



# **Rights of Way and Countryside Access Improvement Plan**

**2011 - 2026**

# Rights of Way and Countryside Access Improvement Plan 2011-2026

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# Rights of Way and Countryside Access Improvement Plan 2011-2026

## SECTION 1. FOREWORD

In Gloucestershire we recognise the importance of public rights of way and the opportunities they provide for public access. In such a large and mainly rural county, the path network allows people to enjoy the beautiful countryside in which many live and work, as well as to travel from place to place for work or school without having to use the car.

In addition, through tourism and local use, the recreational path network helps the local economy to generate income for rural businesses, while functional routes – to schools, workplaces and local facilities – form an essential part of the wider highway and amenity network.

This document highlights the achievements since the publication of the previous improvement plan and makes particular reference to the challenges faced by the effects of the floods in the summer of 2007.

I recognise the importance of managing amenities such as these as locally as possible, and this will become increasingly more relevant in this period of limited funding. We will have to be more creative with a shrinking budget and rely heavily on local businesses and volunteer groups. That is why we will be looking to enhance our working relationship with parish and town councils and local groups. Where possible we will be building on existing relationships with local councils to help deliver the maintenance of local path networks, and enhancing opportunities for further volunteer involvement.

This document also considers wider public access to the countryside, including statutory access land, our countryside sites including Crickley Hill Country Park, and permissive access to land.

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Cllr Stan Waddington  
Cabinet Member (Highways and Waste)

## SECTION 2. EXECUTIVE SUMMARY

2.1.1 Under Section 60 of the Countryside and Rights of Way Act 2000 (CROW) Gloucestershire County Council is required to develop and produce a revised Rights of Way Improvement Plan (ROWIP) by January 2011 for adoption as part of the county's Local Transport Plan (LTP3) and will cover the period 2011 – 2021.

2.1.2 The statutory guidance provided by the Department of Environment, Food and Rural Affairs (DEFRA) states that a Rights of Way Improvement Plan must assess:

- The extent to which local public rights of way meet the present and likely future needs of the public;
- The opportunities provided by local public rights of way for exercise and other forms of outdoor recreation and enjoyment of the authority's area;
- The accessibility of local public rights of way to blind and partially sighted people and others with mobility problems.

### 2.2 SCOPE

2.2.1 Updating the ROWIP causes the authority to look at the progress it has made over the past five years in adapting the path network to both current and possible future needs.

2.2.2 The ROWIP itself will not contain information on site-specific assessments, but draw broader, generic conclusions, which are then the focus of a "statement of action" for the management of local public rights of way and for securing an improved network of paths.

### 2.3 PROGRESS

2.3.1 Since 2006 Gloucestershire County Council's Public Rights of Way Team has:

- Completed a full electronic network survey of its public rights of way;
- Introduced a new computerised data and customer report management system;
- Achieved an overall 'BVPI' rating of 79% over the last three years;
- Utilised one-off income received from Severn Trent Water following the floods of 2007 to the benefit of the overall path network;
- Introduced a series of priority assessment measures for the bulk of the work it does.

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## 2.4 THE FUTURE

2.4.1 The County Council's Public Rights of Way Team will continue to develop the use of volunteers and parish and town councils in assisting with the maintenance of the path network.

2.4.2 Future work will entail managing the existing network within anticipated reduced budgets and resources which will inevitably manifest itself as a reduced level of maintenance and service than has previously been the case. However it is hoped that our close working with voluntary organisations, individuals and local councils will help mitigate the affects of likely funding reductions.

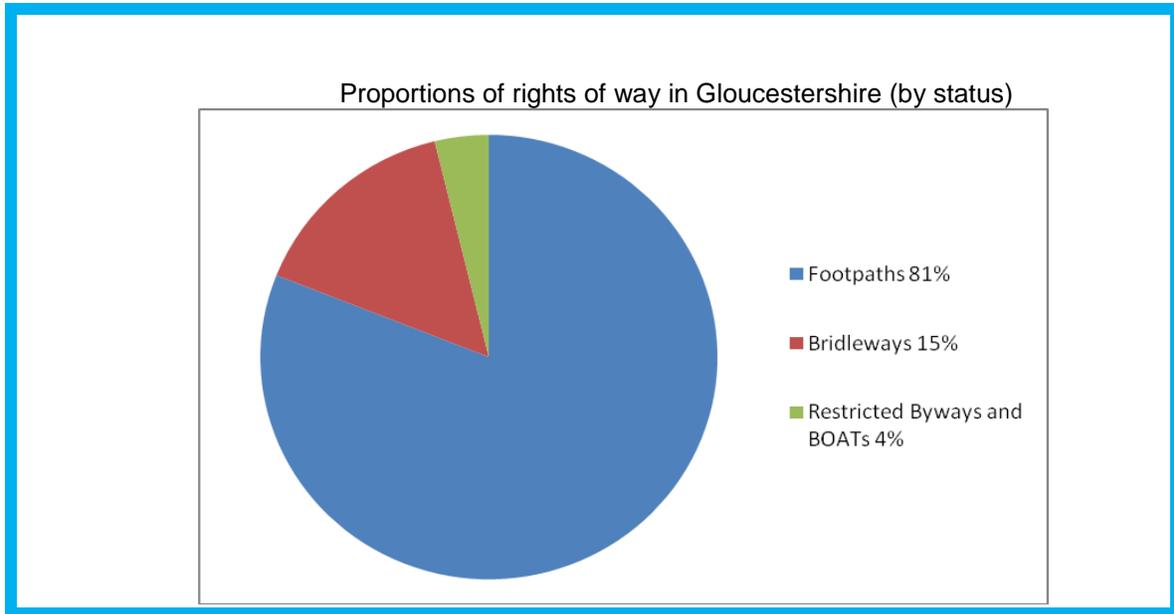
2.4.3 The priority guidelines utilised by the county council to assess which cases to work on have been refined (see Annexes C to F).

2.4.4 The ROWIP itself does not contain information on site-specific assessments, but draws broader, generic conclusions, which are then the focus of a "statement of action" for the management of local public rights of way and for securing an improved network of paths.

## SECTION 3. BACKGROUND

### 3.1 PUBLIC RIGHTS OF WAY IN GLOUCESTERSHIRE - AN OVERVIEW

3.1.1 Gloucestershire has about 3509 miles of public rights of way. This is one of the longest networks managed by any county. For example, our neighbour Oxfordshire has around 2500 miles while Worcestershire has about 3000 miles.



**Figure 1. Lawful users of public rights of way**

| Route type                 | Lawful Users | Length in Glos    |
|----------------------------|--------------|-------------------|
| Public Footpaths           |              | <b>2840 miles</b> |
| Public Bridleways          |              | <b>533 miles</b>  |
| Restricted Byways          |              | <b>132 miles</b>  |
| Byways Open to All Traffic |              | <b>4 miles</b>    |

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## 3.2 HEADLINE STRATEGIES

### 3.2.1 The **Gloucestershire Conference** comprises:

- Gloucestershire Strategic Partnership
- Community Strategy Executive Board
- Accountable Bodies Group
- 5 Thematic Partnerships
- 6 District Local Strategic Partnerships
- Sectoral Partnerships (including the Voluntary & Community Sector Assembly and Local Government Association)
- Individual organisations and businesses

Working together through the Gloucestershire Conference structure, these bodies are collectively responsible for:

- Agreeing a long-term vision and success measures for Gloucestershire (set out in the Sustainable Community Strategy)
- Translating that vision into medium-term targets and delivery plans
- Delivering improvements which make a real difference for the people of Gloucestershire
- Monitoring and evaluating the work of the partnership

### 3.2.2 The **Sustainable Community Strategy (SCS)**

Partners have developed a shared set of ambitions in the Sustainable Community Strategy for Gloucestershire. These have been supplemented by a set of 10-year success measures and targets.

The SCS is a short strategy that outlines the key issues that partners and organisations in Gloucestershire agree they need to address. The SCS sets partners' ambitions for the next 10 years.

The SCS does not contain details on specific actions or outcomes - rather these are held in the following documents:

- Action plans of Gloucestershire's main thematic partnerships: including
  - Gloucestershire First
  - Gloucestershire Health & Community Wellbeing Partnership
  - Environment Partnership
- Action plans of the 6 district Local Strategic Partnerships
- Other action plans of the organisations that make up the Gloucestershire Conference

Within the SCS there are five clear areas for activity. Of these the following three relate to public access to the countryside:

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## **Aim 1**

A place where the future matters:

- We make concerted local efforts to address climate change and deal with the consequences
- Our environment is central to our quality of life and we take action year-on-year to enhance, protect and cherish it
- We manage our local heritage as an asset for the future

## **Aim 3**

A place where everyone matters

- Health improves for all age groups and people are enabled to lead healthy lives
- Everyone is encouraged to eat and drink healthily, smoke less and take regular exercise.

## **Aim 4**

A place where people want to live:

- People have good and accessible community facilities.

## **3.3 Gloucestershire County Council's Corporate Strategy**

3.3.1 The County Council aims to make the County a better place to live, learn and work. Its priorities include:

3.3.2 Making our communities safer: Increase how safe people feel in their own communities

3.3.3 Meet local transport needs more effectively:

- Provide access to all forms of transport including alternatives to car use
- Manage, maintain, and improve the transport network including roads and passenger transport
- Improve the condition of our highway network and public satisfaction with it
- Raise awareness of alternative ways to travel.

3.3.4 Manage and enhance the Gloucestershire environment, including:

- Value and protect our local environment
- Balance development pressures (needs for new housing) with our desire to protect the natural and historic environment
- Promote the sustainable management of the County's natural resource

## **3.4 LEGAL CONTEXT**

3.4.1 This section briefly outlines the role of Gloucestershire County Council as highway, surveying and access authority.

3.4.2 The county council has a wide range of statutory duties and powers with respect to both the protection and maintenance of public rights of way and the upkeep of the definitive map. In addition, it has a range of powers relating to the management of the rights to access land.

3.4.3 This section provides a general overview of these statutory duties and powers. More information about statutory duties and powers can be found in the summary tables at Annex G.

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## 3.4.4 The Countryside and Rights of Way Act 2000 (CROW)

3.4.4.1 The CROW Act 2000 aimed to

- Extend the public's ability to enjoy the countryside;
- Provide safeguards for landowners and occupiers.
- Co-ordinate AONB Management Plans with rights of way improvement plans.

3.4.4.2 The sections that most interest us in regard to the ROWIP are Part 1 (Access Land) and Part 2 (Rights of Way).

## 3.4.5 Other specific legal duties and responsibilities

3.4.5.1 In law all public rights of way are highways. Section 130 of the Highways Act, 1980 places a duty on highway authorities to 'assert and protect the rights of the public to the use and enjoyment of any highway'. Legislation also exists to assist the highway authority in carrying out this duty.

3.4.5.2 Section 53 of the **Wildlife and Countryside Act 1981** requires the surveying authority, Gloucestershire County Council, to keep the definitive map and statement under continuous review. This includes the duty to modify the map as a result of legal events, or as a result of its discovery of evidence that a legal event has taken place (e.g. the acquisition of public rights over a way).

3.4.5.3 Section 51 & 52 of the **National Parks and Access to the Countryside Act 1949**, general provisions as to long distance paths and approval of proposals relating to long distance paths.

3.4.5.4 The highway authority also has a range of powers enabling it to deal with applications for the creation, diversion and extinguishment of footpaths and bridleways, both in the landowner's and the public's interest.

## 3.4.6 Other general legal duties and responsibilities

3.4.6.1 **The Equality Act 2010** – formerly the Disability Discrimination Act 1995 (DDA) – requires that in carrying out their functions, public authorities must make reasonable adjustments to ensure that it is not impossible or unreasonably difficult for people with disabilities to benefit from those functions as others would do, or to show that there are good reasons for not doing so.

There is no specific reference in the Equality Act to any aspect of rights of way management and, as yet, no body of case law that can be referred to in the application of either the Equality Act or the DDA to rights of way. Nonetheless, it is clear that authorities are required to have regard to their obligations under the Equality Act wherever changes or additions to the rights of way network are proposed and are encouraged to make improvements to structures wherever appropriate opportunities arise.

3.4.6.3 Tables are provided in Annex G setting out specific duties and powers regarding public rights of way.

## **SECTION 4. MANAGEMENT OF THE ACCESS NETWORK**

### **4.1 THE DEFINITIVE MAP AND STATEMENT**

#### **4.1.1 Introduction**

4.1.1.1 The definitive map and statement are legal documents held and maintained by the county council, which record all known public rights of way in the county.

4.1.1.2 The definitive map and statement are “living documents” and are subject to constant change as routes are added, changed, or deleted. The county council has a duty to deal with applications from the public to request a change to the definitive map.

#### **4.1.2 Legal effect of the definitive map**

The marking on the definitive map of a path or way is conclusive evidence of the minimum status of the public's right of way over the path. The definitive map is only conclusive as to the information it contains without prejudice to the existence of any other rights.

#### **4.1.3 Update, or “Consolidation” of the definitive map and statement**

4.1.3.1 In 1996, the county council began a project to update, or “consolidate”, the definitive maps and statements. This means that all the legal events, e.g. diversions, extinguishments, creations etc., which have happened since 1953 were to have been incorporated onto the definitive map and statement and an updated copy published. The project was not completed. However, following the transfer of the definitive map staff to the public rights of way team the consolidation project was reappraised in the autumn of 2004 and the resource implications revisited. Updating these documents has significant resource implications for the county council, and the subject has not been revisited here. However an overview, put together for the first ROWIP, is given in Annex H.

#### **4.1.4 Modification Orders**

4.1.4.1 We currently receive between 12 and 20 applications annually to amend the definitive map based on evidence presented to us. We have a backlog of 129 claims (at June 2010) and orders requiring processing.

4.1.4.2 There is a considerable and growing backlog of work, partly as a result of the painstaking research required to process modification orders which represents a significant drain on officer time, particularly as the number of Officers has reduced.

4.1.4.3 In response to these various pressures, a system for prioritising and more effectively managing this area of work has been drawn up and has been subject to further review during the consultation stage of the Revised Rights of Way Improvement Plan. See Annex C.

4.1.4.4 Due to the lengthy timescale involved in some modification orders, steps may be taken to secure information provided by witnesses using the Statutory Declaration process.

4.1.4.5 One proposal is to fast track those applications to modify the definitive map where there is a distinct public benefit and where there is a prima facie case from evidence provided by the applicant.

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4.1.4.6 Section 6 of the Natural Environment and Rural Communities Act 2006 (NERC Act) substantially affects how claims for Byways Open to All Traffic are processed. It effectively prevents the claiming of motorised vehicular rights except where a small number of conditions are satisfied. Therefore the county council will refuse to take forward any applications for such rights except where substantive evidence is presented to us which demonstrates that one or more of the conditions have been met.

## 4.1.5 Public Path Orders

4.1.5.1 Public path orders enable applicants, usually landowners, to apply to make permanent legal changes to the routes of public rights of way across their land. This is a public process where anyone may object to the making of an order. We may at our discretion process public path orders, i.e. creation orders, extinguishment orders and diversion orders, either in response to applications from the public, or as county council generated schemes, prioritising those that offer a substantial public benefit, and those that are being paid for fully where there is a realistic chance of the order being confirmed. District and Borough Councils mainly process applications for public path orders under the Town and Country Planning Act 1990.

4.1.5.2 We will process public path orders affecting the national trails in the county on behalf of Natural England where funding is provided directly or via a third party organisation, to help improve the alignment of these nationally important routes. Priority guidelines apply, see Annex D.

4.1.5.3 We will make Cycle Tracks Act Orders to upgrade public footpaths to Cycle Tracks to assist with the development of cycling routes where there is a clear public benefit and where funding has been identified.

4.1.5.4 If a new path is to be created, it must appear to the authority that there is a need for it and the authority must be satisfied it is expedient to create it having regard to the extent to which it would add to the convenience or enjoyment of a substantial section of the public or of local residents, and the effect the creation would have on the rights of those with an interest in the land.

