

Annex 2 Appendices

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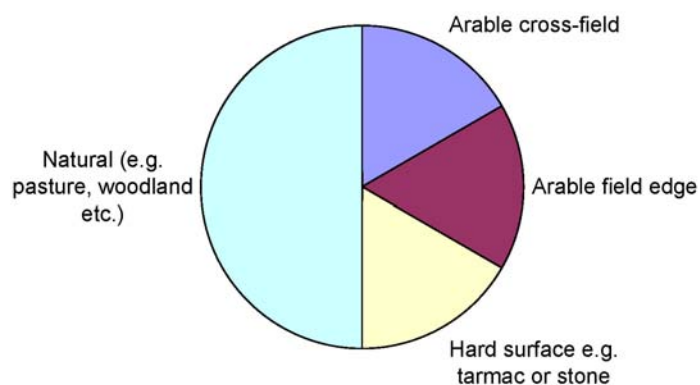
The network

In September 2005, there were over 3,300 public rights of way in Warwickshire, representing over 1,740 miles of public highway, of which 82% were public footpaths, 17% were public bridleways and 0.2% were byways open to all traffic (Table 1). In addition to the public right of way network, there were over 100 non-tarmac surfaced Unclassified County Roads (UCRs) representing a further 65 miles of public highway providing access to the Warwickshire countryside.

Table 2 : Warwickshire's public right of way networks, September 2005

	No. of Paths	Length (in miles)	% of network by length
Public Footpath	2,911	1,442	82.5
Public Bridleway	393	303	17.3
Byway Open to All Traffic	8	3	0.2

Based on the annual Best Value Performance Indicator (BVPI) surveys, it is estimated that 50% of the network has a natural surface whilst only 17% has a hard, man-made surface. The remainder cross arable land.



Surface type of rights of way

Infrastructure

It is estimated that there are 5,500 stiles, 3,700 gates and 2,000 bridges and/or culverts on the public rights of way network, with structures ranging from historic stone features that are listed ancient monuments in their own right, down to simple ditch crossings often constructed from recycled railway sleepers. In addition there are around 5,000 roadside signposts and a further estimated 10,000 waymarkers highlighting routes along their length. UCRs are further waymarked at their junction with a tarmac surfaced road.

Condition

Following the establishment of a dedicated Countryside Access Team in the late 1980s, the condition of the public rights of way network has steadily improved. In 2002, the Council adopted the then new national methodology for assessing the percentage of the network (by length) that is 'easy to use' by a member of the public and is monitored by central government (BVPI 178). 'Easy to use' means the legal line is free of obstruction, the surface is in a fit condition for its use, the path well signed and the furniture in useable condition. Table 2 indicates that the condition of the network continues to improve. However, when the BVPI figures are amalgamated for 2002-2004 and broken down into the five district areas that make up the County, the figures indicate that the path network is in a significantly better condition in the south than the north (Table 3).

2002	56.5%
2003	59%
2004	61.5%

Table 3 : Best Value Performance Indicator 178: Percentage of the public rights of way network in Warwickshire that is 'easy to use' by a member of the public

Table 4 : Percentage of the network that is 'easy to use' by the public 2002-2004 by district/borough

Nuneaton and Bedworth	45.7%
Rugby	46.3%
North Warwickshire	48.6%
Stratford	68.6%
Warwick	77.4%

The national BVPI methodology further allows for information to be collected on the condition of path furniture and Table 5 shows that over 80% of all furniture recorded between 2002 and 2004 is in good condition.

Table 5 : The condition of furniture recorded on public rights of way between 2002 and 2004 based on the BVPI survey results

Condition	Good	Adjustment Required	Needs Replacing	Missing
Roadside Signpost	80%	2.5%	0.5%	17%
Waymarkers (excl. roadside signposts)	88%	3.5%	0.5%	8%
Bridges/Culverts	87%	6%	3%	4%
Gates	82%	15%	3%	0%
Stiles	82%	17%	1%	0%

The BVPI results further show that of those paths that cross an arable field, 45% are not re-instated and that 9% of arable headland paths have been ploughed. An annual campaign has been run since 2000 to improve compliance with the ploughing and cropping law. Independent monitoring by the local Ramblers' Association confirms that compliance has been steadily improving but there is room for improvement. Changes to the subsidies paid to growers now includes 'cross compliance' on rights of way and it is likely that this will have a positive effect on paths affected by agriculture.

Until quite recently we had focused on getting all paths open to a basic standard. However, there is increasing emphasis placed on improving access to the countryside for those people with mobility problems and disabilities. This is beginning to happen through promotion of easy access trails and by seeking improvements across the network, particularly with regard to path furniture, although further work is needed.

With regard to un-surfaced UCRs, a full survey was undertaken in 2003/2004 after responsibility was transferred to the Countryside Access Team in 2002. The survey showed that the majority of UCRs are in reasonable condition and works to improve the worst affected routes have already been tackled. A rolling programme of maintenance is however required to ensure these routes remain useable to all users.

