemented and reviewed.

3.4.9 The local highway authority is expected to consult a local access forum for their area on the following matters:

- assisting with dialogue through contacts with national, regional and local organisations;
- informing the data gathering exercise including the extent to which local rights of way meet the present and likely future needs of the public;
- advising on how the network could be improved for different types of users and in the

- interests of land management;
- the related issue of access to open countryside especially where new linear routes may be desirable;
- in setting priorities for implementing their plans;
- commenting on published draft plans; and
- the resolution of conflicts between different representations when plans are issued for consultation.

3.5 Assessment reporting

3.5.1 After making the Assessment, it will be helpful to seek views on the information gathered, and the initial conclusions reached, by issuing a report.

3.5.2 It is proposed that when reporting on the desk study and public surveys, local highway authorities should:

- make clear the purpose of the assessment, the area covered and the timetable being followed;
- provide a summary of the initial assessment;
- summarise what appear to be the main issues to be addressed in their rights of way improvement plans;
- invite representations, particularly to help more accurately identify or quantify the likely future needs of the public;
- encourage consultees to put forward outline proposals as to how the path network might be improved.

3.5.3 As well as making them available to relevant local authorities (and to departments within authorities), local highway authorities should consider making their reports more widely available to encourage contributions from the general public. Local highway authorities could, for example, publish reports on their web sites and give notice in local newspapers as to where copies are on display, for example at the authority's main offices, public libraries, and information centres. The report from this stage will help form the basis of the assessment of local rights of way in the draft ROWIP.

Conclusions of the Assessment

3.5.4 By this stage, local highway authorities should be in a position to make an informed assessment of the matters set out in Section 60(2) of the Act. They should be able to reach conclusions about the strengths and weaknesses of the local rights of way network and to identify where action is needed. The information gathered (see paragraph 3.2.2 above) from the assessment should form the basis of the statement of action that is an integral part of local highway authorities' improvement plans.

Section 3 – Views are invited on the following issues

Q5 Should the guidance specify a requirement for authorities to publish an outline of how they will produce their ROWIP?

Q6 Are the assessments proposed in the draft guidance sufficient to produce a ROWIP? Are there any specific omissions?

Q7 Is the guidance on the matters that local highway authorities should address in assessing the needs of different classes of users sufficient?

Q8 Should there be more direct involvement of local access forums in the preparation of rights of way improvement plans? If so, how could this be best achieved?

Q9 Should local highway authorities be required to publish their assessment reports before they start preparing their statements of action?

4. PREPARING THE STATEMENT OF ACTION

What is a statement of action?

4.1 The Act requires local highway authorities to prepare 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.

4.2 Statements of action should follow from local highway authorities' assessments of local rights of way and include:

- i) A summary of the authority's assessments of their rights of way and the conclusions as to the actions required for the *management and improvement* of the network. This Section should also include the authority's conclusions as to:

- o The key aims and priorities.
- o The resources available and required.
- o The key partners in the delivery of improvements; and
- o Timescales for actions.

ii) A business plan identifying and setting out the component tasks required to deliver the main actions/improvements, including:

- o Objectives and actions for each priority and aim.
- o Targets with associated timetable and identifying who will deliver.
- o Estimates of costs and resources.

iii) How progress will be monitored and reported.

4.3 Within the business plan the areas of action covered may include:

- o Maintenance of rights of way
- o The definitive map and legal changes to rights of way
- o Enforcement and protection of local rights of way

- o The accessibility of local rights of way for different users, including for those with mobility problems

- o Other improvements of local rights of way
- o Promotion and publicity
- o Monitoring and reporting

4.4 Authorities should consider presenting options within their business plan to show the implications of different levels of resources and associated benefits. The business plan can provide the basis for yearly work programmes, options and bids for resources.

