

Public Rights of Way Improvement Plans

2002 Seminar Proceedings
of the
Countryside Recreation Network

Edited by Melanie Bull
Network Manager

**Held at Gloucestershire Cricket Club, Bristol
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- o Gives easy access to information on countryside and related recreation matters
- o Reaches organisations and individuals in the public, private and voluntary sectors
- o Networks thousands of interested people

The Network helps the work of agencies and individuals in three areas:

Research:

to encourage cooperation between members in identifying and promoting the need for research related to countryside access and recreation, to encourage joint ventures in undertaking research and to disseminate information about members' recreation programmes.

Liaison:

to promote information exchange relating to countryside recreation, and to foster general debate about relevant trends and issues

Good Practice:

to spread information to develop best practice through training and professional development in provision for and management of countryside recreation.

Chair:

Geoff Hughes, Sport England

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Jo Burgon, National Trust

Countryside Recreation Network
Sheffield Hallam University
Unit 1, Sheffield Science Park
Howard Street
Sheffield
S1 2LX

Tel: 0114 225 4494

Fax: 0114 225 4488

Email: m.bull@shu.ac.uk

Editor: Melanie Bull

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Countryside Recreation Network

Sheffield Hallam University

Unit 1, Sheffield Science Park

Howard Street

Sheffield

S1 2LX

Tel: 0114 225 4494

Fax: 0114 225 4488

e-mail: m.bull@shu.ac.uk

Website: www.CountrysideRecreation.org.uk

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Countryside Recreation Network Workshop

PUBLIC RIGHTS OF WAY IMPROVEMENT PLANS

WELCOME AND INTRODUCTION

John Varley

Countryside Agency Board Member

Today's CRN seminar, on Rights of Way Improvement Plans, is extremely timely with CROW Act section 60 just about to be enacted. This will introduce a new duty for all local highway authorities to prepare Rights of Way Improvement Plans by 2007. There is consequently a lot of interest in the process and the practical details, as well as in the means to implement the plans. I am wondering whether there are so many of you here today out of curiosity or panic.

The Countryside Agency made a recommendation to the Government, back in March 1999, for a new duty to be introduced for all authorities to periodically review their network of linear routes, and very soon after the legislative opportunity arose in the form of the CROW Bill. Our recommendation was aimed at encouraging authorities to plan how they would provide a more extensive network to meet the needs of people in the 21st century, and particularly for horse-riding and cycling.

Whilst recognising the extra burden this new duty will put on authorities, we believe it is important for them to assess how they will improve their network of linear routes for: tourism and local economies, for exercise and health, for recreation and leisure and for local journeys on foot or cycle.

We believe authorities should consult widely and prepare plans which consider the needs of everyone, whatever their experience, interest and level of ability.

For the Agency, and many others, a major concern with this new duty is the lack of funds to implement the plans. The challenge is to find reasons for local authorities to deliver improvements for example because the route improvements provide better, safer routes for local journeys, or they deliver green gyms for local health initiatives. Workshop 4, which covers sources of funding, will hopefully offer some positive suggestions about this.

Our first speaker, Dave Waterman (Defra), will provide details on what is required by the legislation and then Roy Hickey (consultant) will explain how the Countryside Agency is working with a number of authorities (8 in total - one in each of our regions) to prepare some early fast-track improvement

plans. Later in the day George Keeping (CSS) will provide a local authority perspective on the ROW improvement plan process.

We will have an opportunity to question a panel representing users about what we want from the linear access network before we break into workshops to consider

1. how to assess use and demand;
2. whether the Scottish experience of the Core Network could be relevant in England;
3. the relationship between improvement plans and meeting existing duties;
4. sources of funding the improvements identified in the plans.

I hope that you all find the day informative, thought provoking and constructive in pointing the way forward.

Countryside Recreation Network Workshop

PUBLIC RIGHTS OF WAY IMPROVEMENT PLANS

WHAT IS REQUIRED BY LEGISLATION Countryside & Rights of Way Act 2000

*Dave Waterman
Countryside Division, Defra*

In introducing the requirement for local authorities to prepare rights of way improvement plans, the Government's objective is to encourage local authorities to take an objective and strategic view of their rights of way network. The aim is to reflect today's patterns of demand and land use and to better meet the needs of users – particularly those who don't benefit from open access or who are not well served by the current network; these include horse riders, carriage drivers and cyclists and people with mobility problems or the blind or partially sighted. To date, rights of way work has generally been backward looking, concentrating on the historical aspects of the network, largely without reference to the wider highway network, and what rights have been established by past usage. The aim is to think about what is needed today and for the future, rather than patterns of behaviour that may be more relevant to a bygone era.

Section 60 of the Countryside and Rights of Way Act says that every local highway authority shall prepare and publish a rights of way improvement plan within 5 years and review it at intervals of not more than 10 years. The legislation requires that the plan include a statement of the highway authority's proposed rights of way management and improvement action. The plan must contain the authority's assessment of: the extent to which their rights of way network meets present and likely future needs of public; opportunities for exercise, recreation and enjoyment; the accessibility of rights of way to those with sight or mobility problems and any other matters by regulation – although no such regulations are proposed at present.

Section 61 says that local highway authorities, in planning for rights of way improvements, shall have regard to guidance given to them by the Secretary of State for Environment Food and Rural Affairs (in England) or the National Assembly for Wales (in Wales). For both England and Wales, this guidance will be issued by the end of November. The provision for separate guidance in England and Wales implies that there is discretion for different emphases in the respective guidance, allowing for differing circumstances. For example Welsh local authorities have not taken part in the Countryside Agency's Milestones initiative and the Welsh guidance will put more emphasis on management of the existing network.

The statutory guidance will set out what the plans should cover.

In terms of their scope, improvement plans should embrace: providing better information for users, measures for improved management and maintenance of the existing network, identification of new links between existing routes to provide a substantially wider network and measures to address any shortfall in provision for certain groups of users.

The plans should make an assessment of the needs of users and other stakeholders including: opportunities for access to countryside and attractive areas; the scope to make new links to create meaningful routes, prospects for supporting tourism, the need to minimise conflict between different types of user, opportunities for promoting healthy lifestyles, the need to minimise safety risks to users and the impact of any proposals on non-users such as land owners.

The key ingredients in a plans will be: the rights of way definitive map and statement; information about unrecorded ways, the nature of the wider highway network, a geographic assessment of the area, the content of other initiatives & plans and open access land (under Part I of the Countryside and Rights of Way Act).

Local highway authorities will be expected to consult the wider public through surveys or research to determine to what extent current rights of way meet expectations and demand. There is a duty to consult other areas of local government and other highway authorities, National Parks and the Broads Authority, local access forums, the Countryside Agency and other bodies indicated in the statutory guidance.

The plans should contain statements of action that include: their conclusions from the assessment, the cost of their proposed action, key partners, the relative priorities, timescales and target dates and some means of measuring progress.

The draft plan is to be published and advertised in two or more local newspapers and a copy should be kept available for inspection. A copy should be posted on the local authority's web site and any other suitable means of public dissemination. Authorities should also seek views on the draft plan from all statutory consultees. At least 12 weeks should be allowed for representations.

Post Script

Finally, in response to concerns about the funding and implementation of rights of way improvement plans, to ensure the long term sustainability of the network and also to reduce the number of separate planning requirements in

line with the Government's plans to give local authorities additional freedoms and flexibilities, we have decided the rights of way improvement planning should be incorporated into the local transport planning process from 2005 onwards, when the next 5-year Local Transport Plans are due to be produced. It is envisaged that rights of way improvement planning will be a distinct strand within the new Local Transport Plans, but by linking the plans we intend to ensure that the full importance of the rights of way is stressed in the light of the contribution it can make to transport, recreation and health.

Countryside Recreation Network Workshop

PUBLIC RIGHTS OF WAY IMPROVEMENT PLANS

DEMONSTRATION PROGRAMME

Roy Hickey

Consultant in Access and Rights of Way

The Countryside Agency is supporting development of 8 exemplar ROW Improvement Plans (11 HAs). The authorities for each plan being grant-aided to develop two specific aspects of the approach. The aim is for all plans to reach public consultation stage by October 2003. The consultants on this project are myself, George Keeping and Jon Young. We have been appointed to help co-ordinate and assist authorities and also to review existing use and demand studies.