Other indicators

The use of rights of way continues to expand alongside a rise in customer expectations. There are increasing numbers of trail guides, walking and cycling media, volunteer and partner participation, promotional events such as our own Warwickshire Walking Festival and increased awareness of the benefits of walking and cycling. Despite this increase, examples of damage, or erosion, to the rights of way network by walkers, riders or cyclists through over use are very few in the County.

Outlook

Although Government introduced the new access rights in the Countryside and Rights of Way Act 2000 (sometimes referred to as the 'Right to Roam'), there is no significant amount of qualifying land within the County (less than 1% of the total area of the County). The public path network will therefore continue to be the most important means of accessing the Warwickshire countryside. In response to Part II of the CROW Act which deals with rights of way, the Council has committed significant new resources to ensuring that public paths are correctly recorded and maintained and that the network meets the current and future needs of path users.

Appendix II : Definitive Map and Statement – the legal record

The concept of a Definitive Map and Statement (DM&S) was introduced by the National Parks and Access to the Countryside Act 1949 (NPACA), with the aim of creating a comprehensive and conclusive record of public rights of way. Prior to this there was no single record.

Each parish carried out a survey in the early 1950s, and this was the basis of the draft record which went through several draft stages before being published as final and legally conclusive in the 1960s. Each Urban/Rural District Council (UDC/RDC) area had its own DM&S, although the legislation allowed the built up areas to be excluded from the process. The requirement to include paths in these excluded areas on the DM&S was introduced in 1981.

The eleven Warwickshire UDC and RDC DM&S were amalgamated into one map covering the administrative county of Warwickshire in 1991, and this was updated and republished in 1998.

The process for amending entries in the DM&S has gone through two different incarnations. The original legislation intended that a periodic review covering the whole of the County be carried out, and this resulted in a draft review map being published in Warwickshire in 1977.

However, this was overtaken by the Wildlife and Countryside Act 1981 which introduced the idea of a continuous review, whereby changes were investigated and made one at a time. This has proved more successful, although many proposed changes are still contentious.

[Note: some changes proposed by WCC in 1977 received no objections and were incorporated into the 1991 DM&S]

The DM&S is legally conclusive in so far as what is recorded on it (without prejudice to anything which may exist but is not yet shown) and can only be changed by legal process;

1. where a path has already been legally changed (created, diverted or extinguished) and the map has to be amended to reflect that change, or
2. where evidence shows that the map is wrong or incomplete and that a route should be added, deleted, upgraded, downgraded or details in the statement should be amended. The evidence can either be one or both of:
 - a) historic evidence from old documents, or
 - b) testimony of members of the public who have used a route (generally over 20 years combined use is needed).

In the first case, the path will have already gone through a legal process and so the DM&S can be changed without further consultation.

In the second case, there is a lengthy public process to be followed, sometimes culminating in a Public Inquiry. The DM&S will, as things currently stand, be closed in 2026 to changes under 2a, but changes under 2b may continue.

Appendix III : Legislation and statutory guidance

The following legislation and statutory guidance has relevance to this document. Copies of each are available for inspection at the Countryside Access Office during normal office hours or are available on the internet via www.opsi.gov.uk or the relevant government department site.

- Countryside and Rights of Way Act 2000
 - Rights of Way Improvement Plans: Statutory Guidance to Local Authorities in England, November 2002 (www.defra.gov.uk)

- Transport Act 2000
 - Full guidance on Local Transport Plans: Second edition (www.dft.gov.uk)

- BS5709:2001 Gaps, gates and stiles
- Clean Neighbourhoods and Environment Act 2005
- Countryside Act 1968
- Disability Discrimination Act 1995
- Disability Discrimination Act 2005
- Highways Act 1980
- National Parks and Access to the Countryside Act 1949
- Race Relations Amendment Act 2000
- Rights of Way Act 1990
- Town and Country Planning Act 1990
- Traffic Signs Regulations and General Directions Order 2002
- Wildlife and Countryside Act 1981
- Planning Policy Guidance 17: Planning for open space, sport and recreation (ODPM 2002)

Appendix IV: Integration with the Local Transport Plan

In November 2002, when they published their statutory guidance on rights of way improvement plans, the Department for Environment, Food and Rural Affairs (Defra) announced that, in order to ensure the long term sustainability of the rights of way network and to reduce the number of separate planning requirements, rights of way improvement planning will be incorporated into the local transport planning process from 2005 onwards

Statutory guidance from the Department for Transport (DfT) on LTPs dictates that in the longer term, Rights of Way Improvement Plans will be fully integrated with the LTP. It encourages authorities to incorporate rights of way priorities which help to meet the LTP objectives, and to use the LTP as appropriate as a source of funding and a way of reporting on progress.

The new LTP, which covers the period from April 2006 to March 2011, is a partner document, published in parallel with this Plan, and the aims and actions of the two plans are integrated so far as is possible.

The areas of the LTP which share similar aims and objectives are:

- Walking Strategy
- Cycling Strategy
- Road Safety Strategy
- Transport Asset Management Plan (yet to be written).

Actions relevant to both documents are included in both, and are cross referenced.

Appendix V : Signs and waymarks

At the date of publication, the following are normally used within Warwickshire.

