

**RIGHTS OF WAY IMPROVEMENT PLAN 2017/18 - 2027/28**

*Report of the Chief Executive and Director of Environment*

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**1 Purpose of report**

1.1 To inform the Cabinet of the review of the Rights of Way Improvement Plan (RoWIP); the results of the key stakeholder engagement; and seek approval on the new draft strategic plan for the coming 10 years.

1.2

**2 Summary**

2.1 National guidance from the Department of Environment, Food & Rural Affairs stipulates that RoWIPs, which are a statutory document, need to be reviewed at least every 10 years. Hertfordshire County Council carried-out a review of its first RoWIP 2006/07 – 2010/11 after 5 years, to ensure it was up to date and fit for purpose, although the local area plans, which form part of the RoWIP, are kept under constant review and update. Following that review the second edition of the Plan covered the period 2011/12 – 2015/16 and it is proposed that this review will now cover the period 2017/18 to 2027/28.

**3 Recommendation(s)**

- 3.1 The Environment, Planning & Transport Cabinet Panel considered a report on this item of business at its meeting on 1 November 2017. The Panel recommended to Cabinet that Cabinet agree that:
- i. the new plan period is now managed and reviewed on a 10 year cycle; and
  - ii. the Rights of Way Improvement Plan 2017/18 to 2027/28 be adopted as policy to guide non-statutory development and improvement of the public rights of way network.

## 4 Background

- 4.1 The redrafted and updated third edition of the RoWIP is available in the Members' Room and online, alongside the previous editions of the RoWIP, on Hertfordshire's intranet for reference at: <https://www.hertfordshire.gov.uk/media-library/documents/environment-and-planning/countryside-access-and-management/rights-of-way/improvement-plans/rights-of-way-improvement-plan-201718-202728.pdf>
- 4.2 The Countryside and Rights of Way Act, 2000, Sections 60, 61 and 62 require all Highway Authorities in England and Wales to publish a RoWIP for their area. The Plan builds upon the Highway Authority's existing duties to:
- maintain and keep the Definitive Map & Statement of Public Rights of Way;
  - ensure that definitive Rights of Way are adequately signposted, maintained and free from obstruction.
- 4.3 While funding was initially provided by the above Act to produce the RoWIP, there was no additional funding for implementation of any actions arising from the Plan.
- 4.4 The Plan should also link with and contribute to all other relevant plans and strategies, which currently include:
- Public Health outcomes of improved health and wellbeing of residents;
  - Local Transport Plan (LTP) priorities such as sustainable transportation use;
  - Green Infrastructure Strategy (used by District Councils and Borough Councils) aims of environmental, social and economic benefits.
- 4.5 The RoWIP is a public document that provides the context for the future management of and investment in the rights of way network, plus other paths and open spaces, *over and above the Council's current statutory duties*, and aims to meet the needs and demands of the people of Hertfordshire and those visiting the county. The purpose of the RoWIP is to identify actions to increase accessibility for anyone who uses or wants to use the rights of way network.
- 4.6 National guidance indicates that RoWIPs should be part of and integrated into the Local Transport Plan (LTP), to help address sustainable transport and road safety issues. The RoWIP therefore forms part of supplementary planning guidance (SPG) to all local planning authorities, i.e. it is information which planners should take into account when deciding applications.
- 4.7 The guidance also directs that the Plan should take into account wider agendas such as biodiversity, community safety, culture and tourism, local economic needs, health, recreation and social inclusion. Examples in the current plan include:

- Safer road crossings;
- Removing gates and stiles where appropriate to allow easy access for all;
- Improving information about the network.

4.8 Funding for the review and consultation was covered by existing Rights of Way (RoW) revenue budgets however, funding for implementation and delivery of actual schemes will be dependent on;

- An element of existing RoW Capital budgets set aside for RoWIP implementation, currently £68,000 in 2016-17 (with a further £400,000 capital for statutory activity), plus
- securing external grants or funding
- any generally applicable or specifically negotiated Section 106 contributions, or
- Members' Highway Locality Budget schemes.