The 8 countryside demonstration programmes are:

Bedfordshire	A study of economic benefits of the ROW network The needs of walkers
Cheshire	A Study of health benefits Links to sustainable travel
Dorset	Access to the countryside Access to services
Hampshire	Study of consultation methods Needs of cyclists
Northumberland (5 authorities)	Study of the condition of the network Study of use and demand
Nottinghamshire	Study of recreation needs Lawful vehicle users
Shropshire & Telford	Needs of cyclists Consultation methods
York disability#	Needs of those with restricted mobility or Wider network of routes

Stages in the Production of a ROW Improvement Plan

1. Context and Scope

- Establish links with stakeholder consultees
- Establish system for monitoring progress
- Collect other relevant plans and documents

2. Review Needs and Interests

Needs of different classes and types of user:

- Those with restricted mobility, including blind and partially sighted
- Walkers
- Cyclists
- Equestrians including harness horse drivers
- Lawful vehicular users

Review wider interests including:

- Economic regeneration and tourism initiatives
- Health benefits, including walking from home
- Access to the countryside
- Access to work, school and local services
- Opportunities for recreation
- More sustainable transport

Other considerations

- Case for extra provision including safe and circular routes
- Need for access to new open access land
- Interests of land managers and conservation

3. Make the Assessment

- Assess opportunities for improvement
- Survey public expectations (use and demand studies)
- Confirm links with other plan documents
- Liaise with public/local access forums/other authorities
- Consult on final assessment

4. Statement of Action

- Make proposals for action based on assessment
- Identify potential for early small-scale improvements
- Put detail of proposals in other business plans/Milestones statements

5. Publish the Plan

- Publish a draft plan and publicise its availability
- Seek representations from stakeholders (for at least 3 months)
- Consider representations and report on any subsequent amendments
- Confirm final version with local access forums
- Publish final plan

Countryside Recreation Network Workshop

PUBLIC RIGHTS OF WAY IMPROVEMENT PLANS

LOCAL AUTHORITY ASPIRATIONS AND FEARS

*George Keeping
CSS Rights of Way Officer*

Introduction

So far today we have heard from a number of the bodies with an interest in public rights of way, but it has fallen to me to talk about the aspirations and fears of the group who are actually responsible for making it happen; both by producing the plans and by implementing their contents.

It strikes me that one aspiration for a rights of way manager might be to get through the whole process with as few additional enemies as possible. Everyone will be looking towards Improvement Plans to live up to their name and improve their own particular interests. Authorities run the risk of allowing expectations to be unreasonably raised, without having the means to deliver.

Most of the items that follow are concerns, rather than specific fears, that have been raised by the CSS in response to Defra's consultation on the Draft Guidance to Local Highway Authorities and I apologise if some of the items have already come up during the course of the presentations, question time and workshops which have preceded me. I will be dealing with issues relating to:

- Principles behind the plans
- Producing the plans
- Implementing the plans

Principles

What is meant by "Improvement"?

I suspect we all have different ideas of what is meant by the word "improvement" in the context of public rights of way. Is it intended to mean adding to what is already there or setting in place a process of change? And if change is involved, how far is this likely to extend?

The Countryside Commission, in their publication "Rights of Way in the 21st Century", seemed to take the view that improvement meant adding to the existing network or enhancing existing rights of way by changing their status.

But what do we do about those paths that nobody wants – should they be diverted or extinguished in exchange for something better?

It is likely that local circumstances will demand a mixture of both change and addition, but even so a balance will have to be struck between the two approaches.

The aspirations of landowners

One point is that we need to take on board the aspirations and fears of landowners and managers. Their views appear to be absent from the programme for this workshop, but their positive involvement in the process is crucial as they will be able to accelerate or slow down many aspects of the implementation of Improvement Plans at a local level. In addition, just as Improvement Plans are being produced, landowners will be getting to grips with the new right, given to them in the CROW Act, to apply for diversions; a right which certainly increases the administrative burden placed on authorities and may cause a flood of new applications. How will the landowners' ability to influence the process by making individual applications fit in with the authority's desire to direct change to certain areas and ends through the Improvement Plans?

Interface with Local Access Forums

It is clear from the Draft Guidance that Local Access Forums are expected to have an important role in Improvement Plans. Indeed in lowland areas, with little or no Part I Access to keep them busy, the Plans will probably become their major project. It remains to be seen however just how pro-active Forums are in their involvement in the plans. Will they just comment on drafts prepared by the host authority? Or will they themselves be more actively involved in, for example, leading on the assessment of the "present and likely future needs of the public" or seeking funding for implementation of the Plan?

Links with other initiatives

One clear aspiration of the rights of way profession is that Improvement Plans should draw together all opportunities for access to the countryside and present a single vision that is relevant to those wanting to use the network. This vision perhaps goes beyond simple changes to the existing network and includes, for example, a Definitive Map that really lives up to its name, so that anomalies and unrecorded routes (in quantity at least) become a thing of the past. There should be a clear understanding of the opportunities that unmetalled roads provide for countryside access and how this network relates to the one shown on the Definitive Map. The true extent of permissive routes, and their impact on definitive paths, should also be understood.

For this to happen the Improvement Plan process must dovetail with other initiatives and most particularly with Discovering Lost Ways. This aspiration brings with it a fear that the two processes may run at very different rates. The Improvement Plan process builds upon an understanding of a resource, the

true extent of which will not be known until the Discovering Lost Ways process is well advanced. It will be interesting to see how early Plans and their first reviews cope with our developing knowledge about the hidden network and how plans for implementation will be affected.

Local Rights of Way

According to the CROW Act the assessments included in the process of producing a plan only have to take into account Local Rights of Way. This definition excludes permissive rights of way and the public road network, whether surfaced or not. Quite rightly, in my view, the draft guidance seeks to set this straight by stating that authorities should go beyond local rights of way in carrying out their assessments and should include permissive paths and the public road network. It does concern me however that this disparity between the statutory requirement and the non-statutory guidance immediately introduces the excuse for introducing the possibility of a "short-cut" or minimalist approach to the production of an Improvement Plan that could undermine the "joined up thinking" which it appears is accepted as being needed to deliver new opportunities for access.

Consistency between Plans

There is a risk that the local focus of Improvement Plans may lead to there being little in common between those of different Authorities. While one would not want to stifle local distinctiveness, it is important that plans do have some similarities, so that comparisons can be made at regional or national levels. The involvement of the Countryside Agency and CCW in consultations on draft plans may help to ensure this, as will the current move to produce exemplar plans.

How ambitious will Plans be?

The lack of a statutory duty to implement plans has been put forward as freeing up an authority's ambition and encouraging them to look for new and innovative ways of improving the network. But will it work? Some authorities had their fingers burnt in the Milestones process by developing work plans, which, to a large extent due to a poor understanding of the starting point, proved to be unachievable. The most wildly ambitious targets seem to match those areas of work where there are new or little understood means of information gathering and monitoring – first it was maintenance, then the definitive map. I doubt that many authorities when faced with Improvement Plans and the apparent lack of a stick with which to be beaten will still wish to push their necks out too far – at least not to begin with. Wild optimism may be absent from early Improvement Plans, but it is to be hoped that informed optimism will take over in future, as the process is better understood.

Producing Plans

Costs of producing the Plan

The exact costs of producing an Improvement Plan are still something of an unknown. The early estimates show great variability – for example the estimate produced by consultants for the Local Government Association (LGA) suggested a cost of between £2000 and £50,000; a variation that doesn't seem to be explicable by the different sizes of authority. The resources that any authority can devote to producing, revising and implementing the Plans will face competition, both from within the rights of way budget and from other outside demands. Will the funds be made available? There are some indications that while the larger Highway Authorities have been able to combine the production of plans with work on Local Access Forums and other strategic work to form the basis of a new post, smaller authorities with a limited network (some Unitarians for example) will not have this luxury. Improvement Plans and other CROW-related responsibilities will be tacked onto the responsibilities of existing staff and in some cases the Authority may even consider taking no action, despite there being a statutory duty.

Even in those authorities which have been successful in directing the additional CROW funding to where it is needed, the length of time taken for producing Improvement Plans (potentially fifteen years to the end of the first revision) will ensure that the funding will in the meantime be exposed to other pressures – probably relating to other statutory duties. The trick won't lie in getting the resources in the first place, so much as in hanging on to them in the longer term.

Assessments

There are still many questions in authorities' minds on how to go about making their assessments: how detailed should they be and how should a distinction be drawn between local and strategic issues? The Countryside Agency's exemplar Plans should go a long way towards addressing this but still needs to be tied in with a process of training and dissemination of developing good practice.

Contents of the Statement of Action

The CSS consultation response indicated that greater emphasis might be made within Statements of Action to establish the costs and potential sources of funding for individual improvements. Prioritisation was also felt to be a key aspect of all statements, especially given that the improvements might be pursued individually and potentially over a decade. There was a risk that otherwise the uniting thread of relative importance might be lost.

Implementation

I personally feel that, despite the lack of a statutory duty, the implementation of Plans will not be neglected. The Plans will have become the "raison d'être" for many Local Access Forums who will be reluctant to let them sink into obscurity. Problems may arise however with the long-term level and relevance of this activity.

Tools for the job

I think that many authorities find it difficult to see how the tools at their disposal for effecting change in the rights of way network (DMMOs, diversions, creations, permissive agreements etc.) will be able to deliver new access on the level that aspirations raised by the Improvement Plan process will demand. The cumbersome nature of diversion and extinguishment procedures will continue to make large-scale rationalisation schemes unattractive for practical, rather than moral, reasons.

Although the Countryside Agency are currently looking at issues relating to compensation levels for compulsory creations, some authorities are likely to remain opposed in principle to forcing rights of way onto people's land. Permissive agreements seem the best option, but they lack permanence and are unable to address the limitations of the definitive network.

Other pressures

Resources for implementing Plans will have to compete with those needed for fulfilling statutory duties. It is easy to imagine a Highway Authority's desire to implement its improvement plan being pushed off course by external pressures to deal with local, but statutory, issues. A well-informed member of the public can put significant pressure on an authority to demand action on individual routes. This could act in favour of implementing elements of the Plan, but could just as easily draw resources away from it.

