

Peak District Local Access Forum

Date: Wednesday 12th October 2011

Item: 6b

Title: Update on Derbyshire's Second Rights of Way Improvement Plan (RoWIP2)

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Purpose of Report

To present Forum members with a report from the Derby and Derbyshire Local Access Forum (DADLAF) RoWIP sub-group as the basis for discussion and further work with the joint LAF sub-group being set up for RoWIP2.

Report of the DADLAF RoWIP Sub Group

The DADLAF sub-group has completed its initial review of Derbyshire's current Rights of Way Improvement Plan (RoWIP) and its detailed comments on the various actions are attached as Appendix A. Overall the sub-group believes that the County Council is to be commended on the progress made, though inevitably this has been greater in some areas of work than others. It has also considered how the format for the RoWIP might be amended for RoWIP2, to take account of some of the issues which have arisen in the implementation of the current RoWIP and to recognise the way in which RoWIP2 needs to build on this.

It is felt that the first three sections of the RoWIP (Introduction, Setting the Scene and Policy Context) should be retained, updated and considerably abridged, as important background to the strategy and action proposals. In particular, it was felt that some of the maps were unnecessary and could be omitted. Some members of the sub-group suggested that these could be included as appendices, whilst others felt that they should remain in the body of the document.

With regard to Section 4 (Key Themes), the sub-group considered that these remain valid and, subject to the consultation process, should remain as they stand. It was suggested that the Aims (in Section 5) needed to be more directly related to the Themes, so that the themes, aims and actions flow through that sequence. It was noted that within the current RoWIP it has not always been easy to prepare proposals for ongoing actions as it was for those which have clear timescales or outputs. It has also been the case that some ongoing routine actions have not been specifically listed in the current RoWIP.

It is suggested therefore that actions in RoWIP2 be grouped under the following Aims:

- 1) To manage and improve the network of public rights of way (prow) and other paths, which might be split into a) management of the prow network, b) improvement of existing paths, and c) development of the path network to fill gaps etc.
- 2) To maintain an up-to-date definitive map.
- 3) To promote the network of public rights of way and other paths.
- 4) To work in partnership with other agencies to achieve these aims.

It is also suggested that under each Aim there should be a "statement of intent" to set out routine ongoing actions and any relevant guidance for officers and others, plus a statement of actions on a similar basis to that in the current RoWIP. It is recommended that both routine ongoing actions and the main action statement should have targets which are quantified and/or time related, to improve monitoring of achievements.

Some consideration was also given to whether there are new issues or challenges which RoWIP2 needs to address. The main concern is that in the context of reduced funding over at least the first part of the RoWIP2 period, there will be a reduced level of activity. It is suggested that the LAFs look at ways in which they might provide additional support, given that they represent a wide range of interests with the potential to offer time, knowledge and expertise which might help local authorities to achieve more. The East Midlands LAF chairs meeting on 4 January 2011 looked at ways in which LAFs might be able to help and the conclusions are set out in Appendix B.

There has also been discussion about the length of term for the next RoWIP. The current document was prepared for a five year period to fit with the Local Transport Plan (LTP2) as it was then being produced. LTP3 will cover a ten year period and it was agreed it would be sensible for RoWIP2 to do the same. Inevitably there will be more detail in the proposals for the first years of such a document, with the later years' proposals being more general in nature.

Discussions have been held with the Peak District LAF with a view to establishing a joint sub-group to take forward the work on RoWIP2, and it is recommended that the process should now involve both LAFs on that basis, with the current DADLAF RoWIP sub-group continuing to function as a body to monitor progress on the RoWIP action programme from the point of view of DADLAF.

Recommendation

That the proposals set out in this report and the comments on the current RoWIP as set out in Appendix A be commended to the County Council as the basis for the preparation of RoWIP2.