4.5 A sample from a business plan to show the sort of approach that could be taken:

Summary Assessment

<i>Assessment</i>	<i>Summary Conclusion</i>	<i>Benefits of improvement</i>	<i>Overall Action Target</i>	<i>Completion Date</i>	<i>Key Partners</i>

<i>Condition:</i> Ease of use	55% of paths are 'easy to use'	30% of people would increase their use of rights of way if maintenance was improved	Maintain the network of paths in the County such that they are 'easy to use'	2008	
~	~	~	~	~	~
<i>Provision for different users:</i> horse riders	No routes longer than 10kms	Increase off-road routes for up to 300 riders	Create 5 routes of 15kms or more	2010	BHS, National Trust
Carriage drivers	etc				
Cyclists					

Condition Aim 1: Network to be in good condition, such that 95% of paths are 'easy to use'

<i>Objective 1.1: X% of path furniture provided where needed and in 'good' or 'adequate' condition by 2008</i>							
<i>Task</i>	<i>Current Level</i>	<i>Target Date</i>	<i>Number required per year</i>				
	2002	2008	2003/4	2004/5	2005/6	2006/7	etc
Signs	X	Y	Z	etc	Etc	etc	
Waymarks							
Stiles							
Kiss gates							
Field gates							
Bridges							
Etc							

Objective 1.2: X% of routes around settlements to be suitable for use by the mobility impaired by 2010

<i>Task</i>	<i>Current Level</i>	<i>Target By 2010</i>	<i>Number/ amount required per year</i>				
			2003/4	2004/5	2005/6	2006/7	etc
Access for All gates	X	Y	Z	etc	Etc	etc	
Barriers removed							
Bridges improved							
Waymarked							
Surfacing (m)							
Etc							

The Statement of Action should be structured to best suit the aims of the ROWIP and its implementation. For example, prepared according to the key aims identified, on an area basis, or in line with the authority's organisation of rights of way functions. Those authorities that already have well developed strategic and operational plans will be well placed to produce Rights of Way Improvement Plans.

Small-scale improvements

4.6 In developing their action plans, local highway authorities should consider how small-scale improvements that are identified in the course of assessments can be implemented at an early stage. Small-scale improvements might include developing short Sections of footpath, bridleway or restricted byway to link with others to form more useful routes (for example circular routes) or securing the removal or replacement of barriers, such as stiles and gates, on footpaths or bridleways which would otherwise be capable of use by people with mobility problems. Changes to maintenance or improving the drainage and surfacing of routes may also make a path accessible to more users.

4.7 Assessments and Statements of Action are the basis for the rights of way improvement plan. Local highway authorities should set out more detailed plans and targets on individual schemes in work programmes or yearly business plans. The improvement plan should specify where detailed plans will be set out and how progress will be monitored.

Section 4 – Views are invited on the following issues

Q10 Is the information that local highway authorities will be asked to produce in their statements of action sufficient? Are there any gaps?

Q11 Would further guidance in this area be helpful?

5. PUBLICISING AND PUBLISHING THE DRAFT PLAN

The draft plan

5.1 Local highway authorities must publish a draft rights of way improvement plan and publish, in two or more local newspapers circulating in their area, notice of how a copy of the draft can be inspected or obtained and how representations on it can be made to them. Local highway authorities must also keep a copy available for inspection free of charge at all reasonable times at their principal offices; and supply a copy to any person who requests one, either free of charge or on payment of a reasonable charge determined by the authority.

5.2 Local highway authorities should actively seek representations from neighbouring authorities and local councils, national park authorities (where appropriate) and national and local organisations representing users, land managers, businesses, tourism and others as appropriate for their area.

5.3 Local highway authorities are encouraged to use such other means as are at their disposal to bring the draft plan to the attention of the public. These might include making summaries of the assessment and action plan more widely available to members of the public and publishing draft plans on their web sites.

Allowing time for representations

5.4 The draft plan and notices inviting representations should state clearly where comments should be sent and by when. A minimum of three months should be allowed for representations.

Dealing with representations

5.5 Local highway authorities must consider any representations made in accordance with the notice of how representations on draft plans can be made to them. All representations should be acknowledged. A report of these representations and the amendments that the local highway authority proposes to make to the draft plan should be circulated to those organisations that highway authorities are required to consult under Section 61(1) and any other organisations that made representations. If there are major objections to draft plans, local access forums should be invited to advise on how these could be resolved.

5.6 Consultation on rights of way improvement plans will not replace the need for consultation and negotiation as and when specific proposals for action are taken forward. The publication of rights of way improvement plans does not affect people's right to make representations or objections to public path orders that may be made in the light of plans, nor the opportunity to have those representations or objections heard.