4.9 Since publishing the last edition of the Plan, the key achievements that have been delivered are:

- Highway verge improvement schemes, linking previously severed paths together e.g. the Icknield Way, Hexton Road, Lilley;
- Development mitigation and planning gains on numerous sites as a result of being the RoWIP being supplementary planning guidance (SPG) e.g. Ellenbrook Fields, Colney Heath;
- Work with Countryside Management Service, Groundwork Trust, Opus Arup and Ringway to undertake feasibility studies, designs and implementation e.g. A41 crossing central refuge, Bushey;
- Successfully delivered new routes which fill previously missing links in the network e.g. Heartwood Forest, Sandridge safe off road link to Nomansland Common;
- Improved surfaces, bridges, structures and signs across the network in response to customer desires, where these are above and beyond the statutory duties e.g. Poles Lane, Thundridge;
- Worked with the Safer Routes to Schools team to deliver better routes to schools where existing and new Rights of Way offered safer off-road links e.g. Wareside safe route to school;
- Upgraded footpaths to cycleways or bridleways to facilitate multi-user routes, e.g. Knebworth bridleway 1 link to Stevenage.

## **5 Current process**

5.1 The current draft RoWIP has been prepared by collating information from:

- the latest national census data, on age, gender, health, ethnicity, car ownership, transport patterns and types of use,
- national and local surveys pertinent to the RoWIP, and
- stakeholder consultation including with the Local Access Forum.

5.2 The review process has included an update of all relevant statistics and data since the last edition. This involved researching the sources of original data to

ensure the most recent figures are used. This data has been analysed to identify any significant changes and update the strategy accordingly. The review has also identified what improvements have been made to the users' experience of the RoW network; for example road verge improvement schemes.

- 5.3 The process included consulting with the ten district and borough councils as key interested parties, plus RoW user groups, parish councils and other key stakeholders; to gather their expectations of local rights of way and comments on both the strategy and the 10 district maps and lists of desired improvements. See Appendix A for the summary of the results of the key stakeholder engagement process which gathered the experiences of users of the rights of way network.
- 5.4 The assessment covered:
- to what extent routes are available to different groups of users, e.g. cyclists, walkers, horse riders as detailed in the guidance (motorised users are not the focus of the guidance);
  - routes that are not suitable for all or some users, e.g. users with mobility problems;
  - opportunities to remove inconsistencies on individual rights of way, e.g. paths that don't follow the mapped route or routes which have a dead end;
  - opportunities to improve the network, e.g. restoring routes that have been severed by busy roads and railways.
- 5.5 The key stakeholder engagement also included:
- An exploration of any social/economic benefits from RoW, e.g. routes serving local businesses;
  - An assessment of the impact on the surrounding areas, e.g. cross border links;
- 5.6 The responses have been incorporated throughout the draft wherever possible. This has generated the strategy for the next ten years. The lists and maps of specific routes, suggestions and desires have also been updated for the 10 District and Borough areas. These lists and maps are kept as live documents which may be edited whenever new suggestions are received, for the duration of the strategy, for example from;
- analysing any comments received from the LTP 'Transport Vision' pending consultation and;
  - ongoing liaison with county and district / borough council services on their access strategies and plans (such as Hertsmere Borough Council's 'Greenways' strategy).

## **6 Next Steps**

- 6.1 Once the Plan is agreed, the Council will publish the new RoWIP on the website. Articles will be written for local newspapers with details about where

to find it and what it shows. It will also be promoted via appropriate social media platforms and contributors will be notified about its publication.

## **7 Financial Implications**

- 7.1 The work required to review the RoWIP, including key stakeholder engagement activity, was managed within existing budgets. Where possible volunteers have been used to gather data (for example the St. Albans & District Footpath Society).
- 7.2 As mentioned in section 4.8 above, any delivery of schemes can only be supported via bidding for capital funding plus relevant Section 106 contributions or bids for Members' Highway Locality Budget schemes, because such schemes are in addition to the Council's statutory RoW maintenance duties.

## **8 Equalities Implications**

- 8.1 When considering proposals placed before Members it is important that they are fully aware of, and have themselves rigorously considered the equality implications of the decision that they are making.
- 8.2 Rigorous consideration will ensure that proper appreciation of any potential impact of that decision on the County Council's statutory obligations under the Public Sector Equality Duty. As a minimum this requires decision makers to read and carefully consider the content of any Equalities Impact Assessment (EqIA) produced by officers.
- 8.3 The Equality Act 2010 requires the County Council when exercising its functions to have due regard to the need to (a) eliminate discrimination, harassment, victimisation and other conduct prohibited under the Act; (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it. The protected characteristics under the Equality Act 2010 are age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion and belief, sex and sexual orientation.
- 8.4 The equality implications identified in relation to this report have been checked and verified by the equalities team because when Members make a decision in respect of the consultation and draft contents, the plan will impact on identifiable groups of the public. The key stakeholder engagement also underwent a plain English check. The EqIA is attached at Appendix B to the report.
- 8.5 The equalities impacts from implementing the RoWIP are positive, i.e. improvements to access for all. RoWIPs are designed to address the needs of those people who are either blind or partially sighted or have any form of

limited mobility. For example, reducing the number of structures across the network, improving surfaces and identifying suitable routes and promoting them.