Keeping people informed

Throughout the period for implementing Plans there is the risk that the changes which are taking place will not, in the mind of the public, appear to form part of an intended strategic whole. As implementation will be spread over a long timespan and many different fronts its effect could become diluted. The implementation of the process will need to be given a clear identity of its own, so that new resources associated with the changes can be attracted and existing ones retained. Authorities will need to think of innovative ways of keeping the process in people's thinking.

Conclusion

The introduction of Improvement Plans is to be welcomed as it focuses attention on an area of rights of way work which was largely absent from the Milestones approach, but in which, to varying degrees, all authorities are involved. Apart from the main aim of identifying and encouraging physical improvements to the network, I believe that the actual process of producing the plans will in itself lead to a better understanding of the aspirations of users and landowners. It will also force authorities to find out more about the people who use, or perhaps more importantly, do not use their rights of way. Whether it will lead to substantially more access, I do not know, but there is no doubt that it will increase our understanding about the networks we manage. At the end of the day, the journey itself may prove to be every bit as significant as reaching the destination.

Countryside Recreation Network Workshop

PUBLIC RIGHTS OF WAY IMPROVEMENT PLANS

WHAT DO WE WANT FROM THE LINEAR ACCESS NETWORK

Chair

John Varley, Countryside Agency Board Member

Question Time Panel

Mike Bruton (DDA) Disabled Ramblers

Janet Davis, Ramblers Association

Alan Kind, Land Access and Recreation Association

Simon Talbot-Ponsonby, Sustrans

Stephanie Wheeler, British Horse Society

A shared-use question

"I represent an Authority in which the existing PROW network is predominantly (90%) made up of Public Footpaths, there is an obvious recognised need for an increase in the extent of the "higher rights" network, especially for equestrian users. A relatively simple means of achieving this would be by "sharing" the network to a much greater extent. Path sharing however still frequently meets with objections from some quarters. Can the panel suggest how this resistance can be overcome or if there are other better alternatives that we should explore?"

***Will Steel, Team Leader - Public Rights of Way -
Bath and North East Somerset Council.***

Mike Bruton, DDA Disabled Ramblers

I entirely agree with the need for an increase in the 'higher rights' network. I approach this from the point of view of disabled ramblers, many of whom use wheelchairs or powered pavement buggies, or, if on foot, have great problems with stiles. The great majority of the current networks are made inaccessible to us by impassable barriers like stiles and inadequate 'kissing' gates. Bridleways often offer easier access to us because of the need for gates that open. However, surface quality can also remain problematical. We are greatly encouraged by the spread of off-road cycle ways, including the Sustrans inspired National Cycle Network. Here, surface quality is usually better. We would like to see a considerable increase in cycle and bridle ways, but would urge that there is a need for surface treatments of good quality (not tarmac!). Ideally, adequate width should be provided to allow separation along the route of the foot/cycleway from the path for horses. Surely, with the recognition of the need to encourage safe cycling and to enable horse riders to avoid the

considerable dangers of highway use, the growth of 'higher rights' routes can be progressed. Do remember that such routes are also likely to be of great benefit to disabled people, if maintained properly.

Janet Davis, Ramblers Association

The RA agrees that in many places the bridleway network is inadequate, and we agree that it should be improved. I can guess that the "some quarters" to which you refer are local representatives of the RA. Their resistance to the upgrading of routes arises primarily where the routes under consideration are either too narrow for shared-use, or where the surface is such that it is likely to become muddy or impassable to walkers in the winter months. Each case is always considered on its merits. It should also be remembered that upgrading a footpath to bridleway status will also open it up to cyclists which means that additional factors come into play - good sightlines become important so that the fast approach of cyclists is less of a danger. A key to overcoming resistance has to be early and comprehensive consultation with all interested parties. The comparatively cheap option of simply upgrading existing routes is not necessarily the best way forward: if it doesn't meet the needs of all parties, or if it has made things worse for one group, then opposition is inevitable. Other more expensive options such as widening paths or creating parallel or completely new routes may, in the long term, be preferable.

Alan Kind, LARA

I answer this wearing both a vehicle users' hat and a bridleway users' hat. The obvious starting point is to get the definitive map network accurate and up to date – this is what the 'Discovering Lost Ways' project is intended to assist in. In some places this will make a significant improvement in the bridleway/byway network – in other places not much will change. The second point is that horse riders particularly are vulnerable to network degradation: Where paths are obstructed, or out of repair, or otherwise impossible/unpleasant to use, then the effect on horse riders is disproportionate to the effect on walkers and, to a lesser extent, on cyclists and motor vehicle users. Loss of one path can effectively sterilise a local network for horse riders.

But the question goes beyond that to envisage where the path network is accurate, available – yet still insufficient. Path sharing happens already unofficially – particularly pedal cyclists on pedestrian paths – and generally finds a level of 'official tolerance' (now regularised in Home Office advice to the police). The visible problems seem to come when a degree of formalised sharing is proposed – and most objections come from walkers (that is a fact, not a criticism). I think that there is far more scope for letting horse riders use

(some) footways and cycle tracks than is acknowledged. But this requires primary legislation and a change in the 'this is mine' attitude, and behaviour, of some path users. I cannot see an easier way of achieving greater path sharing under the present legislative regime. This is a question that usually gets a 'wouldn't it be nice if ...' answer, but it is something that needs a *proper* study – CoAg are you listening? Meantime, if many pedal cyclists learned to behave better, the climate of resistance would weaken. Decent behaviour usually gets reciprocated in better treatment.

Simon Talbot-Ponsonby, Sustrans

Sustrans has come across this problem regularly in the development of the National Cycle Network. It is understandable that people will object if their "preserve" is threatened by apparently being opened up to other users as this is seen as a threat. Resistance can be overcome if wider benefits can be shown for all users by extending the Local Rights of Way network. For example in Cornwall during the creation of the Cornish Way, there was an outcry against the fact that some bridleways were being incorporated into the National Cycle Network and the surfacing altered to make it more usable to all users in all weathers. What the County Council had failed to tell horse riders was that although the NCN planned to use 9km of existing bridleway, it was also creating 7 km of new bridleway, changing 5.5km of footpath to bridleway and creating 59km of new permissive paths, the majority of which was also available to horseriders.

Stephanie Wheeler, BHS

The situation in your Authority is not unusual. It is the same in my own area. The answer surely lies in correcting the Definitive map.

It is, I believe, now widely accepted that the making of the Definitive Map was a bit of a disaster. Many parishes put all their rights of way down as footpaths; apparently not realising that any other sort of right of way existed. Many more left out completely all those old lanes and tracks which they knew full well to be old roads, wrongly assuming that they did not need to be recorded.

I find it impossible to even think about Improvement Plans without also looking at the Discovering Lost Ways Project.

My answer to the question is that I do not believe any reasonable user will object to rightful higher rights being restored to those with a legal right to use them.

A question about the function of the network

"To what degree does the existing network achieve its function and how do you expect the RoWIPs to improve this?"

Simon Culpin, Senior Ranger, Sussex Downs Conservation Board

Mike Bruton, DDA Disabled Ramblers

Disabled people generally find the present ROW networks to be extremely unsatisfactory. The biggest problems are presented by man-made barriers including stiles, inadequate 'kissing' gates and steps. Additionally path surfaces may be very difficult to traverse. The CROW Act RoWIP requirements include for the first time the need for Local Highway Authorities to take into account the needs of people with visual impairments and mobility problems. This is seen by disabled people as an enormous step forward and an opportunity for real advance for us. At the same time Part III of the 1995 Disability Discrimination Act comes fully into force by September 2004, when 'reasonable' adjustments to access will be needed. Despite present legal uncertainties regarding the DDA, it is the Government's firm intention that the Act should apply to most functions of local government. The definition of 'reasonable' adjustment is being fleshed out at the present time by a Countryside Agency group on which I sit.

Janet Davis, Ramblers Association

I think we must first decide exactly what its function is. Is it a leisure resource, or is it part of the transport infrastructure? My own view is that is both, and that the network, those who use it and those who look after it suffer from an artificial distinction between routes used for pleasure and recreation and those used for a purpose such as commuting or shopping. This divide has been exacerbated by central government e.g. the document "Encouraging walking: advice to local authorities" which gave only minimal mention of the public rights of way network, and the fact that the remit for walking as a form of transport is now held by a different government department (Transport) to that which looks after the rights of way network (Defra). So, the answer to the question is that I don't think the network as a whole does achieve this dual function and it is my hope that rights of way improvement plans will at least show where it is failing so that plans for rectifying the situation can be put forward, and (we hope) in due course become a reality. I can give a personal example of the present network's failings. I live beside an "A" road, about six minutes walk from a village and from any access points to the rights of way network. The "A" road has no footway and so pedestrians, cyclists and horse riders are forced to share the road with every form of motorised transport on the road. In reality most people from the group of houses near me never walk to the village - they jump in their cars. The nearest town is about four miles

away. I walk there from time to time but that involves a mile's walk down the "A" road with no pavement. 50 years ago it didn't matter if part of your journey was down a country road but you take your life in your hands when you do so now. These are the sorts of places where the network needs to be improved for non-motorised users. Another thing which we hope rights of way improvement plans will do is to improve access for people with mobility problems - indeed that was clearly one of the government's intentions in introducing them. One final point which shouldn't be forgotten as we consider the utility of the network is that it is steeped in history and has evolved through time. Through linking up existing routes and opening up dead-ends, improvement plans may help us to both understand and protect paths which are an important part of our heritage.