Publication of rights of way improvement plans

5.7 When draft plans have been amended and plans agreed, they should be published. Local highway authorities should inform those who contributed to their plans that they have been published. Local highway authorities are required to keep a copy available for inspection free of charge at all reasonable times at their principal offices; and supply a copy to any person who requests one, either free of charge or on payment of a reasonable charge determined by the authority.

Section 5 – Views are invited on the following issues

Q12 Is 12 weeks sufficient time for representations to be made on draft plans?

Q13 How much publicity should be given to the draft plans?

Q14 Are the proposals for dealing with representations on published draft rights of way improvement plans adequate?

Q15 Are the proposals for the publication of the ROWIP sufficient?

6. IMPLEMENTATION AND MONITORING

Implementation of improvement plans

6.1 Having prepared and published their rights of way improvement plans under the provisions of Part II of the Countryside and Rights of Way Act 2000, local highway authorities will be expected to implement their action plans.

6.2 Local highway authorities should prepare detailed programmes for implementing their action plans as soon as possible after their plans have been published. These programmes will need to be flexible, working documents and regularly updated. Copies should be made available for inspection under arrangements similar to those for rights of way improvement plans.

Involvement of landowners in improvements to the network

6.3 Local highway authorities are encouraged to secure improvements to their rights of way network by agreement wherever possible. Thus they should seek to negotiate the creation of routes or the addition of higher rights to existing routes by agreement with landowners using their powers under Section 25 of the Highways Act 1980. Local highway authorities should approach such negotiations constructively and be prepared to consider changes to the network that landowners might seek as corollaries to agreements, provided they meet the criteria set out in Sections 118 and 119 of the Highways Act 1980. They should, however, set a reasonable time limit within which agreement should be reached.

6.4 If it becomes clear that there is little prospect of reaching agreement within a

reasonable time, authorities should be prepared to make use of their powers under Section 26 of the 1980 Act to create public rights of way. Section 26 can be used to create new routes or to add higher rights to existing highways. In creating new paths authorities will also need to consider and take appropriate advice about any compensation payments that may need to be agreed with a landholder.

6.5 When making improvements to the existing network authorities should liaise with landholders prior to carrying out the work in order to gain their co-operation or participation, or as a minimum to inform them of what is to take place. Landholders may also be able to provide local knowledge that will be useful in carrying out improvements.

6.6 Highway authorities would normally take the lead in working-up and implementing proposals for action in their improvement plans, though this does not have to be the case. A variety of partnership arrangements are possible, including partnerships with community councils, National Park authorities or with other local liaison groups. Local authorities should also consider alternative ways of carrying out the work such as through the use of volunteers and alternative means of contracting.

Section 6 – Views are invited on the following issues

Q16 What other information would be helpful to local authorities in taking forward their plans?

GENERAL

Q17 Does the guidance strike the right balance between improving the existing rights of way network and developing new links?

Q18 Is there any further comment that you would like to make with regard to the guidance?

APPENDIX A

STATUTORY GUIDANCE UNDER SECTION 61(4) OF THE COUNTRYSIDE AND RIGHTS OF WAY ACT 2000

What the Act says

Every local highway authority other than an inner London authority shall, within 5 years after the commencement of this Section, prepare and publish a plan, to be known as a rights of way improvement plan, containing –

- a. *the authority's 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 (and in particular by footpaths, cycle tracks, bridleways and restricted byways) 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, and*
 - d. *such other matters relating to local rights of way as the Welsh Assembly may direct.*

(b) 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, and

- c. *such other material as the Welsh Assembly may direct.*

An authority by whom a rights of way improvement plan is published shall, not more than ten years after first publishing it and subsequently at intervals of not more than ten years

- a. *make a new assessment of the matters specified [above], and*
- b. *review the plan and decide whether to amend it.*

On such a review the authority shall –

- a. if they decide to amend the plan, publish it as amended, and*
- b. if they decide to make no amendments to it, publish a report of their decision and of their reasons for it.*

APPENDIX B

FURTHER INFORMATION ON ASSESSING THE NEEDS OF DIFFERENT CLASSES OF RIGHTS OF WAY USER

Cyclists

B.1 50% of households in Wales have a bicycle, yet cycle usage only accounts for 2% of purposeful journey. Cycle users have access to 21% (8140kms) of the rights of way in Wales.