4.1.5.5 The test for extinguishing a public path is that it is 'not needed for public use'. Because this is a difficult test to meet, the county council will normally favour a diversion proposal over an extinguishment.

4.1.5.6 A system for prioritising and more effectively managing this area of work has been drawn up. The priority system is contained in Annex D.

## 4.1.6 Unmapped area

4.1.6.1 In Gloucestershire, the Secretary of State exempted one area from the original definitive map survey in the 1950s; this was the urban area of Gloucester City centre. Gloucester City Council has provided a list of proposed additions to the definitive map to the county council. However, further work is still required to legally record these routes as publicly maintainable streets on the highway records.

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## 4.1.7 Core Activities

1. To keep the definitive map and statement up to date by processing modification order applications.
2. To process public path order applications, including those for Cycle Tracks as appropriate.
3. To process temporary closure of public rights of way applications.
4. To maintain an up to date electronic map of public rights of way for display on the county council website.
5. To maintain registers detailing each of the following: Modification order applications; Section 31(6) depositions. And to develop registers for public path order applications, as legislation requires.

## 4.1.8 Recommended Practices

1. Processing modification order applications in line with the revised Modification Order priority guidelines at Annex C
2. To process public path order applications in line with the Public Path Order priority guidelines at Annex D
3. To advise witnesses to make statutory declarations where modification order applications may not be dealt with for some years.
4. Keep under review the implications for Gloucestershire of Natural England's review of rights of way legislation as set out in the document "Stepping Forward".

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## 4.2 MAINTENANCE

### 4.2.1 Introduction

4.2.1.1 The county council is responsible for the maintenance of the surface of public rights of way to a standard suitable for normal public use. In addition, it is also responsible for the maintenance of around 13,000 roadside signposts, countless waymarks, and has a significant role in looking after around 2,500 bridges supporting public rights of way.

4.2.1.2 Maintenance of the public rights of way network is carried out largely by contractors, community groups and volunteers working on behalf of the county council. Day to day management of the public rights of way network is carried out by a team of Operations Officers.

4.2.1.3 In a large number of cases parish and town councils assist with the maintenance of their local rights of way network, sometimes engaging a local contractor or handyman, and in other instances utilising trained volunteers to carry out the work.

4.2.1.4 Landowners also play an important part in the maintenance of many structures on the network, being responsible for the condition of gates or stiles on public rights of way crossing their land. They are also responsible for reinstating paths after ploughing, for the control of crops on public rights of way and cutting back overhanging vegetation.

4.2.1.5 The maintenance standards for the network are measured using the former national Best Value Performance Indicator (BVPI 178). It describes public rights of way that are “easy to use” as:

- being signposted or waymarked where public rights of way leave a road; being free from unlawful obstructions and other interference; and
- having a surface and lawful barriers (e.g. stiles, gates) in good repair and to a standard necessary to prevent interference with the public’s rights.

4.2.1.6 Some 79% of the network in both 2008-09 and in 2009-10 was shown by survey work to be easy to use. Attempts to achieve this standard will be implemented although it may not be possible to sustain such figures following a reduction in numbers of staff in the team in 2009.

4.2.1.7 The county council will respond to customer reports about maintenance problems using the priority guidelines at Annex F. In addition it will seek to actively tackle its backlog of bridge repairs identified during the 2007-08 survey, resources permitting.

### 4.2.2 Gates, stiles and similar structures

4.2.2.1 A British Standard, BS5709 (revised 2006) for “Gaps, Gates and Stiles” has been introduced. It covers the provision of structures by landowners and land managers, and recommends specifications for stiles and other structures.

4.2.2.2 The county council will recommend installation of structures to this standard, while at the same time making a range of alternatives available. Gates, stiles, and similar structures should, where practicable and affordable, reflect where possible the local distinctiveness in the design and materials used. Furthermore, the county council will provide such structures to landowners and land managers at cost price and where appropriate make a contribution in recognition of our legal responsibility.

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## 4.2.3 Surfaces

4.2.3.1 The county council will make every reasonable effort to keep the surface of public rights of way in reasonable repair, taking into account the varying and sometimes conflicting demands of users and the impracticality of inspecting the whole network regularly (see Inspections).

4.2.3.2 However it should be noted that the legal requirement is for Footpaths to be maintained to a standard suitable for walkers, and in some cases for pushchairs and wheelchairs, while for all other routes the legal requirement is for them to be maintained to a standard suitable for horseriders and walkers, again sometimes also for pushchairs and wheelchairs. This standard therefore applies to Byways Open to All Traffic as well as Restricted Byways and Bridleways.

## 4.2.4 Waymarking

4.2.4.1 There is no legal requirement to waymark paths, however the yellow footpath and blue bridleway 'waymark' arrows are now a common sight on public footpaths and bridleways and are of benefit to both users and landowners.

4.2.4.2 The county council provides waymark discs with words as well as colours showing the status of the route. We will continue to provide basic instruction, at request, to volunteers and land managers as appropriate to help with this activity but this is a low priority.

## 4.2.5 Roadside Signing

4.2.5.1 Under the Countryside Act 1968 the county council has a duty to signpost all public rights of way where they leave the metalled road. We will continue to ensure that paths are well signposted from the roadside where possible.

## 4.2.6 Bridges

4.2.6.1 The 2007-08 network survey recorded some 2,500 footbridges and bridle bridges ranging from timber kits to large costly structures crossing rivers like the Thames, Leaddon and the Frome.

4.2.6.2 The vast majority of these bridges are the responsibility of the highway authority. A proactive system with the resources to support it is required to ensure these bridges continue to be safely maintained.

4.2.6.3 Most of the footbridges are based on a timber kit which can be installed using relatively unskilled labour, indeed many have been put in by volunteers on the county council's behalf.

4.2.6.3 Repair or replacement of these bridges can vary between five hundred and tens of thousands of pounds a year and in a context where the total revenue works budget for all PROW activities runs at £260,000 (2009/10) and is likely to fall sharply over the coming years, this will be a challenge to manage.



Footbridge at Rudford

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## 4.2.7 Core Activities

1. Concentrate available resources on maintaining the overall condition of the public rights of way network to an adequate standard as set out in Annex F achieving a 70% ease of use score whereby the paths are available to the majority of users for most of the time.
2. Ensure that the signposting of public rights of way from roads continues to be carried out.
3. Proactively ensure that 95% of the county's foot and bridle bridges are maintained to an acceptable standard.

## 4.2.8 Recommended Practices

1. Continue to utilise the revised Priority Guidelines at Annex F for the resolution of customer reports regarding the maintenance and protection of public rights of way.
2. Ensure that materials purchased for public rights of way maintenance purposes are, where possible, sourced locally and sustainably to support the local environment and economy.

## 4.2.9 Potential Improvement Actions

1. Where opportunities arise take advantage of funding to improve the condition of the county's footbridges and bridle bridges to a standard fit for use by people with disabilities, where appropriate. Replacement or repairs to bridle bridges should take into account usage by horseriders and mobility vehicles especially those where gates and steps impede their use.

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## 4.3 ENFORCEMENT AND PROTECTION

4.3.1 While the county council has a duty under the Highways Act 1980 to assert and protect the public's right to use public rights of way, that duty has to be carried out reasonably, proportionately and in accordance with legislation and statutory guidance, including for example the Human Rights Act and the Government's Enforcement Concordat.

4.3.2. The council also has to balance the objective of protecting and opening the public rights of way network with the level of resources available to it. The checks and balances contained in the prosecutions process mean that embarking on such statutory action cannot provide instant resolution of obstructions and other practical problems. There is, therefore, a balance to be struck in each particular case between the council's duties and powers, and consideration as to how the public's interests would best be served.

4.3.3 The county council will in almost every case adopt an approach of negotiation to resolve problems. It is only after such attempts fail that enforcement or prosecution is considered. Prosecution is usually the last resort and will never be actioned lightly.

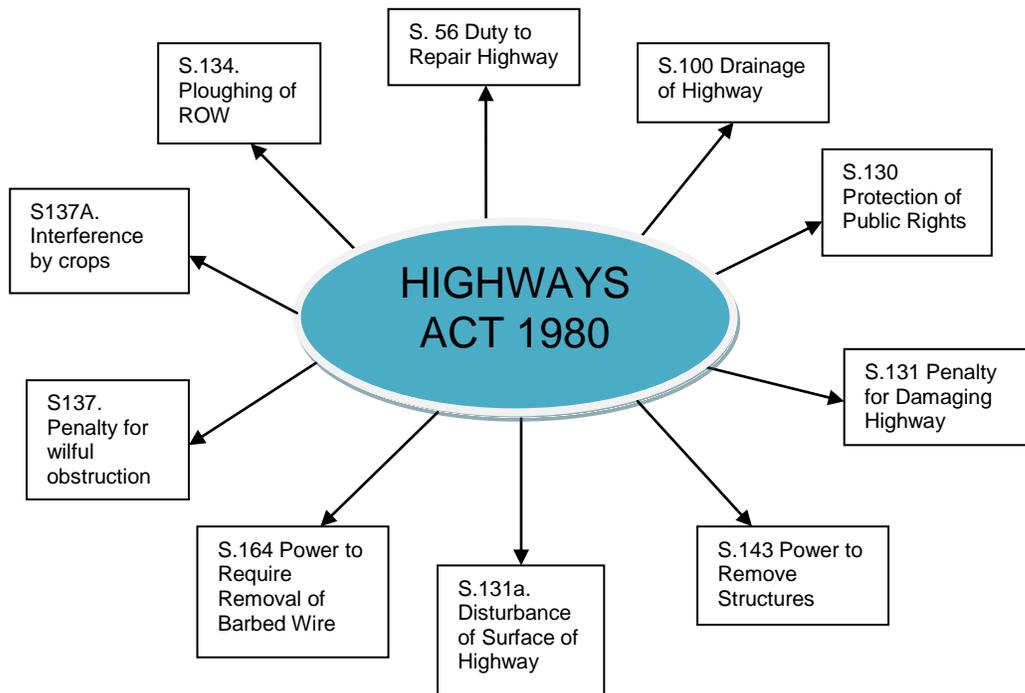
4.3.4 If, after a matter has been reported to the county council and the authority has failed to act any member of the public can serve notice on the authority for the highway being out of repair, (section 56 of the Highways Act 1980), or in certain specific circumstances where the highway is obstructed, (section 130A of the Highways Act 1980 as introduced by the CROW Act 2000). Service of such notices, may, even if relating to a trivial matter, force the authority to act in a way that may not be the most efficient use of officer time or be cost effective.

4.3.5 There is a need to accept that it is not always realistic for the county council to fully comply with the statutory duty to keep all paths in an easy to use condition in all parts of Gloucestershire all of the time.

4.3.6 The county council has developed a robust process to assess when and how to deal with the repetitive ploughing, cropping and obstruction of public rights of way in the county. The Public Rights of Way Team works to foster good relations with landowners and land managers and to promote awareness of good practice. Officers seek to resolve issues through negotiation and co-operation. However where compliance cannot be achieved, a range of formal actions are available for consideration with prosecution being a last resort.

5.3.7 Some of the relevant sections used under the Highways Act, 1980 are shown here:

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## 4.3.8 Recommended practices

1. Continue current policies in relation to enforcement action and, as a last resort, prosecution of repeat offenders.
2. Continue to prioritise customer reports on the basis of the priority guidelines in Annex F.

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## **4.4 THE CONDITION OF THE PUBLIC RIGHTS OF WAY NETWORK**

### **4.4.1 The adequacy of current information on network condition.**

4.4.1.1 The 2007-08 network survey was the first such survey of the 3500 miles of public rights of way network.

4.4.1.2 The county council has developed an electronic public rights of way database management system as part of a wider highways management system.

### **4.4.2 Former “Best Value Performance Indicator” (BVPI) 178 “Ease of use of footpaths and other rights of way”.**

4.4.2.1 The assessment of the “ease of use” of the public rights of way network is done by a sample survey. BVPI 178 leads to the assessment of a range of elements, including: signs, stiles and gates, bridges, surfaces, obstructions. If a particular path fails the survey on any of the elements, it fails overall. This enables comparison to be made with other local authorities and the development of league tables.

4.4.2.2 The merged results of the two year period between 2008/09 and 2009/10 gives a picture of the condition of the network, with some 79.6% of paths rated as ‘easy to use’ on the basis of the surveys. This places Gloucestershire slightly above average in terms of comparisons with other Shire counties.

### **4.4.3 Core activities**

1. The annual survey of a 10% sample of the network serves both to provide an “ease of use” figure to monitor progress in managing the network, while it also gives an opportunity to update the overall survey dataset.

### **4.4.4 Recommended Practices**

1. The 10% survey should be sustained in order to maintain the investment in the 2007/08 survey to provide useful information regarding the condition of the network, while providing a measure of protection against claims resulting from injury or loss.

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## 4.5 ACCESS LAND

### 4.5.1 Introduction

4.5.1.1 There are around 14,000 hectares of mapped “access land”, made up of about 400 identifiable areas, shown on the conclusive map of registered common land and open country held by Natural England.

4.5.1.2 As local highway authority, the county council is defined as the ‘access authority’ under the provisions of Part 1 of the CROW Act 2000. The provisions of the act make it clear that the access authority has a range of powers, rather than duties, which the government is looking to access authorities to take up. These relate to providing the means of access and signing the new CROW access land. In addition, public expectations have been raised that access authorities will be able to offer advice and help to land managers in particular, and to the public in general in relation to access land.

4.5.1.3 Some areas of mapped access land have been accessible for many years. Some are already managed for public access, and enjoy existing public access rights. This land is termed ‘Section 15 land’ and includes such areas as Cleeve Common and Selsley Common. Management of these areas of land will continue to be delivered as in the past. The county council will not have any significant additional responsibilities as a result of the designation of these areas of land on access maps.

4.5.1.4 In order to manage the access rights as effectively as possible, a system for prioritising the areas of access land was established, in consultation with the Gloucestershire Local Access Forum, (see Annex F for more details). In summary, health and safety, biodiversity and accessibility to the public are some of the main considerations that have taken into account.

### 4.5.2 Recommended practices

1. Continue to refer to the Access Land Priority Guidelines in dealing with requests for action relating to access land, see Annex E.

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## 4.6 PROMOTED WALKS AND RIDES

4.6.1 There are various promoted walks throughout Gloucestershire largely provided by the private sector. See Annex B for a list of routes within Gloucestershire.

### 4.6.2 Promotion - inadequacies of existing walking guides and leaflets

4.6.2.1 Most walking guides and leaflets in the county are generated by private individuals and commercial publishers. Much of the promoted material currently available is primarily focussed on the needs of able-bodied walkers. Many people and particularly non-users lack the confidence or background knowledge to use the countryside and public rights of way network on their own and many of these route guides contain insufficient information for users to make an adequate assessment of the routes accessibility to less able-bodied users.

### 4.6.3 Promoted walking routes

4.6.3.1 There are three high profile National Trails running through parts of the county, namely the Offa's Dyke Path, the Thames Path and the Cotswold Way. Funding arrangements for these routes is through grant aid from Natural England and they are maintained to national quality standards and therefore a higher standard than other promoted paths in the county, which receive no government funding.

4.6.3.2 The Offa's Dyke Path begins at Sedbury Cliff, just east of Chepstow, on the Gloucestershire side of the River Wye, and runs north to Monmouth and on to Prestatyn on the north Wales coast.

4.6.3.3 The Thames Path runs from near Coates, south west of Cirencester via the Cotswold Water Park to Lechlade, repeatedly crossing the boundary between Wiltshire and Gloucestershire, and then on via Oxford to London.

4.6.3.4 The Cotswold Way runs for 102 miles between Bath and Chipping Campden and over 75% of it is in Gloucestershire. It was launched as a National Trail during 2007. Small projects associated with its development are still ongoing with funding provided by Natural England.

4.6.3.5 All three national trails receive grant aid towards their maintenance from Natural England with an agreed contribution from the county council.