Alan Kind, LARA

What is the 'function' of rights of way? Answer: to get from place to place. To give a proper answer to Simon's question is to open a Pandora's box about the 'legal status' of rights of way and, to mix a metaphor, once that genie is truly out of the bottle, he might never go back in. Why have we got a rights of way network at all? Because by the unplanned evolution of English law, even the humblest public footpath is a (public) highway and is protected and repaired by statutory duty, rather than by a power or discretion.

Once you say – and assert – that the RoW network's 'function' is recreational, you start to sap the legal underpinnings that have (albeit unwittingly) gifted us the remarkable (albeit flawed) network we have. If the network's 'function' is to provide recreational facilities of the type needed, and where needed (at least for now), then, yes, it does miss the target somewhat. But there are other 'functions' too, like the preservation of ancient highways, even if these are inconveniently located.

Will 'improvement plans' help? Yes. They will identify the critical gaps and sparse zones in the networks, and provide a degree of drive to fill these. But where are the resources to do the necessary work? Creation powers are not cheap to use and are politically 'iffy' – just look at the implementation of the Pennine Bridleway to see how true this is. One cynic (not me) has already dubbed them 'rights of way diversion plans'; expect to see a lot of pressure for 'rationalisation' rather than 'creation'.

Simon Talbot-Ponsonby, Sustrans

The existing network does not fulfil its function as there are too many gaps and it is not always convenient for users. There are too many locations where rights of way are severed by busy roads.

The network needs the gaps filling for the benefit of the users who do not usually mind whether they are statutory rights of way or permissive paths. The improvement plans should take this on board.

Stephanie Wheeler, BHS

From the rider and carriage drivers point to view, in most areas no real NETWORK exists at all. With a few notable exceptions such as Exmoor, it consists of a scattering of tracks, most of which do not link up.

I consider that if the Discovering Lost Ways is financed to do the job properly, 90% of my required improvement will be met.

I then expect the RoWIPs to provide the vital missing links which will inevitably remain even when the map has been corrected.

An example of the kind of improvement which will still be needed would be negotiating or buying a strip of land behind the hedge of a busy road, so that a direct crossing can replace the need to ride along same busy road.

It is, I believe, Cloud Cuckoo Land to think that RoWIPs alone are going to provide the modern useable network that the Government is calling for.

A resources question

"In what way should a local authority allocate resources for network development, if its existing rights of way are not all open for use and correctly recorded as the law requires?"

Stephen Jenkinson, Losehill Hall

Mike Bruton, DDA Disabled Ramblers

The issue of resource allocation remains contentious. It is a sad fact that allocation of resources for ROW development and maintenance is generally given low priority by local authorities. Some notional allocation of monies for implementation of the CROW Act requirements, including the RoWIPs, has been made, but these monies have not been ring fenced, and many authorities have apparently diverted them to other use. Nevertheless LAs must progress the production of RoWIPs, hopefully with impetus coming from the new Local Access Forums. Sadly, the issue of actually implementing the plans when produced has been ducked, with no current statutory obligation then to make any improvements! However, maybe we can fight this issue later at the appropriate time!

Janet Davis, Ramblers Association

During the passage of the CROW Bill through Parliament, and since (in response to the consultation paper on advice to local authorities on rights of way improvement plans), the RA has expressed its grave concerns about this dilemma. Rights of way improvement plans are an attractive concept and we can all think of ways in which the network could be improved but should an authority be spending money on network development if it is not able to carry out its statutory duties in respect of obstructions, maintenance and definitive map work? The RA's view is that sufficient funds must be allocated to the statutory duties in the first instance. Since the implementation of rights of way improvement plans is not a statutory duty then money for such network development should be sought from other sources (and I believe that the Countryside Agency is planning some work which will identify such sources for local authorities). Also, we hope it will be possible to tap into money made available for Local Transport Plans, and perhaps from health authorities. I think that the key when it comes to network development is not to look at the right of way network as some isolated feature of the countryside.

Alan Kind, LARA

A very Steve Jenkinson question! At the recent ANPA conference in Northumberland both Alun Michael and Sue Essex (countryside ministers for England and Wales) made it quite clear that the necessary extra resources for CRoWA work are being given to local authorities, and the government(s) expects this to be spent on the job for which it is intended. There is also money to be given for 'getting the definitive map up to date and accurate'. If this is so, then 'network development' would seem to be financed by the money given for CRoWA operations (including 'improvement plans' and 'LAFs'). I think Steve knows (hence the question) that the identification of lacunae in the network, and the processes necessary to fill these, are rather different processes, with the latter far more expensive (and long-term) than the former.

OK. Assume that there will be a competition for funding between discretionary network extensions, and getting the definitive map complete and accurate (remember the doomsday clock is ticking ...). How can the missing links of any network be identified and plugged until the extent of the network (in terms of slumbering rights) is known? Obviously this balance will vary from place to place and will need to respond to circumstances – e.g. new building development, road schemes, etc., which may provide an immediate need, or opportunity, for network extensions.

As regards the priority on paths not 'open for use' ... once an authority embarks on a policy approach that elevates the discretionary aspects of the network (e.g. shared paths, gap-plugging) over the basic statutory highway authority functions – repair, obstructions, etc., then it invites more and continued obstructions on the 'justification' of 'this path is not needed', or 'better to spend the resources elsewhere'. Bread today is better than jam tomorrow – in my 20+ years experience, the jam seldom arrives and by then the bread has gone mouldy anyway.

Simon Talbot-Ponsonby, Sustrans

I would suggest that local transport funds could be made available to improve networks for non motorised traffic. The improvement of the networks should be included in Local Transport Plans against which the funds are allocated. The need to cater for vulnerable road users is recognised and is rewarded in the settlements.

Stephanie Wheeler, BHS

Your local authority has a duty to provide the resources necessary for you to carry out your statutory obligations, does it not? It is frequently forgotten that duties come before powers.

And your County Council should be making sure that the funds already being allotted by Government for the implementation of CROW do actually reach the Rights of Way office.

If this is not happening, and we know for a fact that it is not in many counties, then I believe we should be raising a real stink in high places. Not elegant English, but what else can one say?

A question about public consultation

"How important is public consultation to the improvement plan process, and is there a risk that low expectations from the public will result in unambitious plans?"

Anne Glover, The Countryside Agency

Mike Bruton, DDA Disabled Ramblers

It seems to me that the Local Access Forums (LAFs), now being set up, have a major role in ensuring success in the production of RoWIPs. The danger is of inadequate care being taken in establishing these forums, with a combination of a wrong choice of members and too timid a set of expectations of the contributions from Forum members. The Forums must not be seen as a continuation of the existing Rights of Way meetings, which are often inactive and ineffective. Members must be pro-active and serve as communicators to and from their constituent groups. The Disabled Ramblers hope to see at least one disabled person on each LAF, charged with a very important linkage back to local organisations of disabled people. Our experience has shown the need for full consultation with potential disabled ROW users, otherwise 'token' access projects may be carried out which miss the point completely.

Janet Davis, Ramblers Association

The RA takes the view that public consultation is vital – those who use the network must be in the best place to identify its short-comings. Our concern is not so much that low expectations from the public will result in unambitious plans, but that local authorities fearing that they will not be able to deliver promised improvements will produce unambitious plans. That is why identifying sources of money to help with implementation is so important.

Alan Kind, LARA

'Who are the public?' A perennial question in rights of way cases! At danger of sounding elitist, I do not think that most of the public has much idea – or even really cares – about the legality of paths, or the management processes. People just use them if they are there. Go and read mountain biking and walking magazines if you don't believe me. The demand for paths is almost endless. To borrow a phrase from a movie: "if you build it, they will come." Again harking back to the legal origins of our highway network, absence of 'public participation' has always been a factor: in one key aspect it is statutorily acknowledged and enshrined in the common law – the concept of

'the Queen's highway'. Why? Because 'the public', in the sense of parochial government and influence, has a track record of not liking highways. If you leave the management of (especially minor) highways to 'the locals' then (and history and the law books illustrate this) you won't have many left in many places.

Empowering and engaging the public is fine in theory, but who is going to explain the 'subtleties' of highway law and practice to the good citizens who turn up, before they can make much of a meaningful input into the processes? You are never going to get a big groundswell of 'ordinary people' demonstrating with placards in favour of more public paths – the process is more subtle and under-the-surface than that.

If you regard the user organisations as the effective representatives of the public in the improvement plan processes (which they essentially are – these are the people who can be bothered to get out of bed and actually *do* something), then will these people have low expectations? Probably yes. Most of them are cynical from bitter experience. If the improvement plans become essentially diversion and extinguishment plans because of the cost and political unwelcomeness of creation processes, then don't expect much long-term user/public enthusiasm. Should improvement plans be ambitious? Maybe they should be realistic instead.