Appendix A: Derbyshire RoWIP review 2011

Action no.	Subject	Sub-group comments
1a	BVPI	This is essentially an outcome of several actions – signposting, clearance of obstructions, vegetation clearance, stiles etc. It needs to remain in some form relating to management of existing paths – suggest that relevant actions should be pulled together under this as the need/aim? Include target for year-on-year improvement and for achievement by end of RoWIP2 period.
1a i	Reallocation of area staff etc	Achieved. This has effectively been done, though the amount of area staffing may be affected by current budget cuts and scrutiny review. Retain as statement of intent re routine actions.
1a ii	Signposting	Initial target to deal with backlog achieved. RoWIP2 needs ongoing action to replace all signposts recorded as missing at 1 April each year.
1b i	Prioritised list of path Improvements	Achieved. Suggest that all the actions for path improvements (including 3c ii) be amalgamated with ongoing action to implement (target: financial allocation or number/length of paths)
1c i	Ploughing/cropping problems	Ongoing.
1c ii	Obstructions	Ongoing. Current target 70% within 12 weeks but RoWIP2 needs to be based on Charter.
1c iii	Landowners/managers	Ongoing.
1d i	Paths with vegetation clearance	Achieved (list produced). Ongoing action under 1a with annual target.
1d ii	Path improvements to reduce maintenance	Ongoing. Combine with 1b i.
1d iii	Relaunch Field Path Maintenance Scheme	Not yet done. Suggest re-launch at agricultural show (Ashover?) in 2012. RoWIP2 should have target of number of farmers signed up.
1e i	Path infrastructure	Achieved (initial quantification done). Intention to add to on-line maps. Should there be ongoing action to maintain infrastructure items?
1e ii	LTP funding	Ongoing.
1e iii	External funding	Ongoing.
2a i	Digitise definitive maps	Expect to be achieved by end of current RoWIP
2a ii	Incorporate legal events into Definitive Statement	Partially complete. Revised target date for completion?
2a iii	Incorporate new changes	Ongoing. 3 day target is being met. Is this needed in RoWIP2?
2b i	Access to revised definitive maps	These two actions should be under Aim 4 in appropriately revised form
2b ii	Improve availability of definitive maps	See above

2b iii	Registers of applications etc	Achieved. Need to maintain as ongoing action.
2c i	Strategy for dealing with legal orders	Should be achieved by end of current RoWIP. New 2c actions needed based on the agreed strategy.
2c ii	Prioritised programme to deal with backlog	See above.
2c iii	Database of anomalies	See above
2c iv	Review procedures for DMMOs	Achieved. Decided to stick with current system.
2c v	Identify NCHs likely to be pro	See above re new 2c.
3a i	Bridleway claims priority	Progressing but won't be complete by end of RoWIP period. Needs to be included in new 2c.
3a ii	Map of bridleway network	Not achieved in full. Need to consider how best to prepare and offer information for particular users and include revised proposals in RoWIP2. Include issues such as horse-box parking. Similar actions for cycling should be included in Aim 3.
3a iii	Pennine Bridleway Glossop	Not likely to be completed by end of RoWIP (if funding available could be completed in 2013.)
3a iv	Pennine Bridleway circular routes	Partly achieved. Suggest widen out in RoWIP2 to identify circuits for horse-riders in all parts of the county.
3a v	Midshires Way	Long Horse Bridge and Hopwell to Dale are scheduled to be completed by the end of the current RoWIP. Need to look at remainder of the route in Derbyshire – mainly Derwent valley - and set target for RoWIP2. Need to include action re Erewash Bridleways sub-group work for RoWIP2.
3a vi	Dedicate Greenways as bridleways	Not achieved. Roll forward into RoWIP2.
3b i	Local Development Frameworks	Initial aim achieved, but ongoing need to influence planning policy under changes to planning system.
3b ii	Negotiate routes to enhance network	Progress made but ongoing issue. Need to consider with other actions to improve network, especially to fill gaps. Need to identify where gaps exist plus priorities, and look at all options to fill these
3b iii	Reduced fees for creation of links	No take-up so far. Include in consideration of gaps in network etc. Consider offering quid pro quo to divert/close unused oaths in return for new links.
3b iv	Dedicate routes in National Forest	Not achieved. No further action but option to dedicate is now included in National Forest schemes.
3b v	Access to open access land	Limited within DADLAF area. Need to expand to included other areas with open access (FC woods, Woodland Trust etc.) and access other than on foot. Open country/FC plantations project north of Matlock may lead to others.
3c I	Identify easy access routes	Some action. Need to include other provisions e.g. benches, hire of Trampers etc