4.6.3.6 Dedicated teams of staff, funded by Natural England, strategically manage the two trails running solely in England. These teams work with the county council to meet the joint aspiration of maintaining the routes to the standards set out in the publication 'Quality Standards for National Trails'. Where external funding is made available the county council will therefore seek to work towards these standards for these trails. A similar aspirational document has been drawn up by Countryside Council for Wales for the Offa's Dyke Path. This route is managed strategically by an officer based in Powys.

4.6.3.7 A recent initiative to signpost recreational routes from the roadside has proved popular in helping visitors to find their way. It is proposed we continue the work, funding permitting, as a way of helping the tourist economy.

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## 4.6.4 Promoted horse riding routes

4.6.4.1 Recreational horseriding is now recognized as a significant element of the rural tourism economy. Equestrian tourism is encompassed as part of DEFRA's "Horse Industry Strategy".

4.6.4.2 The only 'named' equestrian route passing through the county is the Sabrina Way, established by the British Horse Society in 2002. There is also a network of hard surfaced off-road routes provided within the Forest of Dean by the Forestry Commission, and a booklet detailing circular rides in the Cotswolds, "Cotswolds on Horseback" published by BHS (currently out of print, a 3<sup>rd</sup> edition is due for publication in 2011 as a set of laminated cards rather than in book form).

4.6.4.3 The British Horse Society and its affiliated groups aim to address the discontinuity of routes for horseriders and other "higher rights users" and to this end have established a group both in the Forest of Dean and in the Cotswolds.

4.6.4.4 Where appropriate, the county council will support the provision of promoted bridle routes by offering to proof read publications and where resources permit assisting with such routes during their development.

## 4.6.5 Promoted cycling routes

4.6.5.1 Gloucestershire has parts of several Sustrans cycle routes including NCN 41 and 45 running through the county. In addition, a number of local projects have converted both county council owned land and public footpaths to cycle paths for local use.

4.6.5.2 The county council will work with project partners on joint schemes where resources are available to develop cycle routes, and where there is a distinct benefit to local users.

## 4.6.6 Recommended Practices

1. As staff resources allow, offer a proof reading facility to those producing new walking, riding and cycling guides affecting rights of way or access land in the county.
2. Adopt the benchmark 'Quality Standards for National Trails' (Countryside Agency 2004) as it applies to the two all-English national trails in the county and its sister publication for the Offa's Dyke Path, and take advantage of Natural England funding to maintain and improve the three national trails to a high standard.

## 4.6.7 Potential Improvement Actions

1. Continue to ensure promoted routes that are recognised by the highway authority are clearly named on roadside signarms.
2. Take advantage of funding opportunities to record all currently available approved national trails and regional routes and disabled access routes on GCC's website mapping.
3. Take advantage of opportunities to improve the linking of safe routes for horseriders and "higher rights" users (i.e. cyclists and carriage drivers).

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## 4.7 LAND MANAGER LIAISON

### 4.7.1 Introduction

4.7.1.1 Gloucestershire's countryside is a working, dynamic landscape enjoyed by many. Landowners and land managers have an important part to play in protecting and maintaining access to the countryside whether through the statutory path network or providing permissive access.

4.7.1.2 Support of land managers is essential to facilitate any improvements that might arise from this Plan. Gloucestershire County Council will secure improvements to the public rights of way network by agreement wherever possible, and will continue to seek the support of landowners and land managers for substantial schemes.

4.7.1.3 Land owners and farmers also have a range of responsibilities that affect the usability and safety of public rights of way. These include a responsibility to maintain stiles and gates in a condition fit for normal use, as well as one to keep overhanging vegetation and crops off public rights of way.

4.7.1.4 Farmers who benefit from the rural payments scheme are also asked to comply with condition GAEC8 within the Good Agricultural and Environmental Conditions section. This requires them to ensure that visible public rights of way are maintained.

The text states:

“Cross-field rights of way must be reinstated within 14 days of the first move to plough and sow the crop, and 24 hours after each such subsequent movement of the soil. The line of a footpath across a field has to be made clear using by, for example, mowing a strip through it.”

(see <http://www.crosscompliance.org.uk/cms/assets/Uploads/PDFs/XcompNewsAUG08v1.pdf>)

### 4.7.2 Integrating agricultural management and public access

4.7.2.1 Some users have experienced difficulties in traversing fields with cattle in them. For equestrians, horses grazing in fields crossed by bridleways and byways can also pose a particular hazard.

4.7.2.2 These matters provide council officers with considerable challenges which will not always be achievable without compromise on both sides. However sometimes assistance with simple guidance for users can address the concerns raised.

### 4.7.3 The Countryside Code

4.7.3.1 The Countryside Code may be used as a vehicle for working with landowners and users to resolve access conflicts. The code has three key points for landowners and five for visitors. In summary, it promotes a sense of shared responsibility.

### 4.7.4 Core activities

1. Assist land managers with suitable signage to help manage existing access across pasture (e.g. provision of 'dogs under control' signs).

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## **4.7.5 Recommended Practices**

1. Raise landowner's and land manager's awareness of the importance of public rights of way and public access to land, and where opportunities and resources allow, work with them to develop new access schemes. To also ensure that the responsibilities of landowners and managers for the maintenance of gates, stiles etc. are highlighted.
2. Encourage parish councils, village hall committees and other landowners to offer car-parking facilities to help alleviate the issue of gates being blocked by visitors' parked cars.
3. Continue to provide a range of information leaflets to users and land managers alike.

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## **4.8 PERMISSIVE COUNTRYSIDE ACCESS**

4.8.1 The overall suite of countryside and heritage sites within the county is an important asset that influences health and well being, businesses, house prices, tourism and the wider rural economy.

### **4.8.2 Permissive access on county council managed sites**

4.8.2.1 Gloucestershire County Council manages five countryside sites ranging from the largest, Crickley Hill Country Park, that attracts in excess of 300,000 people a year, to the smaller picnic areas at Kilkenny, Coaley Peak and Barrow Wake view point. They represent an important and high profile part of the wider county estate. In total these sites attract 750,000 visits per year.

4.8.2.2 These sites have been acquired over a period of 40 years for a variety of reasons which includes protection of important, rare and threatened species and habitats, protection of historic sites and to provide public access to, and experience and enjoyment of, wildlife, heritage and countryside.

4.8.2.3 Similar to other local authority managed sites within the county, these areas play an important role in demonstrating integrated environmental management in practice, protecting and conserving the heritage and ecology, as well as providing good public access.

4.8.2.4 In November 2009 these areas of activity were merged with the PROW Team to provide a single team dealing with issues of public access to the countryside.

4.8.2.5 The non-statutory nature of these services means that in the current financial climate steps should be taken to try to make them more self-financing, for example by the letting of franchises for the sale of refreshments on the sites, or through charging for car parking.

### **4.8.3 DEFRA schemes**

4.8.3.1 DEFRA also engages with local landowners to provide permissive access on a smaller scale through its Countryside Stewardship Scheme. This scheme is now closed to new entrants and has been replaced by the Environmental Stewardship scheme. Some 120 areas of land in England are made available to walkers and/or riders through this initiative.

4.8.3.2 DEFRA introduced the Environmental Stewardship Scheme in 2005 as part of its Single Farm Payments initiative which also aims to combine additional public access with environmental improvements.

### **4.8.4 Recommended Practices**

1. The county council will encourage the adoption of BS5709 (2006), the British Standard for Gaps, stiles and gates, to maximise accessibility of its sites to the wider public.

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## 4.9. VOLUNTARY INVOLVEMENT AND COMMUNITY PARTICIPATION

### 4.9.1 Introduction

Gloucestershire County Council works closely with volunteers, both from organised bodies, and as individuals. Volunteers form a key part of the delivery of the public rights of way service. The coalition government has a vision of a “Big Society” which aims to better involve local people and volunteers in the delivery of services.

3.9.2 This aspect of the plan highlights the importance of establishing partnerships and developing links with, and supporting local communities including:

- Community schemes, such as parish and town council initiatives;
- Countryside management projects, and;
- Voluntary organisations such as;
  - British Trust for Conservation Volunteers,
  - Cotswolds Voluntary Wardens Service,
  - North Dean Rights of Way Association, and
  - Gloucester Vale Conservation Volunteers
  - The Ramblers Association
  - British Horse Society Gloucestershire and affiliated bridleways groups.

### 4.9.3 Value of local partnerships

We continue to see great value in entering into local partnerships, which can be an effective vehicle to achieve the enhancement of the local environment. They offer:

- A means to establish better communications with local people and engender goodwill
- Access to funding sources
- Long term sustainability of the resource
- Galvanised voluntary effort
- Increased public awareness, commitment and action
- Make use of local skills, knowledge, expertise and contacts
- Gives people greater control over decisions about their environment and creates solutions, which reflect community need.

### 4.9.4 Core activities

1. Encourage, support and celebrate the work of volunteers through provision of tools and training, activities, and grants.

### 4.9.5 Recommended Practices

1. Provide support to community groups and volunteers in assisting with identifying funding opportunities and developing projects, which meet shared priorities.
2. Provide grants where funding is available to continue the development of the volunteer network and to develop volunteer networks.

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3. Develop better and more effective voluntary activity at a local level by encouraging parish councils and existing voluntary and community bodies to get involved in the active maintenance and development of the public rights of way network.
4. Provide grant funding where resources are available to Parish and Town Councils to encourage their involvement in the maintenance of local public rights of way.

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## 4.10 PARTNERSHIP WORKING AND SHARED PRIORITIES

**4.10.1** The delivery of a final revised countryside access and rights of way improvement plan and any future implementation will be dependent on the county council continuing to work with others and developing effective partnerships at many levels. There is a need to recognise the importance of identifying shared priorities with a wide range of partners.

### 4.10.2 Key partner organisations

- British Waterways
- Business Link
- Cotswold Water Park
- Cotswolds Canals Trust
- Cotswolds Conservation Board
- DEFRA, and FWAG
- District Councils
- Environment Agency
- Forestry Commission
- Gloucestershire Wildlife Trust
- Landowning bodies e.g. National Farmers Union, Country Land and Business Association
- Malvern Hills AONB
- National Trust
- Natural England
- Parish and Town Councils
- Safer and Stronger Community Partnership Group
- Severn Estuary Partnership
- Stroud Valleys Project
- Sustrans
- User bodies e.g. Ramblers Association, British Horse Society and affiliated bridleway groups, Cyclists Touring Club, Carriage Drivers, Trail Riders Fellowship, Green Lane Association
- Woodland Trust
- Wye Valley AONB

### 4.10.3 Working with other “environmental” organisations

4.10.3.1 There are a number of organisations interested in the environment that help to deliver the council’s targeted outputs in a wide range of countryside activities, including developing recreational routes, managing and developing sites and access land, rural regeneration, tourism, promotion and conservation tasks. In addition to having local knowledge and skills, some of these organisations have access to funding streams unavailable to local authorities.

### 4.10.4 Working with neighbouring authorities

4.10.4.1 The Gloucestershire ROWIP actions are linked to some of those of neighbouring authorities since improvements have to be made across boundaries. Neighbouring highway authorities include: Monmouthshire, Herefordshire, Worcestershire, Warwickshire, Oxfordshire, Wiltshire, Swindon and South Gloucestershire. In addition in some cases, it will be appropriate to work with local authorities, government agencies and other organisations on a regional basis.

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4.10.4.2 The county council also works closely with neighbouring authorities in managing the three national trails that pass into its borders and with Natural England and Countryside Council for Wales.

## **4.10.5 Working with local businesses**

4.10.5.1 There are considerable opportunities to work with local businesses in Gloucestershire to enhance, develop and improve access provision. There are mutual benefits and this could go some way to making a real contribution to the rural economy and improving the recreational experiences for many users.

## **4.10.6 Key future developments**

4.10.6.1 Key developments include the ongoing work to develop the Cotswold Canals. As part of the development, the Cotswold Canals Trust would like to see the development of canal side recreational routes.

4.10.6.2 The Cotswold Water Park is also key provider of recreational opportunities within the county, and opportunities will arise due to the extension of minerals extraction in the south east of the county and the ongoing development of sites for recreation and housing. It is important that we are closely involved in these developments to maximise the potential benefit to the county.

## **4.10.6 Recommended Practices**

1. Explore opportunities for joint working with other organisations and departments where the network may be improved in a cost effective way, whilst ensuring that overall management control is retained in line with the authority's overall legal responsibility for the highway network.
2. Continue to work in partnership with neighbouring and other local authorities, agencies and organisations to ensure a co-ordinated approach and aid the delivery of shared priorities whether at a local or regional level.
3. Work with partners and other council directorates to ensure that the ROWIP is, where possible and appropriate, synchronised and incorporated with other appropriate strategies.
4. Focus attention on working with key partners, such as the Cotswolds Canals Trust, the Forestry Commission and the National Trust to establish good quality recreational paths as appropriate.

## SECTION 5. PROVISION FOR USERS

### 5.1. USERS WITH LIMITED MOBILITY AND DISABILITIES

5.1.1 Section 69 of the Countryside and Rights of Way Act places a duty on the authority to have regard to the needs of people with mobility problems when authorising the erection of barriers on footpaths or bridleways. It empowers the council to make agreements with owners, lessees and occupiers of land for works to replace or improve structures and to make them safer or more convenient for people with mobility problems.

5.1.2 The Disability Discrimination Act placed duties on all service providers and requires that we operate equitably and without discrimination against people with disabilities. While this has been superseded by the Equality Act the spirit of this approach remains in place.

5.1.3 The Countryside Agency document “By All Reasonable Means” was published late in 2005, now available from the Natural England website. It is a guide that aims to assist countryside and land managers in provision of access for the less able.

5.1.4 Guidance to local authorities on stiles and gates on rights of way and their obligations under the Equality Act 2010 has been issued by Defra.

5.1.5 The county council public rights of way team has established links with Stroud and District Access Group in developing routes which are available to those that are less able.

5.1.6 There have been a number of path improvement projects over recent years across the county which have sought to enable use of the footpath network by more less able-bodied walkers by the replacement of stiles with kissing gates, most notably in a project led by Arlingham Parish Council and with funding through Business Link and Access for All.

5.1.7 A project to introduce an all terrain mobility vehicle (Trampers) for hire at Crickley Hill Country Park will be introduced during 2011. This is a partnership project with Mobility Southwest and with funding from the Cotswold Way office.

5.1.8 A series of walks “Walks on Wheels” aimed at people with reduced mobility has been developed by the Cotswold Voluntary Wardens in partnership with Gloucestershire County Council.



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## 5. 2 WALKERS

5.2.1 The public rights of way network in Gloucestershire is used mainly for walking.

5.2.2 Gloucestershire County Council is developing an Active Travel Strategy. This recognises that increasing levels of walking for all types of trip is fundamental to achieving objectives such as reduction in traffic congestion, improvements in road safety, better health and a high quality environment. The Strategy aims to identify the scope and means to achieve an increase in walking trips in the County in both urban areas and rural settlements.

5.2.3 Walking forms the core activity on the public rights of way network, with the whole of the 3,500 miles network provided for walking. The closure of the network in 2001-02 as a result of a Foot and Mouth Disease outbreak led to significant losses within the tourist economy and demonstrated the value of the public rights of way network to the county.

5.2.4 Walking and riding are also popular healthy outdoor activities which can contribute to the health and well-being of individuals.



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## 5.3 HORSE RIDERS AND CARRIAGE DRIVERS

5.3.1 While the equestrian industry generates millions of pounds for the county's economy, the bridleway network in the county is highly fragmented including examples where bridleways sometimes change status at the parish or the county boundary resulting in "cul de sac" routes.

5.3.2 A British Horse Industry Confederation document identifies that a well-maintained public rights of way network along with open access provision is essential in meeting the aspirations of the industry.

5.3.3 Road safety is a major concern for local horse riders, carriage drivers, riding for the disabled centres, riding schools and stables would all benefit from improved safer links to the local public rights of way and off road network.

5.3.4 While carriage driving is a popular pastime in some other counties, it is still not a sizeable area of activity in Gloucestershire, though a carriage driving representative now sits on the Gloucestershire Local Access Forum, and The Forest of Dean Riders and Carriage Drivers Association was formed in 2006.