Simon Talbot-Ponsonby, Sustrans

This is very important as it is all too easy for someone to decide what is good for an area. It is the locals and local special interest groups that can help to identify what they believe is needed. I would urge that although consultation is important, plans for the benefit of the wider community should not be allowed to be stopped on the grounds of a small vocal opposition. There is often quite a lot of "nimbyism" as people support the principal provided it is somewhere else. Involving the community at the outset usually dispels misconceptions before they arise

Stephanie Wheeler, BHS

If I may answer the second part of your question first, I can assure you that the expectations of the riding and carriage driving public will NOT be low. We have had absolutely nothing out of CROW so far. In fact we have seen an upsurge of resistance to rights of way from landowners who are upset by plans for open access.

The very continuation of riding, as a wonderfully healthy outdoor exercise for young and old alike, depends on the way in which Part Two of the legislation is implemented. Please do not forget the huge input into our local economy of the horse world.

I am working on plans for my county now, on which I am mapping all those routes for which I have information which leads me to believe that higher rights exist. This then shows up clearly where links need to be created.

To think that counties are going to produce RoWIPs for the modern network the Government is calling for by just creating it, is , as we all know, Cloud Cuckoo Land.

As I understand it, the maps will have to be advertised as the open access maps are being advertised. I would hope that these maps will show all the access which should be there, plus the creations needed, but that it will be made plain to landowners that financial help is available for drainage, fencing, gates etc. to diffuse their anxieties and reduce their opposition.

Many are diversifying into equestrian activities, but as I keep saying to those that consult me, these activities will not succeed unless they are accompanied by good, safe, off-road riding. It is time that landowners stopped assuming that riding rights of way automatically de-values their property. Reading Country Life in the dentist's waiting room the other day, I found an article by one of our prominent estate agents which said that the biggest selling point a country property could have was good stabling.

This all needs a mind-set change, amongst both landowners and County Councils. Therein lays our challenge!

Countryside Recreation Network Workshop

PUBLIC RIGHTS OF WAY IMPROVEMENT PLANS

WORKSHOP PAPER

CORE PATH NETWORK, WHAT IS IT? THE SCOTTISH EXPERIENCE

*Mat Roberts
Countryside Development Officer,
Loch Lomond and The Trossachs National Park Authority*

While the primary intention of the Land Reform (Scotland) Act is to codify a right of access to all suitable land, it is recognised that in practice the majority of access takes place along defined paths.

In the past it has proved difficult, in many cases, to provide paths where there is a demand for them, in particular close to where people live and/or to places of special interest.

The Act creates a general right of reasonable access to land, with exceptions specified to protect privacy and safety.

For the purposes of the legislation, "land" includes inland waters and foreshore.

The concept of responsible access is addressed in the Scottish Outdoor Access Code, presently out to consultation by Scottish Natural Heritage (SNH) and subject to approval by government Ministers.

The section on core paths requires the access authorities to draw up a plan for a system of paths ("core paths") sufficient for the purpose of giving the public reasonable access throughout their area. This is the only place where the emphasis is placed on reasonable rather than responsible.

The plan can include all forms of permissible access on foot, horse back or cycle and may include all forms of path, rights of way, general purpose paths, waterways, cycle tracks and path agreement routes.

The core path plan must be drawn up by 2006 and is subject to public consultation and approval by Scottish Ministers.

The legislation goes on to allow access authorities to review the plan and make any changes including the removal and diversion of routes as deemed necessary. The revised plan should then be communicated to the public and

revised lists of paths compiled and the ministers notified. There appears to be no requirement for Ministers to approve the revised plan.

The access authorities are given the powers to do anything they consider appropriate to maintain a core path, keep it free of obstruction and direct users.

In essence the Land Reform Act provides for access authorities to establish and amend a network of paths for users to use. These paths can be maintained and promoted by the authority. As users have a general right of responsible access to most land these routes are to provide added value and ease of use to those wishing to take access.

It is my personal opinion that this system allows for the creation of a flexible, use focused network of maintained paths that can evolve with the changes in demand and mechanisms of non motorised access used.

Countryside Recreation Network Workshop

PUBLIC RIGHTS OF WAY IMPROVEMENT PLANS

WORKSHOP PAPER

IMPROVEMENT AND MANAGEMENT

*Jont Bulbeck
Access Policy Officer
Countryside Council for Wales*

The policy for 'plans to improve public rights of way' to meet modern day needs was developed in the late 1990s. It was put forward in the context of an already established national target for all public rights of way to be: well maintained, legally defined and well publicised. The Milestones process was being promoted by the Countryside Commission in England to encourage a strategic, business-planning approach to management by local authorities of their existing rights of way duties and powers.

Policy thinking envisaged that once local authorities were properly meeting their existing duties for public rights of way, they should be required to strategically plan and take action to change and *improve* the largely historic network of rights of way, to better meet current demands and use. In this context, improvement is often interpreted as being about the development or creation of new routes, and making changes to existing ones.

This policy for planned improvement emerged in the CROW Act as a duty for local authorities to produce a Rights of Way *Improvement* Plan (RoWIP). However, as well as *securing an improved* network, the RoWIP legislation also requires local authorities to state *the action they propose to take for the management* of local rights of way.

So if improvement is about management of networks, as well as changes to improve them, how are current rights of way duties being performed across England and Wales? Some key measures from CA and CCW research and local authorities own performance indicator data show that:

- For 'finding a right of way': only 53% of PROW in Wales and 69% in England are signposted.
- 24% of proW in England and 42% in Wales are not 'easy to use'.
- In England, you can go around 2km on average before you'd come across a problem that makes a path unusable; in Wales less than 1 km.

For definitive map duties, recent research by CCW and the CA as background to 'Lost Ways' showed:

- one authority in England and no authority in Wales has an up to date definitive map.
- 54% of English authorities still don't anticipate completing the map by 2010.
- In Wales half of authorities couldn't say when they would complete the map, 10% said they would before 2010; 40% only by 2020 (all but 1 by 2026 though).
- Despite authorities predicting the completion of definitive maps, the same research also showed that backlogs of Schedule 14 applications were increasing.

The promotion of rights of way is in many ways the forgotten target – it is also not a duty. Promotion of prpw is characterised by:

- Locally determined approaches.
- A reliance on OS mapping for the general public availability of prpw information.
- Specific marketing of national trails, regional routes or locally promoted networks.
- Increasing use of the web, but to locally determined standards.
- No clear standards for information promoting routes; or for maintaining promoted routes.
- No national system bringing rights of way and other access together other than OS paper mapping e.g. such as through a national web based access information system.

In carrying out their current duties, around two-thirds of authorities in England have adopted a 'Milestones Statement' type approach. The review of the Milestones process showed a significant majority of authorities valued the approach for their prpw work and felt it produced tangible benefits.

In Wales, authorities in the late 1990s developed countryside strategies. These countryside strategies were broader in approach and did not require a business plan for rights of way work. This perhaps explains why around 2 of 11 Welsh authorities responding to the research into 'Lost Ways' said they had a programmed approach to definitive map work.

So what did the workshops feel this all meant for the content of RoWIPs?

- It is vital that every authority has a clear view of the extent of their rights of way resource, its condition and recording. This information should be the basis for deciding the priorities for an individual authority's plan.

- In practice every local authority is at a different stage in meeting their current duties.
- The creation of new rights of way is often a difficult, protracted and expensive process.
- Establishing permissive rights of way to improve the network carry the risk of access being withdrawn - they are not a satisfactory way of using public resources.
- The potential for improvement to the rights of way network through the better performance of existing duties remains substantial.
- The preceding points together with the limited resources available for rights of way suggest that for many the priority should still be to fulfil existing duties.
- The RoWIP process offers a structure and vision for linking duties for existing networks with new opportunities for improving rights of way in an area.

The National Assembly for Wales (NAW) guidance in Wales and the Secretary of State in England sets out for authorities the interpretation they place on the RoWIP legislation and includes amongst other things the place for existing rights of way in them. For Wales that is going to bring the existing duties for rights of way firmly within the RoWIP process.

In conclusion, local authorities in producing an Improvement Plan have therefore to determine what key actions will best meet people's needs for rights of way in their area: the essential balance of 'improvement - management' in their plan.

Countryside Recreation Network Workshop

PUBLIC RIGHTS OF WAY IMPROVEMENT PLANS

WORKSHOP PAPER

PAYING FOR IMPROVEMENTS

*Sean Prendergast
Chief Ranger
Peak District National Park*

Barriers to be overcome:

- Knowing how much money was allocated to each HA
- Not ever going to be high on HA's agenda
- We do not know what the true costs will be
- The duty to replace the plan but no duty to implement
- There will need to be adequate resources to prepare the plan
- Local Transport Plans (LTPs) – ROW do not fit easily into the 'transport' nature of these plans (although there has been success here)
- Credible representation from certain groups

Keys to success

- Grant schemes (successful in the past)
- Transparency from central government, re: allocations
- Knowledge of what ROWIP will cost – link this to the 8 demonstrations
- Feed the plan into the existing corporate processes (e.g. re: consultation)
- The wooden 'horse' approach, including greenways to access LTP funds and the key members
- Need to get the right officers on board, especially re: LTP's
- Actively seek good representation (e.g. for LAF's) and representation of 'interests' not groups
- Link to other initiatives e.g. Health, tourism etc.