House Design waymarkers

	Signposted	Waymarked
Public Footpath <i>(yellow on a green background)</i>		
Public Bridleway <i>(blue on a yellow background)</i>		
Byway Open to All Traffic <i>(red on a yellow background)</i>		
Unclassified County Road <i>(black on a white background)</i>		

Other advisory signs which we carry in stock include;

The intention of 'New Paths for Old' is to achieve, through small but significant linked changes, a network suited to the needs of modern users.

Background

The network we have today has evolved throughout history and developed to meet the needs of the public which, in the days before motor vehicles, meant utilitarian routes to get from one location to another as quickly as possible. Until the latter half of the 20th Century the vehicular roads were relatively little used and could form safe, useful links between footpaths and bridleways on longer journeys. Today, the speed and volume of traffic has grown so that many minor country roads are no longer suitable for walking and riding, and the more major roads can sever the network completely. Today's user is more likely to be recreational than utilitarian. There is a need for paths which form part of a network which is desirable to the modern user, such as short and medium length circular walks, circular rides and cohesive longer distance routes, all with minimum use of the road network. In particular, routes are needed close to settlements and leading out from established countryside sites such as country parks.

Improvements to the network can be made to include the addition of key missing links, the reorganisation of paths to make a more sensible route e.g. to eliminate past diversions around motorways which run beside the motorway fence, and to avoid duplication.

Whilst all of these could be achieved through using our powers to create and divert paths, even against the landowners' wishes, limited resources mean that progress cannot be as fast as we would hope. Our intention is to take advantage of the opportunities created when others desire changes to the network and to add elements of the improvements we would like to make. In this way we hope to be able to move more quickly towards our goal of a network which meets today's needs.

We have therefore included the following action in our Action Plan (R7a).

We will use schemes under the 'New Paths for Old' umbrella to improve and develop the rights of way network for the public by combining public path orders and other legal agreements
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We intend negotiating with landowners who may be seeking diversions, and by linking carefully selected orders, together we hope to make small changes to the network in local areas which can improve the network both for local users and long distance users.

In the past large scale schemes have been attempted in other counties, often packaged as 'rationalisations'. These have not met with success and it is not our intention to attempt similar extensive changes through this initiative.

Details

The type of scheme which we would be seeking to achieve is one which would be of overall benefit to the public and the rights of way network.

In addition we would look for one or more of the following qualities in deciding whether to progress with a particular scheme;

- positive effect on paths in a localised area
- overall increase in status
- overall increase in sensible provision
- reduction of road-walking
- improvement of a road crossing
- increased directness (in the context of the wider network)
- increased connectivity
- whether it helps to achieve one or more of the specific actions within the CAROWIP
- has a viable user base and is likely to be used by local users, long distance walkers or (preferably) both
- the desirability of the situation of any new paths – woodland, water and places with views would be particularly desirable to the public

Other factors which may be taken into account are

- Is the route more likely to be trouble free in the long term e.g. away from river cliffs ?
- Does the Parish Council support the proposals?
- Would the scheme result in moving paths out of domestic premises?
- Is there agreement from nearby landowners e.g. householders who may be affected?
- Would there be a positive impact on land management?
- Would there be a positive impact on the management of the path network?

Appendix VII : Recognised routes - 'The List'

An informative guide that offers clear directions and map(s) can be an invaluable tool to users of the countryside particularly if the route is well signed and 'easy to use' on the ground, i.e. free of obstructions, well signed etc. Such routes can build the confidence of users and leave them with an overall positive experience of their visit to the countryside. It is these routes that the CAROWIP aims to recognise.

Routes that are recognised by the County Council (WCC) and the Local Access Forum (LAF) will be included in a 'List of Recognised Promoted Routes' (the List). This should offer countryside users added reassurance that the routes listed will be easy to follow and well maintained.

Criteria for inclusion in the List

The route must meet all the following:

- Publicity material is clear, accurate and up to date.
- Publicity material is easily available (whether free or at a cost).
- The route is supported by a recognised group or organisation.
- The supporting group or organisation have agreed an active and ongoing inspection regime for the route.
- Permissive sections of route are supported by long-term written agreement(s) with the land manager(s).
- Permissive sections of route are maintained by the supporting group or organisation or the land manager.

Maintaining the List

Decisions on changes to the List will be made by WCC Countryside Access Team in consultation with the LAF. Changes may include:

- Routes proposed for inclusion.
- Removal of routes which no longer meet the criteria.

The List will be reviewed annually and will be available through the WCC Countryside website.



Countryside Access and Rights of Way Improvement Plan

Further copies of this document are available from:

Countryside Access Team
Warwickshire County Council
Unit 11, Montague Road,
Warwick
CV34 5LW

Telephone: 01926 413427

Fax: 01926 413418

E-mail: paths@warwickshire.gov.uk

Website: www.warwickshire.gov.uk/countryside

This document can also be found on the County Council website at
www.warwickshire.gov.uk/carowip

If this information is difficult to understand we can provide it in another format, for example in large print, on audio tape, in another language or through discussion.

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