3c ii	Programme of improvements to paths	Include with other network improvements (1b i and 1 d ii etc)
3c iii	Least restrictive option re stiles etc	Progress made. Ongoing action. Annual target?
3c iv	Incentives for gates/gaps	Linked to 3c iii. Combine these two actions.
3c v	Policy for improving accessibility	No policy produced but progress made in other ways. Combines issues of surfacing and furniture. Needs statement in RoWIP2 to indicate that this is routine action.
3c vi	Improve accessibility on promoted routes	Limited progress. See comments re 3c iii and iv..
3d i	Road crossing points	Limited progress. Combine with actions re gaps in network.
3d ii	Sign road crossing points for managed trails	Achieved.
3d iii	Safe routes to schools	Ongoing as part of work to improve network.
3d iv	Use of verges	Limited progress. Bring together all actions to address gaps in network and safety improvements, including verges, paths inside field boundaries, quiet lanes etc – might be sensible to work on area basis.
3d v	Routes inside field boundaries	No action so far. See above
3e i	West Derbyshire Greenways strategy	Done. Review of Strategies needs to be planned on 10 year cycle.
3e ii	Review East Derbyshire Greenways strategy	Intended to be done by end of current RoWIP; if not, include in RoWIP2.
3e iii	Continue developing Greenways	Ongoing. At recent rate of funding there will be only limited development possible in life of RoWIP2. Suggest look at all three strategies and agree target km/yr development; then identify priorities of say 1.5 times the target from which actual routes would be selected depending on opportunities and funding options. Need to bear in mind that choices can be limited by funding criteria.
3e iv	Monitor Greenway use	Ongoing. RoWIP2 could contain a statement that monitoring is integral part of Greenway development and management without need for specific action.
3f i	Review policy re motorised vehicles	Should be completed within current RoWIP. RoWIP2 will need action(s) re implementation.
3f ii	Peak District scheme re sustainable use of vehicular routes	In progress. Initial scheme to prepare management plans should be completed within RoWIP. Need to include implementation during RoWIP2 and extension of system to routes in DADLAF area. In the absence of resources to undertake an assessment of all routes in the DADLAF area, initial work could concentrate on those routes where problems are

3f iii	Management strategy for BOATs etc	known to exist, or to a specific part of the area. See above
3f iv	Code of conduct for vehicle users	Done.
3f v	Enforce against illegal use by vehicles	Ongoing
3f vi	TROs	Ongoing. Combine with 3f v above.
4a i	Parameters for signage	Internal guidelines prepared. Re all actions under 4a,
4a ii	Signs with distance/destination	need statement in RoWIP2 to indicate how routine work of signposting will take account of these issues.
4a iii	Signs for local business etc	See above
4a iv	Access land signage	See above
4a v	Signs to indicate user(s)	See above
4b i	Information re easy access paths to disabled people's groups	Limited progress, and limited responses from disabled people's groups. Need to reconsider how best to progress, possibly working with individuals on specific sites.
4b ii	Easy access info on website for sight-impaired	See above
4b iii	Easy access routes on website	See above
4c i	Map-based information on website	Definitive paths now available online. Need to consider what other information might be useful/practicable
4c ii	Countryside Code etc	Incorporated into publications etc. Routine work to be covered in statement in RoWIP2.
4c iii	Use codes of conduct	Sub-group preparing proposals. Likely to be achieved by end of current RoWIP. Promotion should be part of routine work in RoWIP2.
4c iv	Promote social/health benefits of walking etc through events programme	These two actions need to be major element for RoWIP2 to promote use of pro/managed sites for health and well-being. Issues included how to get information to those who need it, how best to engage target groups. Include activities other than walking (jogging, cycling etc)
4c v	Healthy walks schemes	
4c vi	Path grading system	Data being collected and need to include on website maps.
4c vii	Information re access land	Will be completed within current RoWIP..
4d i	Inspection of DCC promoted paths	Ongoing
4d ii	Improvement to routes to replace road links	Include with other actions to deal with gaps, extend network.
4d iii	Cycle Derbyshire leaflet	Updated version published. Revision in hand. Further review(s) needed within RoWIP2 period.
4d iv	Review of routes	No action. Agreed that this is not needed in RoWIP2.

	promoted by other organisations	
4e i	Promote routes to support local economy/tourism	Ongoing. Include in RoWIP2 as statement of intent (with 4e ii below)
4e ii	Promote more sustainable use of countryside access	Public transport use promoted. Ongoing. There are issues about the availability of information re links to bus and train routes, and to the accessibility of that information which need to be addressed within RoWIP2.
4e iii	Horse-riding publication	Information on 4e iii, iv and v will be included on website.
4e iv	Greenways publication	See above
4e v	Publication re recreational driving opportunities	See above
5a i	Partnerships with town/parish councils	SLAs with Groundworks for working with parishes. Ongoing.
5a ii	Revised MMA	Not achieved. Existing scheme ongoing.
5a iii	Parish paths surveys	Progress being made. Continue into RoWIP2.
5a iv	Local checking of roadside signposts	Included in above actions.
5b i	Work with volunteers etc	Ongoing

General issues

It is suggested that actions in RoWIP2 be included under the following aims:

To manage and improve the network of rights of way and other routes (this could be split into three as shown below)

To maintain an up-to-date Definitive Map

To promote the rights of way network

To work in partnership with other agencies to manage and improve the rights of way system.

It is suggested that under each aim, there should be a “statement of intent” to set out routine ongoing actions and any relevant guidance for officers and others, in addition to a statement of actions on a similar basis to that in the current RoWIP.