The theoretical argument regarding funding for rights of way improvements including maintenance can be summarised in the following way:

- Rights of Way are Public Highways
- *Ergo* they are 'Publicly maintainable'
- Funding must come from the public purse

However such logical thinking is not always followed through in practice. A much closer summary of the facts regarding rights of way funding would be:

- As highways they are low down the agenda
- None of the 'new' money promised under CRow has been ring-fenced
- They compete for public funding with things like Schools, Care for Elderly etc..

Funding Needs

There are two generic areas of funding required for rights of way management

- Funding for Capital Projects
- Funding for Maintenance (Revenue?)

Capital Funding

Capital funding tends to be Project orientated with a finite outcome. Capital Projects themselves tend to be those which:

- Lend themselves to external funding
- Can show additionality in order to access the funds

However because of this they can become a piecemeal approach in terms of overall network management. None the less good examples of a 'Capital Project approach do exist. One of these is the Gateways project.

Gateways Project

This is a project which was carried out by the Peak District National Park Authority Ranger Service. Its aims were the refurbishment and improvement of the Network to increase opportunities for all, especially those with mobility problems. It adopted the concept of least restrictive approach in respect of field crossings and replaced most stiles with small wicket gates. Where a stile was the only option, they were made wider than the traditional ones, making them easier to use for people with restricted hip movements and associated conditions. The Project used European Union money (ERDF & EAGGF – Targeted to developing tourism and the rural economy) and took advantage of the fact that the National Park is not Highway Authority. The project pulled in £350,000 of grant money over 6 years and was able to count staff time and overheads as part of matched funding

Maintenance Funding

Maintenance differs from capital funding in the following ways:

- It needs by definition to be a regular on-going occurrence.
- It is a Statutory Duty – therefore it is difficult to show additionality
- Finally because of the foregoing, it can be considered (wrongly?) to be a bit mundane.

Even so with a little bit of lateral thinking good examples of initiative designed to meet regular maintenance needs can be found. One of these is the Parish Paths Partnership.

Parish Paths Partnership

The P3 as it came to be known was a concept originally developed by the then Countryside Commission and worked around the principle of involving local communities in the management and maintenance of their own local path network. In order to facilitate this there were a number of P3 Officers appointed in different local highway authorities. Although only designed as a pilot project it covered in the end over 3,000 kilometres of path so can be seen as a representative approach in terms of a case study. The results of the P3 Project were:

- 7,500 stiles repaired and maintained
- 7,400 signs erected
- 1,500 separate events
- 1,600 Parishes and groups signed up
- 800 local leaflets printed

These outcomes represent a considerable improvement on a 3,000 km network. The approach should be a serious option for path network maintenance albeit only in certain circumstances.

The session then turned to a group discussion which aimed to find out what are the barriers to be overcome and what are keys to success? And sought to break them down into three key elements:

- Financial
- Political
- Procedural

Countryside Recreation Network Workshop

PUBLIC RIGHTS OF WAY IMPROVEMENT PLANS

CONCLUSIONS

*Wendy Thompson (Afternoon Chair)
Countryside Agency*

John Varley began the day by wondering whether so many people had attended this event out of curiosity or panic! Well at this stage, I would like to think that there is a healthy balance of both!

Maybe the seminar has raised more questions than answers about the process of preparing rights of way improvement plans. And the 25 stages referred to by Roy Hickey this morning may seem a bit daunting at this point in time. But I hope that today has given you a stronger sense of the purpose and the scope of ROWIPs and their capacity to plan for a better network of routes, whether these are for leisure, exercise or for local journeys. The Countryside Agency sees the plans as a crucial stage in getting the importance of rights of way recognised and appreciated by more people - both the public and decision makers. The contribution that this essentially traffic-free network can make to tourism, sustainable transport and a healthier population must be recognised if rights of way are to be resourced better.

We want a network which extends beyond what we see at the moment to provide more Greenways, more joined up circular routes, more places for cyclists, equestrians and walkers or ramblers of all levels of ability. More routes where people want to go. The Question Time panel members illustrated this well in the answers to the questions you raised this morning.

Stephanie Wheeler for the BHS also reminded us of the importance of linking this work to the extremely important task of completing definitive maps. I agree that the Discovering Lost Ways project will be incredibly important as a way of improving the network, particularly for higher rights users. But I believe that we can't wait for that work to finish before we plan for better networks. The two approaches must work along-side each other in a complimentary way if we are to get the best from both. For example, where the need for more bridleways is identified, I would expect one of the first courses of action to be to look at outstanding claims for adding unrecorded ways to the definitive map, or to contact the Discovering Lost Ways coordinating body to see whether there is likely to be evidence of higher rights in the area.

There are still questions about the exact process and format of rights of way improvement plans, but I think our speakers today have clarified that they are about more than tidying up and looking after the existing routes. They are

about improving the *network* which involves extending it where it is currently not serving the needs of local people and visitors. However, this must not be at the expense of existing duties to maintain and record rights of way and the legislation requires a statement about managing existing routes. This will feature more prominently in the guidance for Wales where the tradition of business planning for rights of way work (Milestones etc) is not so well developed.

We are attaching high expectations to the eight exemplar plans which we (the Countryside Agency) are supporting, and I believe that these are essential to set a standard and style for those which follow. The lessons learned from preparing those early plans will be collated and shared with all authorities on the revamped PROW Good Practice Guide at regular intervals. A challenge for the Countryside Agency is to make sure that we do this in the most helpful and effective way.

So although we do not have all the answers we will work through the process and draw out the difficulties and find solutions which we will share.

Before I finally thank the speakers and organisers today, a final word about resources. George Keeping spoke about his concerns for local authority staff coping with the work load and holding on to their budgets. Having the resources to prepare the plans is incredibly important. Alun Michael wrote earlier this year to all authorities to tell them about the new duty and that they had been given extra cash to do the job. It is of course disturbing that so few authorities have allocated any additional cash to rights of way sections and I know those of you here who have to prepare the plans have a tough job to persuade your authority to give the task a higher priority.

Even more important will be finding the resources to implement the plans. We continue to remind Government of the importance of this and we won't give up! At the same time we are drawing together examples of alternative sources of funding, to add to the PROW Good Practice Guide. I think the workshop on funding today also provided some helpful input to this.

So my thanks to all the workshop facilitators and rapporteurs this afternoon, and to the speakers Dave Waterman, Roy Hickey and George Keeping. Also my thanks to John Varley for hosting this morning's programme and to the Question Time Panel members for their informative and entertaining responses to the questions they were asked. Thank you too to those who asked the questions and for everyone for taking part. And last but not least an enormous thank you to the CRN team, Liz Davies and Christine Heywood, for all the work they have done to make the event run smoothly!

STAGES IN THE PRODUCTION OF A RIGHTS OF WAY IMPROVEMENT PLAN

Checklist derived by the Countryside Agency from DEFRA's draft guidance.

1. CONTEXT AND SCOPE

- 1.1 Establish links with stakeholder consultees
- 1.2 Establish system for monitoring progress
- 1.3 Collect other relevant plans and documents

2. NEEDS OF DIFFERENT CLASSES OF USER

- 2.1 Review needs of different classes and types of user:
 - disabled including blind and partially sighted;
 - walkers;
 - cyclists;
 - equestrians including harness horse drivers;
 - lawful vehicular users
- 2.2 Review wider interests:
 - economic regeneration including tourism initiatives;
 - health benefits including walking from home;
 - access to the countryside;
 - access to work, school and local services;
 - opportunities for recreation;
 - more sustainable transport
- 2.3 Consider case for extra provision including safe and circular routes
- 2.4 Consider need for access to new open access land
- 2.5 Consider interests of land managers and conservation

3. MAKING THE ASSESSMENT

- 3.1 Assess current route provision through:
 - definitive rights of way map including any modifications;
 - past requests for improvements;
 - current condition of network;
 - context of wider network of routes;
- 3.2 Consider availability of network to different users
- 3.3 Note deficiencies in network
- 3.4 Assess opportunities for improvement
- 3.5 Survey public's expectations (use and demand studies)
- 3.6 Confirm links with other plan documents
- 3.7 Liaise with public / local access forums / other authorities
- 3.8 Consult on final assessment

4. STATEMENT OF ACTION

- 4.1 Make proposals for action based on assessment
- 4.2 Identify potential for early small-scale improvements
- 4.3 Put detail of proposals in other business plans / milestone statements

5. PUBLISHING THE PLAN

- 5.1 Publish draft plan
- 5.2 Publicise its availability
- 5.3 Seek representations from stakeholders (for at least 3 months)
- 5.4 Report on subsequent amendments
- 5.5 Confirm final version with local access forums
- 5.6 Publish final plan

ANNEX A

PUBLIC RIGHTS OF WAY IMPROVEMENT PLANS PROGRAMME

- 09:45** *Registration and Refreshments*
- 10:15** **Welcome by Chair**
John Varley, Countryside Agency Board Member
- 10:30** **What is required by the legislation**
Dave Waterman, Countryside Division, DEFRA
Roy Hickey, Consultant in Access and Rights of Way
- 10:50** **What do we want from the linear access network**
Chair – John Varley
- Question time format with panel made up of:*
Mike Bruton, (DDA) Disabled Ramblers
Janet Davis, Ramblers Association
Alan Kind, Land Access and Recreation Association
Simon Talbot-Ponsonby, Sustrans
Stephanie Wheeler, British Horse Society
- 12:00** **Workshop 1/2/3/4**
Delegates choose two workshop sessions - one a.m. , one p.m.
- 1. Assessing whether the network meets demand**
Roy Hickey, Consultant in Access and Rights of Way
 - 2. The core network**
Mat Roberts, Countryside Development Officer,
Lochlomond and the Trossachs National Park Authority
 - 3. Existing duties**
Jont Bulbeck, Access Policy Officer, Countryside Council for Wales
 - 4. Paying for improvements**
Sean Prendergast, Chief Ranger, Peak District National Park

- 12:45 *Lunch*
- 13:45 Local authority aspirations and fears
George Keeping, CSS Rights of Way Officer
- 14:15 Workshop1/2/3/4
Delegates choose two workshop sessions - one a.m. , one p.m.
1. Assessing whether the network meets demand
 2. The core network
 3. Existing duties
 5. Paying for improvements
- 15:00 *Refreshments*
- 15:15 Reports and discussion from workshop sessions
- 15:45 Conclusions from the day
Wendy Thompson, Countryside Agency
- 16:00 Close and depart

WORKSHOP SESSION PROGRAMME

To be held:

12.00 – 12.45 and 14.15 – 15.00

Participants attend two different workshop sessions, one in the morning and one after lunch.