B.2 The availability of local rights of way for cyclists varies but most cyclists experience difficulty in finding safe, attractive, and sufficiently long routes away from busy roads, for which there is increasing demand. Local highway authorities should consider the opportunities provided by the rights of way network to develop routes, including currently unrecorded rights. Links to unsurfaced roads and cycling facilities such as the National Cycle Network and forestry sites should also be taken into account. Authorities should assess the case for additional provision for cyclists through the creation of bridleways, cycle tracks and, when powers are available, restricted byways. Routes assessed for cyclists may also be suitable for shared use, e.g. with walkers or horse riders.

Equestrians

B.3 "Equestrians" include horse riders and carriage drivers (harness horse drivers). There are around 8,150 km (21%) of Wales' almost 40,000 km of rights of way available to horse riders, of which 2,410 km (6%) can be used by carriage drivers. The British Horse Society estimates that around 4.5% of the UK population are regular horse riders. There are no estimates for the number of carriage drivers.

B.4 Despite equestrians' reliance on them, bridleway and higher rights networks tend to be fragmented, and they are frequently forced to use sealed roads. In some areas there may be quiet lanes that equestrians can use, but more usually they are forced on to busy roads that are unsuitable for horses. Even allowing for the network of lightly trafficked minor highways in some areas, it is generally more difficult for equestrians to find attractive, convenient and safe networks of routes. It should also be remembered that people who would otherwise have difficulty can achieve access to rights of way on horseback. Some Riding for the Disabled Centres would benefit from improved links to

the local rights of way network.

B.5 As an additional tool available to them, local highway authorities should bear in mind their duty to provide in or by the side of a highway, which consists of or comprises a made-up carriageway, adequate grass or other margins as part of the highway in any case where they consider the provision of unobstructed margins necessary or desirable for the safety or accommodation of ridden horses and driven livestock. They should also consider the need for the provision of safe ways across roads, for example through the provision of Pegasus crossings.

B.6 Harness horse drivers are entitled to use restricted byways and BOATs but access to these does not solve the problem of fragmentation and, in some areas, the lack of sufficient routes to enable them to enjoy safe, sufficiently long routes away from busy roads. Local highway authorities should assess the case for additional provision for equestrians through the creation of bridleways and restricted byways.

Walkers

B.7 After the car, walking is the most important means of travel. Walking is also the main activity for people visiting the Welsh countryside – over 21 million day visits per year. A study for the Countryside Agency in England found that 48% of households had at least one member whom had walked on a right of way in the last year; 47% of households said they would walk more if provision were improved. The rating by overseas visitors' of things to do in Wales put hiking and walking opportunities as the top answer.

B.8 Despite walkers' entitlement to use of all classes of local rights of way, there is scope for local highway authorities to improve provision for them. A study of the use of public rights of way for CCW showed distinct variations in the use of footpaths and the needs of people using them, varying according to the characteristics of the area investigated. The study also found that improvements to the basic management of routes, including improved signage, removal of obstructions and routine clearance of paths were the most common improvements to the network people wanted.

B.9 Walkers, like cyclists and equestrians, prefer safe routes away from busy roads. Local highway authorities should assess the need to provide safe routes, to allow better access to attractions and facilities and in particular to consider the case for more circular routes. They should also examine the means by which the network of footpaths near to where people live can be improved particularly where this would provide better opportunities for exercise or safe routes to school, work or other facilities.

Motorised Users

B.10 Rights of way available for motorised vehicular users are often also important to

walkers, horse riders, carriage drivers and cyclists. They can provide links in the network of other paths to complete networks and routes. Vehicular rights of way can also be important to users with mobility problems. In making improvements for non-motorised users, authorities shouldn't disadvantage legitimate motorised use. Proactive management to deal with the issues of proper recording of rights, maintenance and shared use, can bring benefits to all users.

B.11 The principles set out in *Making the Best of Byways* may be used to manage the use of byways that are regularly used by vehicles.

APPENDIX C

UNDERSTANDING THE NEEDS OF PEOPLE WITH MOBILITY PROBLEMS – FURTHER ADVICE

C.1 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 to use, 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 according to the needs of people with mobility problems. The surface and drainage of a path or route are also key considerations. In many cases, it would be relatively inexpensive to open ways to people with mobility problems.