### **Background Information**

- Countryside and Rights of Way Act 2000
- Rights of Way Improvement Plans, Statutory Guidance to Local Highway Authorities in England (DEFRA 2002)
- Rights of Way Improvement Plan 2011/12 – 2015/16

### **Appendices**

- Appendix A – Summary of key stakeholder engagement
- Appendix B – EqIA

## Appendix A – Summary of key stakeholder engagement

The table below summaries the main issues that were received from participants in the key stakeholder engagement, which gathered the experiences of users of the rights of way network.

Requests/issues raised	Feedback numbers
More representation for motorised users in the Plan	12
Busy highways compromising the safety of non-motorised users	10
Request for new routes (round/circular, accessible paths)	10
Signage and promotion (damaged, unclear, lack of)	9
Address barriers, ploughing-up, obstructions (Barbed wire)	9
Conditions of surfaces of paths	8
More paths to suit cyclists	7
Greater link to local plans and planning/Section 106 agreements	6
More public transport links to feed into RoW network	5
Walkers and cyclists conflict	4
Clearing paths of vegetation	4
Landowners against large numbers of new proposals	3
Address gaps in the network	3
Address dead ends in the network	3
Greater links to Green Infrastructure/economic development	3
Health benefits of physical activity, active travel and green exercise	3
Coordination with LTP4 objectives and principles	2
Lack of mention of heritage (urban and rural)	2
Mentioning volunteers/Health Walks more	2
Lack of respect between users (dogs, people straying off paths)	2
More paths for horse riders/horse and carriage drivers	2
Numbering paths could be improved	1
General horse interests to be promoted	1
Signs needed to keep riders off footpaths	1
Separating motorcycle users issues from 4x4 users issues	1
Motorised use enables disabled access	1
Use an evidence based approach to proportional Traffic Regulation Orders	1
Ensure biodiversity/wildlife sites are protected	1
Prioritise applications to alter the Definitive Map before 2026 cut-off	1
Increase liaison with District, Borough and Parish councils	1
Develop strategic links to the National Trail	1

These responses have been incorporated throughout the draft wherever possible and relevant. All stakeholders were advised where and how their comments were incorporated as well as those whose comments could not be applied, with reasons.

There were 44 respondents to the online questionnaire with a further 25 consultees responding via email as follows:

- Canal and River Trust

- Colne Valley Regional Park Authority
- District and Borough Councils
- HCC Members
- Hertfordshire Action on Disability (HAD)
- Hertfordshire Association of Parish and Town Councils (HAPTC)
- Hertfordshire Chief Technical Officers Association (HCTOA)
- Herts Countryside Management Service
- Herts Groundwork Trust
- Highways
- Landscape, Ecology and Archaeology
- Lee Valley Regional Park Authority
- Natural England (Statutory consultee)
- Public Health
- Resources (HCC Property)
- The Herts Local Access Forum (Statutory consultee)
- Town and Parish Councils
- Transport, Access and Road Safety

#### **User group organisations**

- Auto Cycle Union
- British Driving Society
- British Horse Society
- Bushey and District Footpaths Association
- Byways and Bridleways Trust
- Chiltern Society
- Cycling UK
- East Herts Footpaths Society
- Green Lanes Association
- Herts Trail Riders Fellowship
- Ramblers
- St. Albans and District Footpaths Society
- Walks Around Stortford

The stakeholder engagement was carried out over two months between March and May 2017 (although some late replies were accepted). The aforementioned parties were contacted via direct email and the following information was provided on the HCC website:

- Previous RoWIP edition (2011/12 – 2015/16)
- Draft new RoWIP edition for comments
- Online survey feedback form

The nature and volume of the responses has led to a full and thorough review of the strategy with the receipt of lots of relevant thoughtful comments from the stakeholders. This has resulted in a robust, refreshed strategy for the next 10 years.