Management and improvement of the rights of way network

- 1 Management of the path network to ensure that paths are open and easy to use (as per BVPI): mainly ongoing actions – see 1a ii, 1c i, 1c ii, 1d i, 1e i, 3f i, 3f ii, 3f iii, 3f v, 3f vi, 4a ii, 4d I
- 2 Improvement of existing paths, including funding – see 1d ii, 1e ii, 1e iii (though the last two also apply to the development of new routes/greenways), 3c ii to 3c vi, 3d i, 3d iii, 4d I
- 3 Development of path network to fill gaps etc – see 3a iii, 3a v, 3b i, 3b ii, 3b iii, 3d iv, 3d v, 3e iii, 3e iv

Maintaining and improving the Definitive Map

- 4 Dealing with the backlog of work to bring the definitive map up-to-date and digitising it: should have fixed end point though this may be beyond the life of RoWIP2 - see 2a ii, 2c i, 2c ii, 2c iii, 2c v, 3a i, 3a vi
- 5 Maintaining the definitive map – see 2a iii, 2b iii, 2c iv

Information and promotion

- 6 Promotion of rights of way/access areas and information for users – 2b i, 2b ii, 3a ii, 3a iv(?), 3c i, 3d iii, 4a iii(?), 4a iv, 4a v, 4b i to iii, 4c i to vii, 4d iii, 4d iv, 4e i to v

Partnership working

- 7 Working with partner bodies/volunteers – 1c iii(?), 1d iii, 5a/b

Appendix B

Issues for National Debate

East Midlands Local Access Forums would like to present two issues facing the access and rights of way community which we think require consideration and action at a national level. These are:

1) Backlogs in processing Definitive Map Modification Orders(DMMOs)

2) The potential of ROWIP (2)

1) DMMOs

The East Midlands LAFs are aware that many, if not most, surveying authorities have a backlog of DMMOs that represent many years of work at the present slow rates of processing. At the current rate of progress few local authorities will meet the 2026 cut-off date for identifying lost routes and the loss of staff and other resources as a result of budget cuts will only make this situation worse. Our LAFs report widespread concern that the continuing delays, high rate of waste and inefficiency, lack of continuity and momentum - that is "churning" of the case loads will mean that significant omissions and inaccuracies on the definitive map will persist past 2026.

This is a problem affecting both urban and rural LAFs. For example urban alleyways not shown on the definitive map might be more easily gated and short gaps in the rural mapped network – (often found around field gates) - could render whole sections of the network unusable, if landowners were so minded.

Furthermore, policies to tackle the backlog face a dilemma: whether to bring forward the cases that would provide the most public benefit, potentially risking the injustice of the longest delayed cases being even further delayed by this.

As a consequence, the EM LAFs believe there is a need to look for completely fresh approaches to DMMO processing, ones that are based both on the day to day mechanics of the process, with a systems approach to prioritisation, and that it would be desirable to look outside of the existing rights of way management profession for new ideas and cross-fertilisation of ideas.

East Midlands LAF Chairs are currently considering whether this would be an appropriate issue to refer to the DCLG *Barrier Busting Team* - it is not necessarily the DMMO process itself that is at fault but rather the way in which it is followed. Cases become ensnared by the appeals process and many cases are thrown out on technicalities rather than substantive reasons. This makes local authorities very wary of going to court and exacerbates the slow processing of claims.

We would be interested to learn your view on this issue and your view of whether the Barrier Busting Team would be an appropriate route to follow or indeed whether there may be a more suitable working party to which this problem could be addressed.

East Midlands LAFs would of course be pleased to contribute their local experience and expertise in any way that was beneficial to the process.

2. ROWIP 2

To consider the need for the next generation of Rights of Way Improvement Plans (ROWIP2) to put a greater emphasis on *specific proposals* for improving the rights of way network.

EM LAFs note that the first generation of RoWIPs in our region leaned towards general policy and aspirations for access, and most of them avoided including specific, concrete, proposals for new rights of way in areas of low provision, resolution of specific problems, infilling of specific, identified, gaps in the network etc.. While a broad brush was appropriate for the first generation of RoWIPs, EM LAFs are aware of a strong expectation for more direct, visible, improvements in the network to be included in the second generation of RoWIPs.

We would hope that the next generation of Rights of Way Improvement Plans will see access authorities identifying at least some of the more serious gaps, problems, and parts of the network needing increased provision within their areas, and including specific proposals for tackling these within the timeframe of the plan. If RoWIPs are not able to move forward to planning specified, concrete, improvements to the network, we fear the public will lose confidence in the RoWIP process.

EM LAFs wonder therefore whether there are any plans for guidance to be given to access authorities with regard to best practice in ROWIP development, including perhaps successful approaches which may be adopted even in times of financial austerity?