C.2 It would not be realistic to expect that every path or way should be opened to everyone. The nature of the working countryside and characteristics of the rights of way network itself means that there will always be barriers to users on many rights of way. Some ways in remote or hilly areas may be accessible by only the fittest. But local highway authorities should be aware of the scope for improvements that will open up the network to a wider range of people.

C.3 It is important that local highway authorities have a clear understanding of the extent and type of demand in their areas by disabled people and other special needs groups for rights of way. Both to underpin their rights of way improvement plans and to inform the day-to-day management and maintenance of the path network.

C.4 Local highway authorities should have a broad idea of the proportion of the resident and visitor population in the area that is likely to be affected by some form of mobility impairment and who might benefit from improvements in the accessibility of the local rights of way network. They should seek to establish where needs are concentrated and be aware of any specific local needs, such as in the vicinity of residential homes for special needs groups.

C.5 As much local information and advice as possible should be sought from the outset, including information on:

- a. Any parts of the local network and paths already used by disabled people.
- b. Other facilities and features that are valued by disabled people and those with restricted mobility.
- c. Key features and attractions in the area which disabled people may be excluded from, or have only limited access to, and what needs to be done to overcome these barriers.
- d. Publicity and information about access opportunities currently available to those with restricted mobility; information that users will need to be able to judge the suitability and make use of opportunities to enjoy rights of way; existing arrangements for disseminating information among disability groups.
- e. Sources of practical help and advice available to assist the authority in opening up rights of way to disabled people; support which groups or individuals might need to provide help and advice. (This might include, for example, a group of people with different disabilities to help carry out access audits of particular rights of way, advise on the works necessary to open up local path networks, prepare or disseminate information, or monitor the condition of paths and provide regular feed-back.)
- f. Existing local initiatives or partnerships in place to foster the use of the countryside by disabled people that might be enhanced by improvements to the rights of way network. Such initiatives might have been taken by organisations such as the Country Land and Business Association, path user groups, local community or charity groups as well as by individual land managers.

Establishing liaison and networking arrangements

C.6 A wide range of independent organisations represents people with mobility problems both nationally and locally. Local highway authorities should seek to establish a dialogue with such organisations as part of developing a clear understanding of local needs, circumstances and opportunities.

C.7 Local highway authorities should consult colleagues in their own authorities and other authorities and agencies for the area. For example, social services departments, disability information officers, disabled access advisors employed by many planning authorities, local disability information and advice line (DIAL), and Council for Voluntary Services, Health Promotion Agency and Library Service may be able to give advice and guidance. They will be aware of the established networking arrangements in the area and should be able to suggest the most appropriate local contacts for local highway authorities to approach.

C.8 In some areas, there may be existing countryside access initiatives for disabled people. These include both site based initiatives, such as those attached to some of the larger country parks, and wider initiatives, such as those established in some national parks or by countryside services departments. They may also be able to provide advice and guidance and access to liaison and networking arrangements on which the local highway authority can build.

Other duties with respect to people with mobility problems

C.9 Section 69 of the CROW Act places a duty on local highway authorities to have regard to the needs of people with mobility problems when authorising the erection of barriers on footpaths or bridleways under Section 147 of the Highways Act 1980. It empowers them to make agreements with owners, lessees and occupiers of land for works to replace or improve structures (such as stiles or gates) to make them safer or more convenient for people with mobility problems. Section 69 applies also to National Park authorities where they are responsible for maintaining footpaths or bridleways through delegation arrangements. The Welsh Assembly may issue separate guidance in relation to the exercise of these powers.

Further Information:

The BT Countryside for All: A Good Practice Guide to Disabled People's Access in the Countryside available from the Fieldfare Trust, 67a The Wicker, Sheffield, South Yorkshire, S3 8HT, telephone 0114 270 1668. A summary of the Guide is also on the Fieldfare Trust's website at <http://www.fieldfare.org.uk>.

Sense and Accessibility: How to improve access on countryside paths, routes and trails for people with mobility impairments (CAX 26) available free from Countryside Agency publications, PO Box 125, Wetherby, West Yorkshire LS23 7EP, telephone 0870 126 6466.

Paths without Prejudice (Countryside Agency publications)

BS 5709:2001 - Gaps, gates and stiles available from the British Standards Institution, Customer services 020 8996 9001 or from the BSI website <http://www.bsi-global.com>.