5.3.5 The British Horse Society is keen to improve existing lawful routes for all riders and additional provision of routes where possible, including multi-use paths. It urges the provision of horse-friendly surfaces and better road crossings where practicable.

5.3.6 In support of these aims the BHS has established two affiliate groups, the Forest of Dean and District Horse Riders and Carriage Drivers Association, and the Mid-Cotswold Tracks and Trails Group. The Forest group has gained funding to develop a multi-use trail network between Dymock and Bream – around 100km.



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## 5.4 CYCLISTS

5.4.1 The most common needs for local cyclists are routes that are safe, attractive and relevant for users. These should have good surfaces, be well signed and avoid heavy traffic. Cycling is beneficial as both a mode of transport and as a healthy form of exercise.

5.4.2 Better direct cycle links from towns could reduce the amount of car traffic in the countryside. Public transport links, from the urban fringe to the countryside, which can accommodate cycles, would also benefit users. Where possible we will work with Sustrans and local cycle groups to provide these links, tying in with Sustrans “Links to Schools” programme where necessary, subject to funding being made available.

5.4.3 Sustrans have recently (Jul 2010) published their Strategic Plan for the South West of England. In it they identify a number of routes in Gloucestershire, including a link between Cheltenham and Gloucester (NCN41), the Wye Valley route from Sedbury north to Tintern (“Connect2”), and a route north east from Tewkesbury towards Evesham (NCN45), which could impact on public rights of way. These are routes which they regard as a priority for development.



## 5.5 RECREATIONAL MOTOR VEHICLE USERS

5.5.1 The public rights of way that are legally available to recreational motor vehicles are those routes classified as Byways Open to All Traffic (BOATs). There are currently only a small number of BOATs in Gloucestershire. The NERC Act (see 4.1.4.6) has effectively curtailed attempts by vehicle users to have these routes reclassified to vehicular status. Therefore recreational vehicle use may well in future become focussed on the unclassified unsurfaced road network.

5.5.2 Public rights of way and unsurfaced roads available for motorised vehicular users are 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 public rights of way can also be important to users with mobility problems.

5.5.3 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.

5.5.4 Where applications are made for the holding of motor vehicle trials and rallies that affect public rights of way, a range of conditions will be applied when requests for consent are sought by organisers, and where necessary temporary closures will be required to safeguard lawful users.



## 5.7 UNDERSTANDING PRESENT AND FUTURE NEEDS OF USERS

5.7.1 It is important that proposals for improving public 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, carriage drivers, horse riders or walkers should not restrict lawful motorised use of public vehicular public rights of way.

5.7.2 In the present financial climate it is highly unlikely that significant funding will be provided to adapt and improve the network to better meet the needs of local users.

5.7.3 It is therefore essential that existing funding and practices take advantage of funding opportunities as they arise – particularly those connected with development.

5.7.4 Steps that can be taken to improve matters for local users include enhancing existing relationships with local parish and town councils and with local groups and volunteers.

## 5.8 Recommended Practices

1. Ensure that all future works on public rights of way, access land and county council owned sites undertaken by the county council consider using the “least restrictive” structure, i.e. gap, gate, stile, and encourage landowners and land managers to do likewise, in line with BS5709 (2006) and the spirit of section 69 of the Countryside and Rights of Way Act 2000 and the new provisions in the Equality Act.
2. Continue to focus resources on ensuring that the basic existing network is brought up to a standard whereby it will pass the former ‘ease of use’ test. In other words, ensure that the existing path network reaches the “bronze standard”, is accessible to most lawful users and is maintained to a reasonable standard.
3. Work with planners and developers on development proposals and highways engineers on road schemes and other decision makers to better inform them and develop solutions to reduce network severance and to provide new and improved infrastructure for local users.
4. Ensure sufficient widths for all users, particularly those with disabilities and horse riders, are proposed in any public path order where this is practicable and where the route is suitable.
5. Where opportunities arise and resources are made available, make appropriate improvements to the network based on identifiable user needs.
6. As opportunities allow, work with representatives of local disability groups and access professionals to evaluate proposals and to carry out local access audits.
7. Work with partners to promote the accessibility of routes and sites using guidance provided in the publication “By All Reasonable Means”.
8. Enhance links with parish and town councils, local groups, volunteers, land owners and managers to improve community engagement with issues affecting the path network and where possible deliver the maintenance of paths locally.

## SECTION 6. THE WIDER CONTEXT

### 6.1 INFORMATION AND COMMUNICATION

#### 6.1.1 Existing provision

6.1.1.1 The County Council produced a range of information leaflets including 'A Guide to Public Rights of Way', "Gates and Stiles on Public Rights of Way", "Ploughing and Cropping", "A Guide to Bridleways" and "Dogs in the Countryside". These are complemented by a wide range of on line Natural England publications directed at educating everyone about the countryside and aimed at the public, parish councils and land managers.

6.1.1.2 Information is provided on the county council website at [www.gloucestershire.gov.uk/prow](http://www.gloucestershire.gov.uk/prow) including electronic mapping and downloadable leaflets.

6.1.1.3 While information provision is crucial to keeping members of the public and farming community informed about public rights of way and access generally, it takes time and effort to maintain and update the information provided, particularly in circumstances where the law keeps being modified by the government.

#### 6.1.2 Core activity

1. Maintain a good quality website with electronic mapping and an interactive report form, along with a range of leaflets to disseminate public rights of way and access information and guidance to all.

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## 6.2 PERSONAL SAFETY

6.2.1 Providing opportunities for children to walk or cycle to school safely provides an opportunity for exercise and can help to establish good habits which will be continued into later life. Children walking or cycling to school can also reduce the traffic pressures on the roads near to their school, with both safety and environmental benefits. There have already been successful 'Safe Routes to School' initiatives in parts of Gloucestershire. Public rights of way may well form important parts of these routes and we will work closely with project partners in the delivery of such schemes, funding permitting.

6.2.2 It is desirable that the pedestrian, cycle and horse riding routes are integrated with the road network. This means ideally ensuring that the path network is cohesive and that where a route has to cross a busy road, a safe crossing point is provided where practicable.

6.2.3 It also means provision of well-maintained verges for horse riders and walkers especially where this provides links between sections of the public rights of way network. The danger to pedestrians, cyclists and horse riders from traffic is very real and it is important to reduce the risks. Access needs to be considered in the context of the Local Transport Plan and with local planning processes. Where new developments are planned with increased traffic implications, their impact on any existing paths or road crossing points should be considered

### 6.2.2 Functional use of PROW

6.2.2.1 Paths are not just for recreation. Many also provide safe, traffic-free routes to schools and pubs, and for shopping and commuting. There needs to be recognition of the functional use and value of some public rights of way.

6.2.2.2 The Department for Transport document 'Developing a Walking Strategy' identified "vehicle speed", "increased traffic flow" and "fears for personal security" as major deterrents to journeys on foot in built up areas. Paths can provide traffic-free routes for pedestrians and in suitable cases for cyclists.

### 6.2.3 Potential Improvement Actions

6.2.3.1. Where resources are made available, work with project partners to develop "Safe Routes to Schools" projects and other functional route projects that benefit the wider community.

6.2.3.2. Where there is a demonstrable need, road verges should be maintained by Gloucestershire Highways to a standard whereby they are safe and available to horseriders and walkers, resources permitting.

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## 6.3 EDUCATION AND AWARENESS

### 6.3.1 Overview

6.3.1.1 Every visit to the countryside, whether it be in a formal group or 'walking the dog', provides informal education and learning.

6.3.1.2 Closer working with landowners and landowner representatives might help to improve matters on the ground for walkers and riders.

6.3.1.3 The county council has produced a leaflet "Walking your dog in the countryside" to assist with educating users.

6.3.1.4 The county council has a good record of working with schools on its countryside sites, introducing younger people to concepts of biodiversity and nature conservation, as well as responsible use of the countryside.

6.3.1.5 The county council uses its website to offer guidance as to rights and responsibilities on public rights of way. The site can be viewed at [www.gloucestershire.gov.uk/prow](http://www.gloucestershire.gov.uk/prow).

### 6.3.2 The Countryside Code

6.3.2.1 A Countryside Code for England was produced by the Countryside Agency (now Natural England) in July 2004. The code reflected the introduction of new open access rights and changes in society over recent years.

6.3.2.2 Countryside Code - advice for the public

- Be safe - plan ahead and follow any signs
- Leave gates and property as you find them
- Protect plants and animals, and take your litter home
- Keep dogs under close control
- Consider other people

6.3.2.3 Countryside Code - advice for land managers

Know your rights, responsibilities and liabilities:

- Where can people go on your land?
- What rules apply to people while they are on your land?
- What are your rights and responsibilities towards people on your land? Make it easy for visitors to act responsibly.
- How can you help people get access to your land responsibly and keep to the Countryside Code?
- What help and advice can you get? Identify possible threats to visitor safety.
- Are there any risks to the safety of people on your land, and how can you deal with these risks?

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## **6.3.3 Recommended Practice**

1. Work with partners to provide education and advice, including re-iterating the messages contained within the Countryside Code, in a more co-ordinated way.

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## 6.4 PLANNING

### 6.4.1 Local Transport Plan 3

6.4.1.1 The Gloucestershire Local Transport Plan – of which this is a part - sets out the integrated transport strategy for Gloucestershire, and includes an active travel strategy.

### 6.4.2 Local development frameworks and local plans

6.4.2.1 Where these exist, these are the policies in place that control development locally.

6.4.2.2 Planning decisions can have a sizeable impact on the rights of way network and steps should be taken during the planning process to properly accommodate routes in and out of new developments, linking both with urban centres and the countryside.

6.4.2.3 The Development Coordination group at the county council works to deal with the effects of development on the wider highway network.

6.4.2.4 The DC group publishes a document of highway authority approved processes for provision to developers. This is titled Highway Requirements for Development (HRD) and includes a section dealing with how PROW may be accommodated during development.

### 6.4.3 Recommended Practices

1. Take advantage of development control and planning measures to maximise the opportunities for an improved functional and recreational path and cycle track network.
2. Take advantage of funding opportunities provided by the Local Transport Plan to improve the condition of the public rights of way network.
3. Take advantage of the planning process to improve the network of routes both linking with urban centres where practicable and with the wider countryside for the benefit of all users.

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## 6.5. COMMUNITY SAFETY

### 6.5.1 Overview

6.5.1.1 The county council works with other bodies, particularly the police and local authorities to help create a safer county in which residents and visitors feel secure.

6.5.1.2 As with many areas of work, where problems are identified involving public rights of way, there is a need to work with and engage local communities in developing local solutions and address what is directly relevant to people.

6.5.1.3 It should also be possible using the planning and development processes and using the principles of good design (e.g. wide paths, well lit, with well maintained margins) to reduce the opportunities for crime and people's fear of crime, as well as addressing highway safety issues.

### 6.5.2 Health and Safety

6.5.2.1 Health and Safety is a priority for the county council. It must be recognised that a sensible balance has to be struck between reducing unacceptable risks to officers and visitors, and managing those features of the public rights of way and access land network that make accessing the countryside enjoyable.

6.5.2.3 In the context of public health and safety, we will respond positively to requests from Network Rail where they wish to review those points where paths cross railways. The legislative framework allows for the diversion or extinguishment of such routes where no alternative can be secured, however the onus is on the land manager to make any such application.

### 6.5.3 Recommended practices

1. Work closely with Network Rail to prioritise any potential risk reduction measures at rail crossings, and where necessary utilise the powers that exist to divert or extinguish paths.
2. Seek to ensure that planning authorities properly integrate and upgrade paths, using the principles of good design (e.g. wide paths, well lit with well maintained margins) that are affected by development thereby avoiding the creation of new opportunities for crime to take place.
3. Ensure that user needs are taken into consideration when highway schemes impact on the public rights of way network, where necessary improving road crossing points, visibility splays, etc.

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## 6.6 HEALTH PROMOTION

6.6.1 Public rights of way and open spaces have an important part to play as a resource for people wanting to exercise through sport, play and recreation. The short definition of a healthy walk is: "a purposeful, brisk walk undertaken on a regular basis", and it can include any walk which is specifically designed and carried out for the purpose of improving an individual's health. Horse riding and cycling also provide distinct opportunities for good exercise.

6.6.2 Problems associated with physical inactivity contribute to many forms of ill health. The World Health Organisation recommends regular walking and other activity to promote "good health, fitness and mental well being". Nationally, Natural England has launched a "Walk for Health" initiative.

6.6.3 Organised walks (brisk or not) can have a health impact on individuals by providing an opportunity to socialise (good social networks enhance health) and a distraction from everyday stresses (stress contributes to poor health).

6.6.4 Outdoor access provides excellent opportunities for people to be more active and so reduce the incidence of coronary heart disease, obesity and associated illnesses, which are costly to the health service. Informal use of public rights of way, the countryside sites and access land can play an important part in meeting the Department of Health "Game Plan" targets. New health initiatives might provide opportunities to try and secure alternative funding to improve routes and site improvements for recuperative and preventative exercise.

6.6.5 The provision of a basic infrastructure of paths that can be used for healthy walking and riding is at the core of the work of the county council's public rights of way team. Concentrating resources on providing a good basic network of public rights of way that users can access easily enables users to enjoy the opportunities that the network can provide.

6.6.6 While guided walks and rides as well as sponsored walks (e.g. the Meningitis Trust's annual Five Valleys Walk) and rides clearly encourage use of public rights of way and give people the confidence to explore their locality further and to benefit from the exercise so provided, these are provided mainly through existing voluntary organisations, for example the Cotswold Voluntary Wardens, local Rotary Clubs and parish councils. The Ramblers Association together with local walking groups and clubs also provide opportunities for guided and self-guided walks.

6.6.7 We will continue to tackle those network problems highlighted to us by organisers of such activities.

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## 6.7 BIODIVERSITY

### 6.7.1 Biodiversity Action Plan

6.7.1.1 The Gloucestershire Biodiversity Action Plan (BAP), produced in partnership with over 200 stakeholders, identified the actions to be taken to improve the future for Gloucestershire's biodiversity. The BAP has obvious links to the ROWIP given the public use and enjoyment of the natural environment. The BAP framework makes use of strong partnerships and shared priorities that already exist and which have the potential to make a positive difference.

6.7.1.2 Agriculture is the predominant land use in Gloucestershire, and farming practices have a significant effect on biodiversity and countryside access. With the advent of the single-farm payment it appears that environmental aims will continue to take priority.

6.7.1.3 New developments planned in the county will place further pressures on existing habitats and access opportunities, but some, such as the Cotswold Water Park, might also provide key opportunities for securing significant areas of habitat for improving biodiversity, which in turn can be enjoyed by members of the public. Both wildlife habitats and the public rights of way network need active management as neglect or poor management can rapidly lead to the loss of biodiversity value and reduce ease of use.

### 6.7.2 Natural Environment and Rural Communities Act 2006

The Natural Environment and Rural Communities Act extends the CROW biodiversity duty to public bodies and statutory undertakers to ensure due regard to the conservation of biodiversity.

### 6.7.3 Recommended practices

1. The PROW and Countryside Sites team will seek to fully meet their responsibilities set out in the overall Highways Maintenance Biodiversity Action Plan and in line with legal duties.
2. The PROW and Countryside Sites team will work closely with Natural England and the county ecologist on schemes that significantly impact on SSSIs.

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## 6.8 GLOUCESTERSHIRE LOCAL ACCESS FORUM

### 6.8.1 Overview

6.8.1.1 The GLAF is a valued statutory advisory body to the county council set up under the Countryside and Rights of Way Act 2000. Its main remit is to advise the council on 'the improvement of access in its area', though it also has a role in advising Natural England and a range of other bodies.

6.8.1.2 Gloucestershire County Council has involved the Gloucestershire Local Access Forum (GLAF) in the production of this Revised ROWIP.

6.8.1.3 The Gloucestershire Local Access Forum will continue to assist with dialogue on ROWIP matters through their network of contacts with national, regional and local organisations. Through their diversity of experience and interests, they will continue to provide practical advice on how the network could be improved for different types of users and in the interests of land management.