1. **Assessing whether the network meets demand**
Roy Hickey, Consultant in Access and Rights of Way
An opportunity to explore the strengths and weaknesses of some techniques which have been tested by the Countryside Agency.
2. **The core network**
*Mat Roberts, Countryside Development Officer,
Lochlomond and the Trossachs National Park Authority*
Is the Scottish concept of a core network relevant to the improvement plan process in England and Wales? How will authorities establish whether the existing network is adequate? How will the Discovering lost ways project help authorities to complete their definitive maps?
3. **Existing duties**
John Bulbeck, Access Policy Officer, Countryside Council for Wales
How far should improvement plans identify the need to fulfill existing duties to maintain and record rights of way? Should rights of way improvement plans focus on adding to the network when the existing network is far from perfect in some areas? – Lessons from the CCW study.
4. **Paying for improvements**
Sean Prendergast, Chief Ranger, Peak District National Park
Money is the bottom line if the improvement plans are to be worth the paper they are written on. If the Countryside Agency is to offer grants, what happens when that source of funding dries up? Can lottery fill the vacuum? Should improvement plans be linked to the Local Transport Plan process?

ANNEX B

BIOGRAPHY DETAILS

DR MIKE BRUTON CHAIRMAN, (DDA) DISABLED RAMBLERS

Dr Mike Bruton is a disabled person and user of wheelchairs. He is an enthusiastic Rambler but can only walk a few paces. His rambling is made possible by use of electric pavement buggies and he uses a very heavy duty buggy, the Beamer Trampler for use on long country walks.

He is Chairman of the DDA Disabled Ramblers, a registered charity which is affiliated to the Disabled Drivers Association (DDA) and the Ramblers Association. The Disabled Ramblers have four main functions:

- to promote improved access to the countryside by identifying and opening up for easier access footpaths and trails of all kinds in the countryside.
- to organise a number of supported rambles throughout England and Wales. During the summer of 2002 we organised 17 disabled rambles, some of which were more than one day in duration and including a three day ramble in South Wales. The aim is to cater for a wide range of interests and abilities, including easy going rambles in country parks, and more challenging excursions over moorlands and in other rougher places.
- to identify technology improvements, both in countryside furniture, including barrier design and in the design of suitable buggies for use by disabled people.
- to gather and distribute information on all aspects of disabled rambling to disabled people and to land managers and land owners.

Mike Bruton is 64 years old and is retired after 24 years service with British Airways. His disability started at the age of 9 and has progressed very slowly ever since.

JONT BULBECK ACCESS POLICY OFFICER COUNTRYSIDE COUNCIL FOR WALES

Jont Bulbeck is Access Policy Officer with the Countryside Council for Wales. Prior to working for CCW, Jont worked in local government, including 5 years as the Parish Paths Liaison Officer for Knowsley MBC on Merseyside.

JANET DAVIS
HEAD OF FOOTPATHS POLICY
THE RAMBLERS' ASSOCIATION

Although Janet's original area of study and training was in freshwater ecology, she has worked for the Ramblers' Association for the last 18 years. Janet is part of the footpaths policy team and the remit is to give advice, support and training to the RA's volunteer footpath workers who are the ones who carry out the work of the Association on the ground (responding to proposed changes to the network, attending public inquiries, making definitive map modification order applications, trying to ensure that obstructions are removed and that paths are properly signposted and waymarked, and lobbying to make sure that rights of way work is properly funded)

In addition to this, our team was closely involved with the passage of Part II of the Countryside Rights of Way Act through Parliament, lobbying MPs and Peers to try to make sure that the new legislation was to the benefit of path users. We are also responsible for preparing the Association's responses to the various consultation papers on the Part II Regulations and advice which are coming from DEFRA.

ROY HICKEY
INDEPENDENT CONSULTANT

Roy Hickey has over 25 years experience of working on public rights of way; of dealing with the complex issues involved both in terms of the overall legislative, policy and management framework and at more practical level – in endeavouring to applying the legislation and policies while also addressing the practical realities of public rights over private land.

From 1981 to 1996 Roy was the Countryside Commission's National Access Officer. In that role, he was involved in developing and implementing the Commission's *Enjoying the Countryside* recreation policies including both the National Target for Rights of Way and the Commission's Milestones approach. As a member of the Rights of Way Review Committee, he also lead the working party that developed the Rights of Way Act 1990.

Since 1996, Roy has worked as an independent consultant for a number of clients, including the Countryside Agency and CCW as well as individual local authorities and the CLA. Three aspects of this recent work are particularly relevant to today.

- He worked extensively for the Agency in the period leading up to and during Parliamentary passage of the CROW Act, particularly on the measures that are now in part II of the Act - including those on rights of way improvement plans.

- He was a member of the team, led by the University of Gloucestershire, that carried out the study of *Discovery of Lost Ways in England and Wales* for the Countryside Agency and CCW. This included leading the development of a detailed Phase 2 Project Plan for England, which the team has recommended should be implemented to ensure that all remaining rights of way can be identified and recorded before the 2026 cut-off date takes effect.
- Together with George Keeping and Jon Young of exeGesIS SDM, he has recently been appointed by the Agency to lead the Improvement Plan Advisory Project, to coordinate and support the development by local authorities in England of 8 exemplar ROW Improvement Plans. He will explain in his introduction to the workshop a little more about what this project involves.

Roy also works extensively on access issues in Northern Ireland where, he says, "things are a little different".

**ALAN KIND
PLANNING OFFICER
LAND ACCESS AND RECREATION ASSOCIATION**

Alan has a Bachelor's and Master's degrees in Law and is an Honorary Fellow of the Institute of Public Rights of Way Officers (IPROW). He is also the Editor of 'Byway and Bridleway', the journal of the Byways and Bridleways Trust.

His specialties are: Public rights of way and access law, and management of practice; outdoor recreation planning and provision issues; 20 years study of highway law and practice. He also has consultancy experience of the definitive map and Highways Act process and has had many articles published.

**GEORGE KEEPING
CSS RIGHTS OF WAY OFFICER /
FREE-LANCE RIGHTS OF WAY CONSULTANT**

George Keeping has fourteen years' experience of rights of way and Countryside management, chiefly with Lincolnshire County Council. Since 1993 he has been actively involved in the CSS Countryside Working Group: as county representative, Regional Chairman and, since 1999, as secretary for the National Group. He works part-time as the CSS Rights of Way Officer and for the remainder as a free-lance rights of way consultant. Through his consultancy work, he is part of the team led by Roy Hickey working on the Countryside Agency's Improvement Plan advisory project

SEAN PRENDERGAST
CHIEF RANGER
PEAK DISTRICT NATIONAL PARK

Sean has been a Chief Ranger in the Peak District National Park for eight years. Prior to this he was involved with Rights of Way and Access for ten years. He has been involved in various funding initiatives as a Highways Authority officer and as a National Park Chief Ranger working with NGO's, charities and user groups.

SIMON TALBOT-PONSONBY
PROJECT DIRECTOR
NATIONAL CYCLE NETWORK WITH SUSTRANS

Simon is the project Director for the National Cycle Network with Sustrans. In addition to the National cycle Network he is responsible for all technical issues within Sustrans. Simon was responsible for running the Millennium Commission lottery project including the distribution of our £43.5m grant. He is a chartered civil engineer having worked with National Civil Engineering Consultancies and National Contractors.

MAT ROBERTS
COUNTRYSIDE DEVELOPMENT OFFICER
LOCH LOMOND AND THE TROSSACHS NATIONAL PARK

Mat found his way to the Countryside and Access Management world via careers in Theatre, Film and Television as both technical and production managers. A late developer, he graduated from Hatfield Poly in Environmental Studies before becoming a Rights of Way Warden for Wiltshire County Council. This led to an appointment as a Woodland Officer for the Woodland Trust in the Peak District and then on the flatter lands of Norfolk as a Countryside Access Development Officer.