6.8.1.4 The Forum will be a useful sounding board for the county council to use when setting priorities for implementation of the ROWIP and monitoring reviewing progress.



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## **6.9. SUSTAINABLE TRANSPORT**

### **6.9.1 The Gloucestershire Local Transport Plan 3 (LTP3)**

6.9.1.1 The LTP sets out the transport strategy for Gloucestershire and the new revised Local Transport Plan LTP3 covers the period 2011-2026.

6.9.1.2 Public rights of way are part of the wider network of routes used by communities to get to and from workplaces, schools, local amenities as well as the wider countryside.

### **6.9.2 Recommended Practices**

1. Work to identify urban links to the PROW network and take advantage of opportunities to improve public rights of way that form part of the wider functional highway network.
2. Where undertaking or assisting with publicising the PROW network, take up opportunities to encourage people to use more sustainable transport.

## **6.10 ECONOMIC DEVELOPMENT AND REGENERATION**

6.10.1 Public rights of way make up a resource that forms an integral part of the tourism infrastructure and the economic activity in Gloucestershire.

6.10.2 The foot and mouth disease outbreak in 2001/02 demonstrated the value of countryside access to the tourist economy of the county and country. Public rights of way opportunities linked to economic development should be well integrated with sustainable transport networks to make them more accessible. Ultimately improved public rights of way could result in increased inward investment in the county through the spending activities of visitors.

### **6.10.2 Sustainable tourism initiatives**

6.10.2.1 National, regional and local organisations are working to develop tourism opportunities to help revitalise the rural economy. Gloucestershire First is leading the challenge to increase the amount of money being spent in rural Gloucestershire and to ensure that this income is recycled locally.

6.10.2.2 The three national trails that pass through Gloucestershire, and in particular the Cotswold Way, can have a positive effect on the rural economy and bring economic benefits to local communities along the route. Economic benefits can be generated through more investment in walking, riding and cycling networks.

6.10.2.3 We should continue to work with appropriate organisations to promote Gloucestershire's varied countryside and rights of way network to provide opportunities for outdoor recreation and tourism throughout the County.

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## **6.10.3 Gloucestershire First**

6.10.3.1 Gloucestershire First is a countywide economic partnership established to maintain a sustainable environment in which businesses can flourish and grow.

6.10.3.2 Gloucestershire's local authorities have identified the Leisure and Tourism sector as being the most important to the county as a whole.

## **6.10.4 Purchasing power**

6.4.10.1 The county council's PROW and Countryside Teams will, while conforming to purchasing regulations, aim to purchase locally produced and sourced materials and use local contractors in order to assist with the local economy.

## **6.10.5 Recommended Practices**

1. Use promotional opportunities to carry the Gloucestershire brand identity, including using the logo on signarms and on clothing where appropriate (and in line with corporate policies).

## 7. THE STATEMENT OF ACTIONS

### 7.1 WHAT IS THE STATEMENT OF ACTIONS?

7.1.1 The Countryside and Rights of Way Act 2000 requires every highway authority to *“prepare a statement of the actions they propose to take for the management of local public rights of way and for securing an improved network of local public rights of way, with particular regard to the matters dealt with in the assessment”*.

7.1.2 The statement of actions will be incorporated into the PROW section of the annual Unit Business Plan. This identifies the key tasks required to deliver the main actions for better management and improvement of the public rights of way network annually.

7.1.3 Key tasks have been set out in a table at section 8.2

### 7.2 INTEGRATION WITH THE LOCAL TRANSPORT PLAN

7.2.1.1 As part of the LTP, local authorities have to set out how their policies and proposals will meet objectives such as improvements to road safety, improvements to health and quality of the environment. The promotion of walking has an important role to play in achieving these objectives. The level of LTP funding is dependent upon the policies and proposals put in place and the performance of local authorities in reaching their local targets.

7.2.1.2 Walking can provide access to the greatest number of places and is the start and end to many longer distance journeys. Over 25% of all journeys are made on foot, and some 80% of journeys of under a mile. (Dft 2008)

## SECTION 8. RESOURCES

8.1.1 Local Highway Authorities already have duties under the Wildlife and Countryside Act 1981 and the Highways Act 1980 to keep the definitive map and statement of public rights of way up to date and to ensure that ways are adequately signposted, maintained and free from obstruction. Rights of Way Improvement Plans are intended to build on and support this essential core work.

8.1.2 Maintenance of public rights of way is a statutory duty whereas the improvement of rights of way is not. Improvements depend on the resources available and securing external funding for public rights of way improvement is challenging, with some external funding sources appearing reluctant to fund local authority proposed public rights of way works.

8.1.3 There is scope for working closely with developers and planners using opportunities such as Section 106 agreements to provide tangible improvements to the network.

8.1.4 Natural England continues to contribute towards national trail maintenance but it no longer assists with schemes that fund activities on the remainder of Gloucestershire's 3500 miles of path network.

8.1.5 Following a restructure of the public rights of way team the range of duties undertaken by the 'Operations Officers' has increased significantly. Operations Officers are now responsible for maintenance and protection and in addition, public path orders in their areas. Modification Orders are dealt with by only one individual.

8.1.6 An opportunity exists to make the most of the large number of volunteers willing and able to undertake minor maintenance of rights of way in the county. As part of the new coalition government's "Big Society" agenda, the county council will look to reinvigorate and develop these relationships and enable local people to have a greater say in the management of local paths.

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### 8.2 KEY TASKS

| KEY TASKS – Public Rights of Way Definitive Map  | Current Status   | Existing resource   | Potential growth items if funding becomes available   | Growth Priority |
|--|--|---|---|-----------------|
| 1. Keep the definitive map and statement up to date by processing modification order applications. | 129 unresolved applications and orders currently in 'queue'  | 1 Operations Officer  | 2 additional Operations Officers  | HIGH            |
| 2. Process public path order applications, including those for Cycle Tracks as appropriate.        | Currently have a throughput of some 60-100 orders a year along with a need to act as consultee to district council led Planning related applications.                | 6.5 full time equivalent Operations Officers undertaking area based work (Path orders form around 10-20% of their workload)       | 1 additional member of staff plus order costs etc (£40,000 pa) could deal with PPO applications each year to remove duty from Operations Officers | MEDIUM          |
| 3. Process temporary closures of public rights of way  | Approx 50 temporary closures dealt with each year. Closures will be assess based on risk to the public and formal legal closures pursued only where deemed necessary | The same 6.5 full time equivalent Operations Officers undertaking area based work (temp orders form around 10% of their workload) | n/a   | LOW             |
| 4. Provide and maintain an online web-based map service showing Public Rights of Way               | In place   | 0.1 fte to maintain good quality mapping for public viewing   | n/a   | LOW             |
| 5. Provide on line and paper registers of Modification Order applications and S31(6) depositions.  | In place   | 0.1 fte members of staff  | n/a   | LOW             |
| 6. Provide a computer based definitive map   | No activity currently  | None  | £60,000 pa but dependent on formal consolidation of the map.  | LOW             |

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| KEY TASKS – Public Rights of Way maintenance and enforcement   | Current Status  | Existing resource  | Potential growth items if funding becomes available   | Growth Priority |
|--|---|--|---|-----------------|
| <p>1. Maintaining the overall condition of the public rights of way network to an adequate standard as set out in Annex F achieving a 70% ease of use score.</p> <p>1.a Log, acknowledge and respond to customer reports in line with Gloucestershire County Council's Customer Service Standards.</p> | <p>Current achievement: ease of use score 79%.</p> <p>60% of customer reports dealt with. Inter-active webpage will enable customers to track there report to conclusion.</p> | <p>The same 6.5 full time equivalent Operations Officers undertaking area based work (Approx 60% of workload)</p>                        | <p>Additional works money £100,000 pa required to deal with basic annual maintenance requirements</p>   | <p>HIGH</p>     |
| <p>2. Refurbish and maintain 90% of PROW signposts</p>   | <p>Current achievement 90% (network survey 2008)</p>  | <p>Signs and posts etc, value £20,000<br/>Contractor costs - £30,000, total £50,000</p>  | <p>£40,000 pa required to maintain existing signs and signposts</p>   | <p>MEDIUM</p>   |
| <p>3. Ensure 95% of county's foot and bridle bridges are maintained to an acceptable standard</p>  | <p>Current achievement of 91% of the total number of bridges was classified as good or average in the 2008 survey.</p>  | <p>Approx £40,000 pa (part of 'works budget' mentioned above)</p>  | <p>Additional estimated £100,000 pa to improve bridges to an acceptable structural standard and in line with DDA</p>  | <p>HIGH</p>     |
| <p>4. Ensure that new gates on bridleways and restricted byways are suitable for all users, including horseriders</p>  | <p>Current practice is somewhat ad hoc and needs formalising.</p>   | <p>As required funding is drawn from the works revenue budget (at 1. above)</p>  | <p>Additional funding of £35,000 pa would enable pro-active work on this area of activity</p>   | <p>MEDIUM</p>   |
| <p>5. Inspect 10% of path network annually</p>   | <p>Currently done by existing staff</p>   | <p>The same 6.5 full time equivalent Operations Officers undertaking area based work (inspections form around 10% of their workload)</p> | <p>Additional funding equivalent to 2 FTE staff would allow a further 50% of the network to be surveyed annually so helping to protect the authority more effectively from claims</p> | <p>MEDIUM</p>   |

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|  |  |   |   |             |
|--|--|---|---|-------------|
| <p>6. Develop and reinvigorate the network of volunteers working on public rights of way, providing them with the training and tools to better maintain local paths.</p> | <p>Currently supported by 6.5 full time equivalent Operations Officers</p> | <p>A small budget along with existing officer time should make this achievable.</p> | <p>Additional funding could allow the better development and support of the volunteer network</p>   | <p>HIGH</p> |
| <p>7. Develop landowners and land manager awareness of their responsibilities for maintenance and the importance of public rights of way and public access to land.</p>  | <p>Currently supported by 6.5 full time equivalent Operations Officers</p> | <p>A small budget along with existing officer time should make this achievable.</p> | <p>Maintain support for small scale exhibitions at country shows. Maintain support for officers to attend out of office time meetings and seminars.</p> | <p>LOW</p>  |

## **SECTION 9. IMPLEMENTATION AND MONITORING**

### **9.1 IMPLEMENTATION OF THE RIGHTS OF WAY AND COUNTRYSIDE ACCESS IMPROVEMENT PLAN**

9.1.1 The plan is a working document informing the annual operational business plan and associated work programmes.

9.1.2 Both capital and revenue funding will be required to put any improvements into practice and to ensure their long-term maintenance. The Public Rights of Way Team will have to be innovative in sourcing funds to support the improvements. We will consider seeking funds from lottery bodies, the local transport plan, European schemes, and agri-environment schemes, subject to staff time being available to do so.

9.1.3 Successful bids will need to demonstrate that improvements not only benefit the public right of way network but objectives such as:

- Health,
- Reducing dependence on the car,
- Tourism,
- Economic development,
- Safe routes to school or work, and;
- Accessibility for those with limited or restricted mobility and for those who are socially excluded.

### **9.2 INVOLVEMENT OF LANDOWNERS IN IMPROVEMENTS TO THE NETWORK**

9.2.1 Any future improvements to the public rights of way network will require the continued support and understanding of landowners over which these rights of way exist.

9.2.2 Where possible we will secure improvements to the public rights of way network by mutual agreement and adopt a constructive approach to negotiations where landowners want to change the network through legal order. We will also use these requests as additional opportunities to further improve the network through creating or dedicating additional routes or upgrading existing ones to a higher status.

9.2.3 When making any of these improvements to the existing public rights of way network, we will seek to liaise with local landowners and managers.

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## **SECTION 10 METHODOLOGY**

10.1 This section sets out how we went about the process of putting together this ROWIP and how we will monitor it in the future.

### **10.2 THE RIGHTS OF WAY AND COUNTRYSIDE ACCESS IMPROVEMENT PLAN PROCESS**

10.2.1 The following contributed to the development of the plan:

- Local groups,
- Statutory and voluntary organisations, plus;
- The Gloucestershire Local Access Forum

### **10.3 REVIEWING THE ROWIP PROCESS**

10.3.1 Information will be made available through the Gloucestershire County Council website at [www.gloucestershire.gov.uk/prow](http://www.gloucestershire.gov.uk/prow).

10.3.2 Gloucestershire County Council will monitor the ROWIP and update the Gloucestershire Local Access Forum as necessary.

10.3.3 Gloucestershire County Council will inform their partners of ROWIP development issues through the appropriate meetings.

### **10.4 MONITORING THE RIGHTS OF WAY AND COUNTRYSIDE ACCESS IMPROVEMENT PLAN**

10.4.1 The Statement of Action will be implemented through the annual Operational Business Plan. Further, this information will be made available on the county council website.

10.4.2 Progress on implementing the plan will be featured on the county council website with a dedicated Rights of Way and Countryside Access Improvement Plan webpage. Further, we will work with the Local Transport Plan process to integrate any new aspects of the monitoring process.

## **SECTION 11. ANNEXES**

### **Contents**

Annex A: not used

Annex B: Walking and riding routes in Gloucestershire

Annex C: Priority guidelines for modification order applications

Annex D: Priority guidelines for public path orders

Annex E: Priority guidelines for managing the new access rights

Annex F: Priority guidelines for the maintenance and enforcement of public rights of way

Annex G: Legal duties and powers

Annex H: Consolidation and Digitisation of the Definitive Map

Annex I: Resources

Annex J: Glossary

## Annex B: Walking and riding routes in Gloucestershire

### National Trails

**Cotswold Way**, 102 miles – A national trail for walkers following the scarp edge of the Cotswolds between Chipping Campden and Bath. The way passes prehistoric sites and picturesque villages and offers breathtaking views.

**Offa's Dyke Path**, 177 miles – A national trail and walking route following the line of the great earthwork built by Offa, King of Mercia during the eighth century, running from Sedbury near Chepstow to Prestatyn, to mark the boundary of his kingdom.

**Thames Path**, 184 miles – A national trail for walkers meandering alongside the River Thames from its source near Kemble, through peaceful water meadows, past historic towns and villages, into the City of London, and ending at the Thames Barrier at Greenwich.

### Other Recreational Routes

**Gloucestershire Way**, 100 miles - The walk is a memorable journey through the diverse areas of the Forest of Dean, the Severn Vale and Cotswold. The route is well signposted.

**Heart of England Way**, 96 miles - A long distance footpath linking the Cotswold Way with the Staffordshire Way. The waymarked path travels from Milford via Lichfield, Henley-in-Arden, Alcester and Chipping Campden to Bourton-on-the-Water where it joins the Oxfordshire Way.

**Macmillan Way**, 290 miles - A long distance walk through rolling English countryside from Boston in Lincolnshire to Abbotsbury in Dorset, crossing the Cotswolds via Adlestrop, Lower Slaughter, Cold Aston, Turkdean, Chedworth, Sapperton, Tarlton, Cherington, Avening and Westonbirt.

**Monarch's Way**, 610 miles - A long distance walk following the escape route of King Charles II after his defeat at the battle of Worcester in 1651, across the Cotswolds to the south coast.

**Oxfordshire Way**, 65 miles - A medium distance path, which runs from Bourton-on-the-Water in east Gloucestershire, across rural Oxfordshire to Henley-on-Thames.

**Sabrina Way**, 200 miles – part of the growing National Bridle Route Network, developed by the British Horse Society and partner local authorities, and available to walkers, mountain bikers and horse riders. Its east end is at Great Barrington on the county boundary with Oxfordshire, where it links with the eastward bound Claude Duval Bridle Route and the projected West Oxfordshire Way bridle route (as well as the D'Arcy Dalton Way walking route); it runs for 44 miles west then north-west across Gloucestershire to the county boundary with Worcestershire at Forthampton, and continues north west and north to Hartington in Derbyshire where it links with the Pennine Bridleway. The Gloucestershire section of the Sabrina Way was officially opened by the Princess Royal in 2002. For more information: <http://www.ride-uk.org.uk/extent/natreg/sabrina.htm>

**Severn Way**, 210 miles - A long distance path tracing the route of Britain's longest river along the entire Severn Valley from its source to the sea. The way passes through meadows and orchards, past wetlands and marshes and runs near to Gloucester Docks.

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**Three Choirs Way**, 100 miles, a route running between the cathedral cities of Gloucester, Worcester and Hereford, linked to the annual music festival.

**Winchcombe Way**, A new route celebrating Winchcombe town's "Winchcombe Welcomes Walkers" accolade. Developed incorporate part of the former Wychavon Way, which is now entirely in Worcestershire.

**Wye Valley Walk**, 107 miles – A long distance footpath that follows the meandering route of the River Wye through steep stone gorges, dense woodland and open countryside between Chepstow and Rhayader. Only around four miles of the Walk is in Gloucestershire.

**Wysis Way**, 55 miles - A medium distance route linking the Rivers Wye, Severn and Thames and the national trails of Offa's Dyke Path and the Thames Path. It travels from the Wye Valley via the Forest of Dean, May Hill, Leadon Valley, Robinswood Hill, Bisley and the Frome Valley to Thameshead.

## **Longer promoted circular walks.**

**Cheltenham Circular Footpath**, 26 miles - A waymarked, circular walk that completely encircles Cheltenham, which was devised by Cheltenham Borough Council, the Ramblers' Association, the Rotary Club and the Cotswold Voluntary Wardens, working in partnership with Gloucestershire County Council.

**Daffodil Way**, 10 miles - A circular walk from Dymock through the wild daffodil country within the Windcross parishes in north-west Gloucestershire. Offers a wealth of woods and orchards, ponds and streams, meadows and fields. The best time to walk this route is in the early spring when the wild daffodils are in bloom.

**Glevum Way**, 27 miles - Circular walk around the outskirts of the city of Gloucester, originally devised by Mike Loach. The walk was completed and waymarked by the Gloucester Ramblers' Association as part of the RA's 60th anniversary celebrations in 1995.

**North Cotswold Diamond Way**, 60 miles - A circular walk through the beautiful North Cotswolds devised by members of the North Cotswold Group of the Ramblers' Association to celebrate 60 years of working for walkers, 1935 - 1995.

**Poets' Paths I and II**, 8 miles - Two circular walks from Dymock, taking in places of interest associated with the Dymock poets; Abercrombie, Brooke, Drinkwater, Gibson, Thomas and Frost.

**Wardens Way/ Windrush Way**, 13 miles each - Two linear routes which link Bourton-on-the-Water and Winchcombe. Together they form a circular route passing through the Slaughters, Guitings, Hawling and Aylworth.

## **Annex C: Priority Guidelines for Definitive Map Modification Orders made under section 53(5) of the Wildlife and Countryside Act**

The priority guidelines contained in this Annex are those to be used for determining the sequence within which a modification order application will be processed relative to other such applications. The priority guidelines shall be applied to all applications that are duly made in the form required by Schedule 14 of the Act, and includes claims that are awaiting determination, awaiting a made order, awaiting submission to the Secretary of State or final conformation.

The priority guidelines take into account the nature and level of use, the quality of evidence supporting the application, the effect of the application on the wider path network, the interests of the landowner, public safety and also the likely cost to the public for repair or future maintenance. The components are set out in more detail below.

When an application has been scored according to the criteria set out in this Annex, it is then given a priority scoring of 1, 2 or 3, with 1 being the highest and 3 the lowest. As evidence is discovered during the process, the priority of an application may be periodically re-assessed, and the scoring and priority assigned may be subject to change.

High priority applications (category 1) shall be dealt with before those that are medium priority, and medium priority applications shall be dealt with before those to which a low priority (category 3) has been given.

### **Criteria for Assessing Priority Scores**

#### **Part A- Quality of Evidence**

The following factor shall be taken into consideration:

- The application is supported by a substantial volume of user evidence, or by documentary evidence that supports the addition, deletion or change in status of a way shown on the Definitive Map & Statement (DM & S).

Applications supported by a high quality of evidence shall be accorded a greater score.

#### **Part B- Public Safety**

The following factor shall be taken into consideration:

- A confirmed order would significantly enhance public safety

A reduced overall score shall be allotted to an application that would have an adverse effect on public safety.

#### **Part C- Level of Use**

The following factors shall be taken into consideration:

- Evidence that there has been a high level of use of the path
- A route is not shown in the Definitive Map and Statement but has an anticipated high level of use if it were to be recorded on the DM & S.
- A route is shown in the Definitive Map and Statement with lower rights and the anticipated level of use would be greater if higher rights were to be recorded (multi user route)

#### **Part D- Positive Impact on the Network**

The following factors shall be taken into consideration:

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- The claimed way forms all or part of a missing link in the network
- The route forms part of a longer route e.g. a circular route or long distance route
- The way provides a high practical benefit to users e.g. gives access to shops, schools, community facilities or places of employment
- Whether the way gives access to, or significantly improves accessibility to, an area of access land.
- Where an anomaly in the DM & S would be resolved

## **Part E- Meeting Rights of Way Improvement Plan (ROWIP) Outcomes**

The following factors shall be taken into consideration:

- The way promotes access opportunities to a range of users
- Supports the walking and cycling strategies as set out by the Local Transport Plan (LTP)
- Changing the status of existing routes to create new capacity to meet need and demand
- Routes which would reduce fragmentation of the bridleway network, or provide safer links from riding centres or stables to local bridleways
- Meet any other agreed access or transport plan policy, strategy or initiative promoted or supported by the County Council

## **Part F- Development**

The following factors shall be taken into consideration:

- May be adversely affected by development before the claim is resolved, for example the construction of a permanent building, mineral workings or the loss of historic physical features if the way is not recorded as a public path
- Where a landowner wishing to develop land may be seriously prejudiced by the threat of a previously unrecorded right of way

## **Part G- Cost to the Public**

The following factor shall be taken into consideration:

- A route which if added to the DM & S or changed in status would expose the public to a significant cost either in repair or future maintenance, for example where it requires a bridge, extensive drainage work or repairs to the surface.

In such circumstances, a lower overall scoring shall be accorded to the application.

*Note- it is acknowledged that, owing to the number of claims made under s.53(5) of the 1981 Wildlife and Countryside Act and the current resources allocated to their resolution, the County Council has a backlog of such claims waiting to be dealt with. The purpose of these guidelines is to clarify, for applicants and officers alike, the basis on which, and order in which, such claims will be processed.*

## Annex D - Priority guidelines for public path orders

The priority guidelines contained in this Appendix are those to be used for determining the sequence within which a public path order application will be processed relative to other applications. That is, these guidelines will be used to determine the position of an application within the queue.

These priority guidelines have been drawn up as part of the Rights of Way and Countryside Access Improvement Plan.

Because of the different criteria that can be used to determine the priority that should be attributed to an application, for example, landowner interests, public interests, county council interests and so on, it would be inappropriate and misleading to create a single hierarchical "league table".

**The following priority guidelines should be seen rather as an equation made up of different criteria, all of which need to be taken into account in order to reach a final decision as to the queue position that an application should be accorded. The components of the equation are as follows:**

|        |                                |
|--------|--------------------------------|
| PART A | Landowner Interests            |
| PART B | Public Interests               |
| PART C | County Council Interests       |
| PART D | Nature and Level of Usage      |
| PART E | Environment and Sustainability |

Based upon the above components, each application will be given a priority of 1, 2 or 3, with 1 the highest and 3 the lowest. Once assigned a priority, the application will be processed in broadly chronological sequence within that priority group.

### **PART A – Landowner Interests**

The following factors may be taken into consideration:

- Applications associated with crime prevention or school security as defined by the Countryside and Rights of Way Act 2000 (CROW Act);
- Applications under the Town and Country Planning Act 1990 where the County Council is the Planning Authority;
- Applications from owners and occupiers of land used for agriculture, forestry and the breeding and keeping of horses as defined by the CROW Act;
- Applications that result from the threat of enforcement action;
- Applications where the definitive route is affected by long-term obstructions or where considerable works/ expenditure would be required from the applicant to open up the definitive route;
- Applications that are intended to overcome health and safety problems for the applicant, for example, diversion of a path out of a farmyard;

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- Applications that are fully paid for by the applicant;
- Applications that offer sizeable benefits to the applicant.

## **PART B - Public Interests**

The following factors may be taken into consideration:

- Applications that address public safety issues, for example, a diversion away from a track where vehicular use is a problem to walkers or riders, or a diversion away from a cliff edge;
- Applications that will provide a significant benefit to the public upon completion. For example, an improved path network, a wider more accommodating path or a more attractive path with improved views etc.
- Applications that result in the removal of circumstances that inhibit public use or enjoyment of the path, for example, a reduction in the number of stiles or gates, or diversion out of a “private” garden.

## **PART C - County Council Interests**

The following factors may be taken into consideration:

- County council sponsored applications under crime prevention or school security as defined by the CROW Act;
- Applications that form part of a Local Authority sponsored or supported scheme or project e.g. a cycletrack or National Trail scheme;
- Applications that address GCC legal responsibilities or offer a reduction in long or short-term maintenance costs;
- Path order(s) that are associated with a Modification Order application. For example, the creation of a new path using a path order in place of a modification order;
- Path order(s) intended to resolve definitive map anomalies that are causing problems for the highway authority, the public or landowner;

## **Part 4 - Nature and Level of Usage**

By order of priority:

### **1 Functional Routes**

Routes in daily use for access to local facilities, for example, shops, schools, places of work or residential property.

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## 2 Recreational Routes

- **National Trails & Regional Routes\***

- i) Including the Offa's Dyke Path, Thames Path, Cotswold Way, Severn Way, Heart of England Way, Wye Valley Walk, Oxfordshire Way, Wychavon Way, Gloucestershire Way, Wysis Way, Three Choirs Way, Monarch's Way and Sabrina Way

- **Publicised local walks and rides and other well used paths**

- ii) Numerous

\* To gain 'regional route' status a route should meet Highway Authority criteria including the publication of an approved route guide.

## 2. Other public rights of way

- Other Public Rights of Way

- i) All other public footpaths, bridleways, Restricted Byways and Byways which make up the remainder of the network

- 'Dead end' Public Rights of Way

- ii) Usually given a very low priority unless they provide access to a specific location such as a church, spring or viewpoint, or they join an 'unclaimed highway'

## PART E – Environment and Sustainability

Other considerations that will be taken into account include:

- Does the application affect a Scheduled Ancient Monument?
- Does the application affect a National Nature Reserve, Site of Special Scientific Interest or other designated conservation area?
- Will the application overcome nature conservation problems within a SSSI?
- Will there be an increase in the County Council's maintenance liabilities?

## Annex E: Priority guidelines for managing access rights

Although there has been little demand for activity in these areas the hierarchy set out below will be considered when access issues are addressed.

**CATEGORY 1 Sites** which have one or more of the following characteristics:

- Access sites that are available for public use and are identified as having health and safety issues that are likely to subject users to an unacceptably high level of risk, particularly where the danger is not readily apparent and the consequences are potentially serious.
- Large access sites that have a high recreational value and that receive or are expected to receive a relatively high number of visitors. Such sites will usually have significant parking facilities and be in close proximity to the main urban areas.
- Access sites where Natural England and GCC agree that the ecology is highly sensitive to visitor pressures and where consideration needs to be given to the introduction of appropriate management measures or access restrictions.

**CATEGORY 2 Sites** which have the following characteristics:

- Medium sized access sites that have a recognised recreational value and that receive or are expected to receive a moderate number of visitors; such sites will usually have some parking facilities and/or be in close proximity to a small town or large village.

**CATEGORY 3 Sites** - which have the following characteristics:

- Access sites that receive or are expected to receive a relatively low number of visitors; such sites will be characterised by having limited or no parking facilities and/or are relatively isolated from concentrated residential areas.

**CATEGORY 4 Sites** - which have the following characteristics:

- Access sites, which even though they might have some potential recreational value, are currently “island sites” and other access sites or parts of sites with no existing legally defined public access.

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**CATEGORY 5 Sites** - which have the following characteristics:

- Very small areas of registered common, which have very little or no recreational value, e.g. areas of roadside verge.

In addition to the above, it is intended that where opportunities arise to respond to positive access initiatives, (e.g. an offer by a land manager to establish a public right of way or a permissive route to an access site, or a request to install a pedestrian gate in the boundary of an access parcel to facilitate public access), the access authority will look to do so if resources permit.

Finally it should be noted that all access sites or parts of sites which fall into the category of “Section 15” land, as set out in the Countryside and Rights of Way Act, will for the time being be excluded from the above priority system as the access authority has no specific statutory jurisdiction for managing public access to them.

## **Annex F: Priority guidelines for public rights of way maintenance and enforcement**

The priority guidelines contained in this annex are those used for determining the response to “reports about defects or deficiencies” and “requests for action” received from the public regarding the maintenance and protection of the path network.

Because of the different criteria that can be used to determine the priority that should be attributed to any particular “Defect Report” or “Request for Action”, for example, level of usage, statutory duty, likelihood of an accident, resource availability, type of obstruction, nature of maintenance requirement and so on, it would be inappropriate and misleading to create a single hierarchical "league table".

**The following priority guidelines should be seen as an equation made up of different criteria, all of which need to be taken into account in order to reach a final decision as to what urgency a complaint or request for action should be accorded. The components of the equation are as follows:**

Part F.1 - Accidents/Claims

Part F.2 - Obstructions and Nuisances

Part F.3 - Maintenance and Improvement

Part F.4 - Nature and Level of Usage

Part F.5 - Requests for Authorisation and Advice

### **Part F.1 - Accidents/Claims**

In carrying out Statutory Duties to safeguard and maintain public rights of way the following factors are taken into account:

#### **a. Accidents and/or claims against the county council**

- In those cases where an accident has occurred, resulting in personal injury, there should be an immediate response from the Public Rights of Way Team.
- The public right of way in question should be inspected and measures taken to alleviate any danger.
- If it is not possible to make the public right of way reasonably safe for public use it should be closed, fenced if necessary and appropriate signs erected.
- The Public Rights of Way Manager should be informed. If considered necessary an ‘Emergency Closure Order’ should be made in liaison with the Legal Services department. However the priority should be to make the site safe or to make it inaccessible to the public.

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## **b. Presence of danger likely to cause injury to the public**

It is acknowledged that determining whether or not there is an actual danger to members of the public can be very difficult from initial reports received. In many cases dangers are more perceived than real. Conversely, some individuals make light of potentially serious problems.

## **Part F.2 - Obstructions and Nuisances**

In determining what priority the removal of any particular type of obstruction should warrant, the following is taken into account:

- The degree to which passage is impeded. Can users pass around the obstruction without trespassing on another landowner's property? Alternatively, can they remove sufficient in order to get by without causing unnecessary damage?
- Has the obstruction been wilfully erected?
- Is the person who is responsible for the obstruction a persistent offender or is it a 'first offence'?

### **a. Obstructions - order of priority**

- Permanent Development, whether residential or agricultural.
- Ditches, excavation works, pollution.
- Hedges, fences, barbed wire, permanent electric fences across PROW
- Barriers to prevent entry, such as bunds, farm machinery, & ditches
- Felled or fallen timber
- Locked gates
- Ploughing or other disturbance as referred to in the Rights of Way Act 1990
- Stiles or gates out of repair or difficult to use
- Encroachment on width — temporary low priority/permanent higher priority
- Outdoor agricultural storage — straw bales, manure heaps, silage
- Temporary electric fences

### **b. Nuisances — order of priority**

- Dangerous animals — specifically unlawful bulls as per the Wildlife and Countryside Act, 1981 section 59 and dangerous dogs referred to in the Dangerous Dogs Act, 1989, and other animals known to be a danger
- Unauthorised motor events
- Shooting
- Other leisure pursuits, for example golf, paint ball or "war games"
- Misleading Notices likely to deter users

## **Part F.3 - Maintenance**

The highway authority is under a duty to put a highway in such repair as to be reasonably passable for the ordinary traffic of the neighbourhood at all seasons of the year. The aim is therefore to maintain public rights of way in such a state "as to be safe and fit for ordinary public traffic". The type of maintenance required will vary from path to path and the aim should be to maintain a surface that is in keeping with the surroundings.