Looking for new challenges he moved west to run a local access project in the upper Swansea valley before becoming the City and County of Swansea Chief Ranger. Footloose as ever Mat moved to Scotland in 2001 to take up the Post of Countryside Development Officer to help establish with Loch Lomond and the Trossachs National Park. Mat is presently responsible for park infrastructure including core path networks, waste management, landscape improvement, and is the strategic perspective manager the West Highland Way etc.

WENDY THOMPSON
SENIOR COUNTRYSIDE OFFICER
COUNTRYSIDE AGENCY

Wendy has worked at the Countryside Agency, and previously the Countryside Commission for 16 years, on a range of policy areas including designated areas, planning and since 1999 on rights of way policy and countryside recreation.

JOHN VARLEY
BOARD (NON EXECUTIVE DIRECTIO) OF THE COUNTRYSIDE AGENCY

Appointed to the Board (Non Executive Director) of the Countryside Agency in April 2002 with lead roles for the South West, Local Government and Housing and Dartmoor National Park.

Estates Director of the Clinton Devon Estates, based in East and North Devon, which in addition to forestry, in hand and tenant farming, operates a range of rural businesses and also a portfolio of commercial property and business parks. He was formerly a senior manager at British Telecommunications plc where he travelled extensively worldwide undertaking a range of roles including Joint Venture Management, Customer Service, Marketing, Corporate Strategy and Field Operations. In 1991, he was awarded the Territorial Decoration recognising his service in the Territorial Army.

DAVE WATERMAN
HEAD OF RIGHTS OF WAY BRANCH
DEFRA

Dave is head of Defra's Rights of Way Branch, responsible for all rights of way policy and legislation including the implementation of Part II of the Countryside & Rights of Way Act 2000. He has worked in a variety of public administration posts in the environment and transport fields.

STEPHANIE WHEELER
COUNTRY ACCESS AND BRIDLEWAYS OFFICER FOR SOMERSET /
REGIONAL ACCESS AND BRIDLEWAYS OFFICER FOR SOUTH WEST /
TRUSTEE OF THE BRITISH HORSE SOCIETY

Stephanie is a life long horse rider who has participated in most forms of horse sports. She still rides and is now devoted to trying to assure that future generations are able to continue to enjoy the freedom to ride off our increasingly dangerous roads.

ANNEX C

DELEGATE LIST

Title	Name	Surname	Position	Organisation
Mrs	Vicky	Allen	Chair	Leicestershire and Rutland Bridleways Association
Mr	Richard	Ball	Access Officer	Brecon Beacons National Park
Mr	Ian	Bamforth	Countryside Manager	Worcestershire County Council
Miss	Jayne	Benson	Strategic Routes Officer	City of Bradford MDC
Dr	Kevin	Bishop	Senior Lecturer	Cardiff University
Mr	Chris	Botting	Access Legislation Team	Forestry Commission
Mr	Alan	Bowring	Countryside Access Development Officer	Cheshire County Council
Mr	Mike	Bruton	Chairman	DDA Disabled Ramblers
Mr	Jont	Bulbeck	Access Policy Officer	Countryside Council for Wales
Mr	David	Burrows	Technical Services Officer	Walsall MBC
Mr	Philip	Cadenne	Principal Engineer	Cardiff County Council
Mr	Bill	Carter	Senior Access Officer	Leicestershire County Council
Mr	Rob	Coate	Rights of Way Project Officer	Somerset County Council
Miss	Hannah	Cohen	Legal and Technical Officer	The British Horse Society
Mr	Frank	Coleman	OM, Countryside and Environmental Projects	Vale of Glamorgan Council
Mr	Neil	Constable	Countryside Officer	Countryside Agency
Mrs	Cathy	Cooke	Assistant Area Manager	Derbyshire County Council
Mr	Simon	Culpin	Senior Ranger	Sussex Downs Conservation Board
	Liz	Davies	Network Manager	Countryside Recreation Network
	Janet	Davis	Head of Footpaths Policy	The Ramblers' Association
	Rennie	Dickins	PROW Team Leader	South Gloucestershire County Council
Mrs	Lynn	Dunn	Senior Planner (Countryside)	Cardiff County Council
Mr	Mike	Eastwood	Access Manager	Cornwall County Council
Mr	Rod	Edbrooke	Milestones Manager	Surrey County Council
	Jane	Elliot-Malpass		Defra
	Anita	Exton		
	Fiona	Ford	Countryside Access Officer	Torfaen CBC
Mr	Christopher	Formaggia	Ecology and recreation Advisor	Environment Agency, Wales
	Phil	Fox	Countryside Access Development Officer	Bedfordshire County Council
Mr	Rob	Garner	Advisory Officer, Recreation and Access Group	Scottish Natural Heritage
Miss	Anne	Glover	Countryside Officer	Countryside Agency
Mr	John	Hall	Rights of Way Officer	Milton Keynes Council

DELEGATE LIST

Title	Name	Surname	Position	Organisation
	Tara	Hansford	Countryside Access Development Officer	Dorset County Council
Mr	Paul	Harris	Strategic Countryside Access Officer	Oxfordshire County Council
Mr	Paul	Hawkins	Recreation Management Officer	Exmoor National Park
	Christine	Heywood	Network Assistant	Countryside Recreation Network
Mr	Roy	Hickey	Consultant in Access and Rights of Way	
Mrs	Kathy	Hill	Administrative Officer (Technical)	London Borough of Harrow
Mr	Colin	Hudson	Public Rights of Way Officer	Bath and North East Somerset Council
Mrs	Deborah	Hughes	Principal Rights of Way Officer	Sgropshire County Council
Mr	M	Jenkins	Rights of Way Manager	Devon County Council
Mr	Stephen	Jenkinson	Training and Development Officer	Losehill Hall
	Chris	Jones-Jenkins	Rights of Way Officer	Vale of Glamorgan Council
	George	Keeping	CSS Rights of Way Officer	Lincolnshire County Council
	Alison	Kent	Senior Ranger	Exmoor National Park Authority
Miss	Catriona	Kilner	Access Development Officer	Yorkshire Dales National Park Authority
Mr	Alan	Kind	Motor Sport and Planning Officer	Land Access and Recreation Association
Mrs	Mary	Knight	Public Rights of Way Officer	Bristol City Council
	Stephanie	Kruse	Countryside Officer	Countryside Agency
	Karen	Lee-Bapty		Defra
Mrs	Shona	Lewis	Rights of Way Access Development Officer	Shropshire County Council
Mrs	Sarah	Littler	Senior Rights of Way Officer	Somerset County Council
	Graham	Lynch	Access and Conservation Officer	British Mountaineering Council
Mr	Glenn	Martin	Rights of Way Officer	Somerset County Council
Mr	Andrew	Mason	Rights of Way Officer	Bridgend County Borough Council
Mrs	Ros	Mills	Rights of Way Officer	Devon County Council
Mr	David	Mortimore	Countryside Access Officer	Bridgend County Borough Council
Mrs	Claire	Neale	Public Rights of Way Officer	Walsall MBC
Mr	Kevin	Oliver	Countryside Access Manager	Worcestershire County Council
Miss	Helen	Page	Area Recreation Officer	Environment Agency
Mr	Sean	Prendergast	Chief Ranger	Association of National Park Authorities
Mr	Stephen	Rees	Engineer	Cardiff County Council

DELEGATE LIST

Title	Name	Surname	Position	Organisation
Mr	Rob	Reith	Access Warden (Mid and SE Wales)	The National Trust
Mr	Alun	Roberts	Public Rights of Way Officer	Ise of Anglesey County Council
Miss	Carys	Roberts	Campaigns and Policy Officer, Wales	Ramblers' Association
Mr	David	Roberts	Access Development Officer	North Somerset Council
Mr	Mat	Roberts	Countryside Development Officer	Loch Lomond and the Trossachs National Park Authority
Mr	Keith	Rogers	Rights of Way and Access Projects Officer	Blaenau Gwent County Borough Council
Miss	Rebecca	Smith	Rights of Way Officer	Somerset County Council
Mr	Richard	Spurway	Access and Public Rights of Way Officer	Dartmoor National Park Authority
Mr	David	Squires	Countryside Access Officer	Lincolnshire County Council
Mr	Will	Steel	PROW Team Leader	Bath and North East Somerset Council
Mr	Simon	Talbot-Ponsonby	National Cycle Network Project Director	Sustrans
Mr	Richard	Taylor	Countryside Service Manager	Derbyshire County Council
Ms	Wendy	Thompson	Senior Countryside Adviser	The Countryside Agency
Miss	Nicola	Trafford	Assistant Countryside Officer	The Countryside Agency
Mr	John	Varley	Countryside Agency Board Member	
Mrs	Sally	Vickery	Rights of Way Admin Assistant	Somerset County Council
Mr	Bruce	Wallace	Rights of Way Officer	Carmarthenshire County Council
Mr	Dave	Waterman	Head of Countryside Division	Defra
Mrs	Mary	Weston		The British Horse Society
Mrs	Stephanie	Wheeler	County Access & Bridleways Officer, Somerset	British Horse Society
Mrs	Kath	Windett	Rights of Way Manager	City of Bradford MDC
Mrs	Sylvia	Woodhead	Senior Lecturer	Edge Hill College of Higher Education
Mr	Jonathan	Woods	Rights of Way Team Leader	Bedfordshire County Council
Mr	John	Young	Business Manager	exeGesIS