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## a) Order of priority for ordinary maintenance work on PROW

- Maintain and erect bridges
- Ensure the surface is adequately drained
- Maintain the surface so that it is reasonably level and compact, (macadam is only applied in exceptional circumstances).
- Maintain existing flights of steps and handrails.
- Maintain and erect signposts and waymarks.
- Clearance of natural vegetation growing from the surface of public rights of way.
- Maintain revetting walls below and retaining walls above the surface where they are the responsibility of the highway authority. (In practice many revetting and retaining walls are privately maintainable.)

## b) Other questions which need to be asked include:

- Does the path cross a Scheduled Ancient Monument?
- Does it pass through a National Nature Reserve, Site of Special Scientific Interest or other designated conservation area?
- Does it affect a badger sett, bats or other protected species?

Appropriate consent should be obtained if any of the above applies.

## Part F.4 - Nature and Level of Usage

By order of priority:

### 1. Functional Routes

Routes in daily use for access to local facilities, for example, shops, schools, places of work or residential property.

**2. Recreational Routes**, including national trails, regional routes and local circular walks and rides.

### 3. Other public rights of way

All other public footpaths, bridleways, restricted byways and BOATs which go to make up the remainder of the network.

## Part F.5 - Requests for Authorisation and Advice

When appropriate and lawful the highway authority may give applicants consent - often subject to a range of conditions - to:-

- disturb the surface of a PROW — so that utilities may be installed, for example.
- install new stiles or gates across footpaths or bridleways where none previously existed
- enclose public rights of way
- allow events, trials, fairs, displays
- allow private vehicular use

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Whenever possible the Highway Authority gives advice:-

- concerning the location or route of public rights of way
- about legal rights and responsibilities
- on works or structure specifications

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## Annex G. Legal Duties and Powers

Below are listed the principal duties and powers falling to the county council relating to public rights of way.

### Definitive map and statement and related activities – duties, powers.

|               |   |
|---------------|---|
| <b>Duties</b> | <ul style="list-style-type: none"> <li>• To keep the definitive map and statement under continuous review [Wildlife and Countryside Act 1981, (WCA 1981) section 53; modified by Countryside and Rights of Way Act 2000 (CROW 2000) section 53*]</li> <li>• To consider applications from certain landowners for a public path diversion or extinguishment order, (new sections 118ZA, 119ZA and 121 A-D to be inserted into HA 1980 by CROW 2000 Sch 6, 7-10; timescale uncertain.)</li> <li>• To keep a register of applications for diversions and extinguishment orders, for modification orders and of section 31(6) depositions, (to be inserted by CROW 2000 - timetable uncertain)</li> </ul>   |
| <b>Powers</b> | <ul style="list-style-type: none"> <li>• To consolidate the definitive map, [WCA 1981 section 57].</li> <li>• To create footpaths and bridleways by agreement with compensation or compulsory purchase, [HA 1980 sections 25/26].</li> <li>• To make an order stopping up footpath/s or bridleway/s, [HA 1980 section 118].</li> <li>• To make an order stopping up footpath/s or bridleway/s which cross a railway, [HA 1980 section 118A].</li> <li>• To make an order diverting footpath/s or bridleway/s, [HA 1980 s119].</li> <li>• To make an order diverting footpath/s or bridleway/s which crosses a railway, [HA 1980 section 119A].</li> <li>• To stop up or divert footpaths or bridleways if satisfied it is necessary to enable development to be carried out, [Town and Country Planning Act 1990, (TCPA 1990) section 257]</li> <li>• To stop up or divert footpaths or bridleways temporarily if satisfied it is necessary to enable minerals to be worked and can be restored [TCPA 1990 section 261].</li> <li>• To make a cycle tracks order under the Cycle Tracks Act 1984 section 3 to upgrade a public footpath to a cycletrack.</li> </ul> |

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## Maintenance of public rights of way - duties, powers.

|                      |   |
|----------------------|---|
| <p><b>Duties</b></p> | <ul style="list-style-type: none"> <li>• To assert and protect the rights of public to the use and enjoyment of any highway including a duty to prevent, as far as possible, the stopping up or obstruction of highways, [HA 1980 section 130 and 130A].</li> <li>• To maintain highways maintainable at public expense, [HA 1980 section 41].</li> <li>• To prosecute re: disturbance of surface where desirable in the public interest, [HA 1980 section 131A; inserted by Rights of Way Act 1990 (RWA 1990) section 1].</li> <li>• To enforce provision re: ploughing of footpaths or bridleways [HA 1980 section 134; amended RWA 1990 section 1].</li> <li>• To remove snow or soil where it forms an obstruction [HA 1980 section 150].</li> <li>• To erect and maintain signposts where any footpath, bridleway, restricted byway or byway open to all traffic (BOAT) leaves a metalled road. [CA 1968 section 27].</li> <li>• To erect such signposts if in the opinion of the Highway Authority this is required to assist persons unfamiliar with the locality to follow the way [CA 1968 section 27].</li> <li>• To have regard to the needs of people with mobility problems when authorising stiles, etc. on footpaths, [CROW 2000 section 69].</li> </ul>   |
| <p><b>Powers</b></p> | <ul style="list-style-type: none"> <li>• To erect/maintain signposts along any footpath, bridleway, restricted byway or byway open to all traffic, [CA 1968 section 27].</li> <li>• To adopt, i.e. become responsible for maintenance of, highways by agreement, [HA 1980 section 38].</li> <li>• To improve highways, [HA 1980 section 62].</li> <li>• To widen highways, [HA 1980 section 72].</li> <li>• To construct a bridge to carry a public path, [HA 1980 section 91].</li> <li>• To reconstruct a bridge forming part of a public path, [HA 1980 section 92].</li> <li>• To drain highways, [HA 1980 section 100].</li> <li>• To remove unauthorised marks, [HA 1980 section 132].</li> <li>• To remove structures, [HA 1980 section 143].</li> <li>• To repair stiles, etc, [HA 1980 section 146].</li> <li>• To require cutting or felling of trees or hedges that are overhanging or a danger, [HA 1980 section 154; amended CROW 2000 section 65].</li> <li>• To provide safety barriers on a cycle track, [CTA 1984 section 4].</li> <li>• To make traffic regulation orders, [Road Traffic Regulation Act 1984, (RTRA 1984) section 1].</li> <li>• To make a temporary traffic regulation order during works, [RTRA 1984 section 14].</li> <li>• To enter land in connection with traffic signs, [RTRA 1984 section 71].</li> </ul> |

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## Enforcement and prosecution - duties, powers

|               |  |
|---------------|--|
| <b>Duties</b> | <ul style="list-style-type: none"> <li>To assert and protect the rights of public to the use and enjoyment of any highway including a duty to prevent, as far as possible, the stopping up or obstruction of highways, [HA 1980 section 130; amended CROW 2000 section 63].</li> <li>To prosecute re: disturbance of surface where desirable in the public interest, [HA 1980 section 131A, inserted by Rights of Way Act 1990 (RWA 1990) section 1].</li> <li>To enforce provision re: ploughing of footpaths or bridleways, [HA 1980 section 134; amended RWA 1990 section 1].</li> </ul>  |
| <b>Powers</b> | <ul style="list-style-type: none"> <li>To prosecute if expedient for the promotion and protection of the interests of the inhabitants of the area, [Local Government Act 1972 section 222].</li> <li>To remove unauthorised marks, [HA 1980 section 132].</li> <li>To remove structures, [HA 1980 section 143].</li> <li>To repair stiles, etc. [HA 1980 section 146].</li> <li>To require cutting or felling of trees or hedges that are overhanging or a danger, [HA 1980 section 154; amended CROW 2000 section 65].</li> <li>To require removal of barbed wire, [HA 1980 section 164].</li> <li>To make Traffic Regulation Orders, [Road Traffic Regulation Act 1984 (RTRA 1984) section 1].</li> <li>To make a temporary Traffic Regulation Order during works, [RTRA 1984 section 14].</li> <li>To require removal of signs, [RTRA 1984 section 69].</li> <li>To enter land in connection with traffic signs, [RTRA 1984 section 71].</li> </ul> |

## Public rights of way infrastructure – duties, powers.

|               |  |
|---------------|--|
| <b>Duties</b> | <ul style="list-style-type: none"> <li>To assert and protect the rights of public to the use and enjoyment of any highway including a duty to prevent, as far as possible, the stopping up or obstruction of highways [HA 1980 section 130; amended CROW 2000 section 63].</li> <li>To maintain highways maintainable at public expense [HA 1980 section 41].</li> </ul> |
| <b>Powers</b> | <ul style="list-style-type: none"> <li>Many and varied</li> </ul>  |

## Access Land - duties, powers.

|               |   |
|---------------|---|
| <b>Duties</b> | None  |
| <b>Powers</b> | <ul style="list-style-type: none"> <li>Making of bylaws, (CROW 2000 section17)</li> <li>Appointing of wardens, (CROW 2000 section18)</li> <li>Erection and maintenance of notices indicating boundaries, (CROW 2000 section19).</li> <li>Provision of “means of access” to access land sites, including island sites, (CROW 2000 section 35).</li> <li>Making access to island sites through legal process (CROW 2000 sections 37,38, 39).</li> <li>Entering into agreements regarding the provision of means of access to land, (CROW 2000 section 33)</li> <li>Undertaking necessary works if such an agreement cannot be reached, (CROW 2000 section 36).</li> </ul> |

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## Education and awareness – duties, powers.

|               |  |
|---------------|--|
| <b>Duties</b> | <ul style="list-style-type: none"> <li>• Every surveying authority shall take such steps as they consider expedient for bringing to the attention of the public the effect of section 47 (2) and 48 (8) of CROW 2000, (the blanket reclassification of roads used as public paths to restricted byways).</li> </ul>  |
| <b>Powers</b> | <ul style="list-style-type: none"> <li>• An access authority may appoint wardens as respects access land in their area, for certain prescribed purposes, including securing compliance with bylaws, to enforce any exclusion etc., and to advise and assist the public and persons interested in access land (CROW 2000 s18).</li> <li>• An access authority may erect and maintain notices indicating the boundaries of access land and excepted land, notices informing the public of any restrictions in place, and any other matters it considers appropriate, CROW 2000 s19 (1-4).</li> </ul> |

## Community safety – duties, powers .

|               |  |
|---------------|--|
| <b>Duties</b> | <ul style="list-style-type: none"> <li>• To provide footways by carriageways where necessary or desirable for the safety or accommodation of pedestrians, [HA 1980 section 66].</li> <li>• To provide adequate grass or other margins by a carriageway where necessary or desirable for the safety or accommodation of ridden horses [HA 1980 section71].</li> <li>• To have regard to the needs of people with mobility problems when authorising stiles etc. [CROW 2000 section 69].</li> </ul>  |
| <b>Powers</b> | <ul style="list-style-type: none"> <li>• To create footpaths and bridleways by agreement or order, with compensation [HA 1980 section 25/26].</li> <li>• To improve highways [HA 1980 section 62].</li> <li>• To provide on a footpath safety barriers for safeguarding persons using the highway [HA80 section 66; amended CROW 2000 section70*].</li> <li>• To designate a footpath (by order) as a cycle track [Cycle Tracks Act 1984, (CTA 1984) section 3].</li> <li>• To provide safety barriers on a cycle track [CTA 1984 section 4].</li> <li>• To serve notice on an owner of land to execute any necessary work or protection, etc. to obviate a danger alongside a street, (HA 1980 section165). Note - power available to local authority, i.e. district council, in first instance.</li> <li>• To make a special diversion order or extinguishment order for the purposes of crime prevention and school security, HA 1980 sections118B/C and119B/C.</li> <li>• To make a Rail Crossing Order to divert or extinguish a public footpath or bridleway crossing a railway, HA 1980 section 118a &amp; 119a, as amended.</li> <li>• Local Government Act 2000 section 2(1). Every local authority has the power to do anything which they consider is likely to achieve any one or more of the following objects: (a) the promotion or improvement of the economic well-being of their area; (b) the promotion or improvement of the social well-being of their area, and; (c) the promotion or improvement of the environmental well-being of their area.</li> <li>• Under the Health and Safety at Work Act 1974 both the county council and landowners have a duty, to ensure as far as is reasonably practicable, that the public are not exposed to any risks to their health and safety.</li> </ul> |

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## Social inclusion and access for all duties, powers and policies.

|               |   |
|---------------|---|
| <b>Duties</b> | <ul style="list-style-type: none"> <li>To have regard to the needs of people with mobility problems when authorising stiles, etc, [CROW 2000 section 69*]. (Not in force at time of printing – expected to be commenced in 2005).</li> <li>HA 1980 section 147 to ensure that no undue interference is caused to users by the construction of a new stile gate or other work erected across a public footpath for certain reasons.</li> <li>To have regard to the needs of disabled and blind persons in executing street works, [HA 1980 section 175A].</li> <li>Disability Discrimination Act 1995: As a service provider to have reasonable regard to the needs of disabled users when providing services.</li> <li>Race Relations Act 1976 section 19B, (RRA76), as amended (1). It is unlawful for a public authority in carrying out any functions of the authority to do any act which constitutes discrimination.</li> <li>RRA 1976 section 71(1)(b). Everybody shall, in carrying out its functions, have due regard to the need to promote equality of opportunity and good relations between persons of different racial groups</li> </ul> |
| <b>Powers</b> | <ul style="list-style-type: none"> <li>To improve highways, [HA 1980 section 62].</li> <li>To provide on a footpath safety barriers for safeguarding persons using the highway [HA 1980 section 66; amended CROW 2000 section 70*].</li> <li>To widen highways [HA 1980 section 72].</li> <li>Local Government Act 2000 section 2(1) Every local authority has the power to do anything which they consider is likely to achieve any one or more of the following objects: (a) the promotion or improvement of the economic well-being of their area; (b) the promotion or improvement of the social well-being of their area, and; (c) the promotion or improvement of the environmental well-being of their area.</li> </ul>  |

## Land manager liaison – duties, powers.

|               |  |
|---------------|--|
| <b>Duties</b> | <ul style="list-style-type: none"> <li>Highway authority shall contribute towards the cost incurred by owners in maintaining stiles and gates, (HA 1980, section 146(4)).</li> </ul> |
| <b>Powers</b> | <ul style="list-style-type: none"> <li></li> </ul>   |

## Partnership working – duties, powers.

|               |  |
|---------------|--|
| <b>Duties</b> | <ul style="list-style-type: none"> <li>To establish a Local Access Forum (CROW2000 s94)</li> </ul> |
| <b>Powers</b> | <ul style="list-style-type: none"> <li></li> </ul>   |

## Economic development and regeneration – duties, powers.

|               |  |
|---------------|--|
| <b>Duties</b> | <ul style="list-style-type: none"> <li></li> </ul>   |
| <b>Powers</b> | <ul style="list-style-type: none"> <li>Local Government Act 2000 section 2(1). Every local authority has the power to do anything which they consider is likely to achieve any one or more of the following objects: the promotion or improvement of the economic well-being of their area, (etc)</li> </ul> |

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## Permissive access in the countryside - duties, powers.

|               |   |
|---------------|---|
| <b>Duties</b> | <ul style="list-style-type: none"> <li>• None</li> </ul>  |
| <b>Powers</b> | <ul style="list-style-type: none"> <li>• The Public Health and Open Spaces Act 1906 enabled local authorities to purchase any land as public open space.</li> <li>• CA1968 section 7 allows local authorities to purchase and provide country parks. •</li> <li>• Commons with no registered owner may be 'protected against unlawful interference' by any local authority, in effect acting as a substitute for a landowner (s9 CRA65).</li> </ul> |

## Gloucestershire Local Access Forum – the legal framework

|               |   |
|---------------|---|
| <b>Duties</b> | <ul style="list-style-type: none"> <li>• Appointing authority (Gloucestershire County Council) to establish a Local Access Forum [CROW 2000 section 94(1)].</li> <li>• It is the function of the LAF to advise the appointing authority (GCC) and the relevant authority, (the Countryside Agency and the Forestry Commission), as to the improvement of public access to land in the area for the purposes of open-air recreation and the enjoyment of the area, and as to other matters as may be prescribed, (CROW 2000 section 94(4)).</li> <li>• Before giving a direction under section 24, 25 or 26, (to exclude or restrict access to access land), the relevant authority, (i.e. the Countryside Agency or Forestry Commission), shall consult the LAF, (CROW 2000 section 27(1)).</li> <li>• Access authority to consult the LAF before making bylaws regarding access land, (CROW 2000 section 17(3)).</li> <li>• Access authority to consult with LAF before appointing persons to act as wardens for access land, (CROW 2000 section 18(2)).</li> <li>• Before preparing or reviewing a ROWIP the access authority shall consult the LAF for the area, (CROW 2000 section 61(e)).</li> </ul> |
| <b>Powers</b> |   |

## Planning – duties, powers.

|               |  |
|---------------|--|
| <b>Duties</b> | <ul style="list-style-type: none"> <li>• To survey new paths agreed by a planning authority [Highways Act 1980 (HA 1980) section 27].</li> </ul>   |
| <b>Powers</b> | <ul style="list-style-type: none"> <li>• To stop up or divert footpaths or bridleways if satisfied it is necessary to enable development to be carried out, [Town and Country Planning Act 1990 (TCPA 1990) section 257].</li> <li>• To stop up or divert footpaths or bridleways temporarily if satisfied it is necessary to enable minerals to be worked and can be restored [TCPA 1990 section 261].</li> </ul> |

## Biodiversity – duties, powers.

|               |   |
|---------------|---|
| <b>Duties</b> | <ul style="list-style-type: none"> <li>• To take reasonable steps to further conservation and enhancement of the defining features of an SSSI, where exercise of its functions is likely to affect those features. CROW 2000 Schedule 9 Para. 28G.</li> <li>• To notify English Nature before carrying out, or granting permission for the carrying out of operations likely to damage such features; and to comply with certain requirements if it then intends to act otherwise than in accordance with their wishes. CROW 2000 Sch. 9 Para. 28H and 28I.</li> <li>• To enhance and protect biodiversity (NERC Act 2006)</li> </ul> |
| <b>Powers</b> | <ul style="list-style-type: none"> <li>• To make a diversion order, on application by English Nature, to prevent damage to the defining features of an SSSI. Highways Act 1980 s. 119D, inserted by CROW 2000 Sch. 6 Para 11.</li> <li>• Local Government Act 2000 section 2(1). Every local authority has the power to do anything which they consider is likely to achieve any one or more of the following objectives: the promotion or improvement of the environmental well-being of their area.</li> </ul>  |

# Rights of Way and Countryside Access Improvement Plan 2011-2026

## Annex H Digitisation and Consolidation of the Definitive Map and Statement

### Introduction

This paper summarises the requirements for the digitisation and consolidation of the Definitive Map of public rights of way. A detailed report was produced in December 2004 at the request of the Public Rights of Way Manager, and a copy of this was published within the first ROWIP. This summary paper includes a number of updates that are now apparent since the detailed report was issued.

### Background

Digitisation of the definitive map refers to making the information from the paper map available to users that have access to a computer. The information from the map is displayed using a GIS system (Geographic Information System).

Consolidation refers to publishing an updated definitive map, using a modern map base, whilst including all legal path changes that have occurred up to the date of republication.

Gloucestershire's existing definitive maps use Ordnance Survey maps largely from the 1950s (which cannot show the last 60 years of land development), and do not easily show the legal path changes that have occurred during this period.

## DIGITISATION

### The Legal Position on Digitisation

The investigations undertaken have revealed that it is not possible within the current law to move to a wholly digitised definitive map and dispense with a paper copy. Current law requires that any digitised definitive map must be reproduced onto hardcopy to perform its role as a legal document. There is no problem, however, in storing the data from which the definitive map is printed in a digital format.

### Digitised mapping and Ordnance Survey PAI

A digitised map of paths for Gloucestershire was made available to the public in 2006. The public can view this digitised map from the Gloucestershire County Council website ([www.gloucestershire.gov.uk/prow](http://www.gloucestershire.gov.uk/prow)). This digitised map shows paths from the definitive map, plus most legal path changes at that date. However, this digitised map is not the definitive map, as the lengthy legal processes required to bring such a map into being have not been carried out.

To provide the required high confidence level in the quality of the digitised path layer to enable a fully digitised definitive map to be released to the public, a further detailed checking phase to verify routes will also be required. Precise costs and timescales for this are not known at this time, but for example, additional verification is likely to be required where there has been considerable development of the land since publication of the original definitive map.

### Map Scale

Eventually Gloucestershire would aim to publish an updated definitive map from the digitised data on loose-leaf A1 sheets within ring-binders. The map base will be the latest available from Ordnance Survey, and this will provide immediate benefits to all users by representing the latest landscape features on the ground. Each map sheet would be sealed by the County Solicitor, and

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made available to the public upon request. A working copy of the sealed maps would be available to the public.

Initially, a map scale of 1:10,000 is likely to be retained, close to the scale of 1:10,560 at which the maps were published in the 1950's.. To publish the map at a larger scale e.g. 1:5,000 will require verification back to original source documents such as the 1923 maps from which some of the detail in the definitive map was derived. This will only be possible if resources can be found to undertake a significant route verification exercise. With the current volumes of legal path changes in progress, and the resources required to consolidate and re-publish at 1:10,000 scale, it is highly unlikely in the foreseeable future that Gloucestershire will move away from its current map base of 1:10,000 scale.

## **CONSOLIDATION**

### **Previous Consolidation Work Undertaken**

There have been two previous projects undertaken in an attempt to consolidate the definitive map. The first project began in the 1980s and the second began in the 1990s. Unfortunately, both projects failed to run to completion and in effect Gloucestershire's definitive map remains unconsolidated and not updated. However, both projects have collated some good information that will benefit a future consolidation exercise.

### **Estimate of Consolidation Task Size**

The Milestones Statement 1996 provided an estimate for the resources required to undertake consolidation of the definitive map. The estimate provided was 10 person-years.

The investigations undertaken in 2004 provided a broad-brush update to these estimates and reduced the man-year estimates from 10 to 6 person-years. This is despite a 20% increase in the number of confirmed path orders since 1996. The rationale for reducing the estimate is based upon both the consolidation work already undertaken, and improved computer applications that are making the data collation easier.

### **Suggested format for Consolidation exercises**

The detail behind the consolidation methodology has yet to be drafted, and until this is done and resources can be made available a consolidation exercise cannot commence. At this time, it is envisaged that after one major consolidation exercise to bring the definitive map up-to-date, there will be an on-going consolidation programme. The exact nature of the process is yet to be defined but this could be on a rolling parish by parish basis.

## **CONCLUSIONS**

### **Digitisation and Consolidation are linked exercises**

Digitisation and consolidation of the definitive map are linked exercises, and to a degree should run as parallel projects. This is because the digitised map base within Gloucestershire's GIS system contains paths that are not yet consolidated into the definitive map. Therefore consolidation must happen in order to release an up-to-date definitive map from the digitised data.

Both digitisation and consolidation will be on-going processes, directly linked to the sequence and volume of confirmed legal path changes.

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## **Protection of Existing Definitive Maps**

Until the definitive maps are digitised and consolidated, the existing maps will be afforded greater protection both from the daily use they sustain, and to reduce the possibility of theft of these important legal documents. Polyester film pockets and new map book covers have now been used to provide better protection to the maps. Some protection from theft will be provided by fitting a security key-pad to the door of the Shire Hall Map Room.

## **National Standards for Definitive Maps**

Definitive maps vary in their format between counties. This variation is largely in terms of the map scale used for the map, and the detail included within the definitive statement (the description for each path). Whilst the Countryside Agency undertook a comprehensive study in 2003 into the possibility of introducing national standards, their conclusion was that currently there are no national standards for the definitive map, and these are unlikely to be available in the foreseeable future.

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## Annex I. Glossary

A quick guide to many terms used in this Plan.

**Access Authority:** Access authorities are usually local highway authorities. Access authorities have a range of powers to enable, and manage, access in their areas. These include powers to put up notices and signs, to improve entrance points to the land and to make new byelaws. They also have powers to appoint wardens to, among other things, secure compliance with byelaws, restrictions and exclusions, and to advise and assist the public and land managers.

**Access Land:** Land where the public normally have a right of access on foot under the CROW Act. Access Land includes open country (areas of mountain, moor, heath and down), registered common land and land dedicated for the purpose by its owner. Access rights provided by legislation other than the CROW Act can be for higher rights.

**Areas of Outstanding Natural Beauty (AONBs):** Areas designated by Natural England under the National Parks and Access to the Countryside Act 1949 as being of national importance for their natural beauty, including flora, fauna, geology and landscape, which should be conserved and enhanced. There are three that affect Gloucestershire. The Cotswolds AONB is the largest such body in the country, the Wye Valley AONB covers the westernmost part of the county, and the Malvern Hills AONB.

**Best Value Performance Indicator (BVPI):** A former national measure of performance set by central government that allows comparison between authorities. BVPI 178 is a measure of ease of use of public rights of way.

**Byway Open to All Traffic (BOAT):** A public right of way used predominantly by walkers, horse-riders and cyclists but which may also be used by motor vehicles.

**Creation Agreement:** An agreement made between a local authority and any person that has the capacity to dedicate a footpath or bridleway in its area.

**Creation Order:** An order made by a local authority to create a footpath or bridleway.

**Cross Compliance:** The conditions that a producer must respect (maintain their land in good agricultural and environmental condition and complying with requirements relating to the environment, public and plant health, and animal health and welfare) in return for support under the Single Payment Scheme (q.v.).

**CROW Act:** The Countryside and Rights of Way Act 2000.

**Cycle Route:** A term used to describe a continuous route that is promoted for cyclists. Such a route is likely to be made up of roads, cycle tracks, cycle lanes and shared-use routes.

**Cycle Track:** A public right of way on pedal cycles with or without a right of way on foot. A cycle track may run alongside a carriageway or it may be off-road.

**Cycle Track Order:** An order made by a local highway authority to designate a public footpath as a Cycle Track.

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**Definitive Map:** The legal record of public rights of way (footpaths, bridleways, restricted byways and byways open to all traffic).

**Definitive Statement:** The statement which accompanies the Definitive Map, describing in detail the rights of way.

**DEFRA:** Department for Environment, Food and Rural Affairs.

**Discovering Lost Ways Project:** A national project which aimed to work systematically towards a Definitive Map which reflects existing rights. Pilots showed the process to be cumbersome and not “fit for purpose” while throwing up a range of other concerns. The work of the project has been halted and the legislation issue taken up by a national Stakeholder Working Group that will report to Natural England.

**Diversion Order:** An order made by a local authority to alter the route of a footpath or bridleway.

**Environmental Stewardship:** An agri-environment scheme which provides funding to farmers and other land managers in England who deliver effective environmental management of their land. A primary objective of the scheme is to promote public access and understanding of the countryside. Environmental Stewardship requires land managers to maintain existing public rights of way and abide by the relevant legislation.

**Extinguishment Order:** An order made by a local authority to permanently close a footpath or bridleway.

**Hectare** An area of land equal to 10,000 square metres (for example, 100 metres by 100 metres) and equivalent to 2.47 acres.

**Highway Authority:** The authority responsible for managing the highway network (including public rights of way) in its area.

**Local Access Forums (LAFs):** Advisory bodies established by the local highway authority under the CROW Act to advise on the improvement of public access to land for the purpose of open-air recreation and enjoyment of the area. The Gloucestershire Local Access Forum is the only Local Access Forum in the county.

**Local Authority:** The highway authority and also any district, city or borough council.

**Local Transport Plan (LTP):** A plan produced by the local highway authority to co-ordinate and improve local transport provision. This is a requirement of the Transport Act 2000. The ROWIP forms a strand of the LTP and will help to deliver its objectives.

**Modification Order (DMMO):** An order made by a surveying authority to amend the Definitive Map and Statement usually in response to a claim.

**National Cycle Network (NCN):** A promoted network of signed cycle routes across the United Kingdom.

**National Trail:** A long-distance walking or riding route approved by the Government and developed and supported by Natural England or the Countryside Council for Wales in conjunction with the local authorities through whose areas the route passes.

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**Permissive Access:** A route that is not a public right of way but where the landowner has granted permission to use the way (or does not object to its use). Access could be along a linear route or to an area of land.

**Public Bridleway:** A public right of way which may be used by walkers and horse-riders. Cyclists also have a right of way, but must give way to walkers and horse-riders.

**Public Footpath:** A public right of way which may be used by walkers.

**Public Path Order (PPO):** A collective term for creation, diversion and extinguishment orders.

**Public Right of Way:** A way over which the public have a right to pass and repass.

**Regional Route:** A long distance route that is promoted for leisure and recreation.

**Restricted Byway:** A public right of way for walkers, horse-riders and non-mechanically propelled vehicles (such as horse-drawn vehicles and bicycles).

**ROWIP:** Rights of Way Improvement Plan. The CROW Act requires each local highway authority to publish a ROWIP for its area.

**Signpost:** Signposts are provided where public rights of way leave any metalled highway, and usually consist of a post and a pointer or arrow to direct people along the way.

**Single Payment Scheme (SPS):** A scheme which replaces most existing crop and livestock payments requiring land managers to keep their land in Good Agricultural and Environmental Condition (GAEC) and comply with a number of specific legal requirements. Meeting these requirements is known as **cross compliance**. GAEC8 is a cross compliance measure relating to public rights of way and reinforces existing legislation under the Highways Act 1980.

**SSSI – Site of Special Scientific Interest:** a site with nationally important designation protected by law as a result of its biodiversity or geological value.

**Stile:** Fixed device allowing the passage of pedestrians over or through a fence, wall or hedge, while forming a barrier to livestock or other animals, cycles and vehicles.

**Surveying Authority:** The local authority which has responsibility for keeping the Definitive Map and Statement up to date, usually a county council or unitary authority.

**SUSTRANS:** A sustainable transport charity that works on practical projects to encourage people to walk, cycle and use public transport in order to reduce motor traffic and its adverse effects.

**Traffic Regulation Order (TRO):** An order made by a traffic authority to restrict or regulate traffic on a road. TROs are most commonly used to regulate or restrict motor traffic, for example, through speed limits or waiting restrictions, but can be used to regulate cyclists, horse-riders and walkers. A TRO may be permanent, temporary, seasonal or experimental.

**Waymark:** A small round disc used to direct people along a public right of way.

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## Annex J. Current PROW team resources (2010-11)

1. The Rights of Way Department of Gloucestershire County Council is contained within the Environment Department. The Department is responsible for the management of a network of over 10,000 paths
2. The network is comprised of 3500 miles of rights of way shown on the definitive map all falling within 266 parishes and the two urban areas of Gloucester and Cheltenham.
2. The management of the rights of way network incorporates the following main areas of work
  - maintenance of the rights of way network (including enforcement)
  - definitive map work
  - the management and administration of access land
  - preparation of the Rights of Way and Countryside Access Improvement Plan
  - support to the Gloucestershire Local Access Forum
3. Current staff resources

|   |     |
|---|-----|
| Manager                                   | 1   |
| Principal Rights of Way Officer           | 1   |
| Area based Operations Officers            | 6.5 |
| PROW Works Staff                          | 1.5 |
| Office Administration                     | 1.5 |
| Information and mapping                   | 1   |
| Definitive Map team (Modification Orders) | 1   |
| Public Path orders                        | 0.5 |
| Temporary closures/Electronic mapping etc | 0.5 |

The department works closely with District, Town and Parish Councils, user and interest groups, volunteers, landowners and other interested parties. Maintenance work is carried out by works staff, contractors employed and supervised by PROW Officers, Parish and Town Councils and volunteers

#### 4. Financial Resources

The total core public rights of way revenue budget for 2010-11 is £933,000. This provided funding both for staff (some 60%) for office support and for works (some £260,000).

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## Annex K.

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