

Rights of Way and Recreational Highway Strategy 2011-2026



**Warwickshire's second Rights of Way Improvement Plan (ROWIP)
and part of Warwickshire's third Local Transport Plan (LTP)**

This document is an extract from Warwickshire's third Local Transport Plan.

This document is available online at www.warwickshire.gov.uk/rowip

The full LTP is available online at www.warwickshire.gov.uk/ltp

April 2011

37. Rights of Way and Recreational Highway Strategy

This Strategy is a Rights of Way Improvement Plan under Section 60 of the Countryside and Rights of Way Act 2000. It supersedes the 'Countryside Access and Rights of Way Improvement Plan 2006-2016' and all previous policies contained within that Plan.

Introduction and Overview

Background

The first rights of way improvement plan (ROWIP) for Warwickshire, prepared under Section 60 of the Countryside and Rights of Way Act 2000 (the CROW Act), established a framework for rights of way and countryside access work over the ten years from 2006 to 2016. The ROWIP produced by Warwickshire County Council (WCC) was the 'Countryside Access and Rights of Way Improvement Plan 2006-2016', or 'CAROWIP', and was the first to be completed in the West Midlands and was advanced in its attempts to integrate with the Local Transport Plan (LTP).

It was always intended that the CAROWIP be reviewed in line with the LTP timetable and the preparation of the third LTP (LTP3) has provided not only an opportunity for a new ROWIP, but an opportunity to fully integrate it with LTP3.

The second ROWIP will be known as the 'Rights of Way and Recreational Highway Strategy' (herein called 'the Strategy').

A separate document, the ROWIP Implementation Plan, will cover a three year timescale and will contain detailed actions covering implementation of the Strategy over that period. This will be prepared and published separately.

Meanings

rights of way	all public footpaths, public bridleways, restricted byways and byways open to all traffic, both recreational and utility
UCR	unclassified road
byway	highway with rights for vehicles – there are two types <ul style="list-style-type: none"> ▪ restricted byway – carries rights for non-motorised vehicles as well as walkers, horseriders and cyclists ▪ byway open to all traffic – carries rights for all road users but is mainly used by walkers and horseriders
public bridleway	highway for walkers and horseriders but which can also be used by cyclists
public footpath	highway for pedestrians which is separate from a road
footway	path for pedestrians which is part of an all-purpose highway and which is commonly known as a pavement
utility rights of way	those which are mainly used by people going about their day to day business – as shortcuts, or routes to shops, schools etc
recreational rights of way	those which are mainly used by people for walking for pleasure (including walking dogs or exercising horses)
recreational UCRs	UCRs covered by the Strategy which are generally not tarmaced by WCC although they may have a stone surface or similar

recreational highways	recreational rights of way together with the recreational UCRs
the network	the rights of way and recreational highway network which is made up of all the routes covered by the Strategy
cycle route	either a footpath which has been converted by legal order or a right of way of a higher status which forms part of a route designed or managed for cyclists
tarmac	used here as a generic term to cover all sealed surfacing materials which would be considered by a member of the public to be called tarmac
Local Access Forum (LAF)	statutory advisory body made up of those with a wide variety of interest in access to the countryside

The Scope of the Strategy

The legislation states that a ROWIP should cover;

- footpaths, cycle tracks and bridleways and restricted byways, and
- byways open to all traffic which are shown on the Definitive Map and Statement.

However, WCC has recognised for some time that there are a number of unclassified roads (UCRs) with an unsealed surface in the County which form valuable links in the recreational highway network. The strategy will therefore include;

- all rights of way,
- cycle routes where they are part of the rights of way network, and
- recreational UCRs which are managed in a similar way to the rights of way network and which have mainly recreational use.

The preparation of this second ROWIP offers an opportunity to assess the successes and failures of the CAROWIP and to further develop priorities and strategies for managing the future of the Warwickshire rights of way network.

Whilst the rights of way and recreational highway network forms the most significant resource which enables members of the public to access the countryside, there are several other types of access which complement the rights of way network and extend and improve access to the countryside, for example greenways and canal towpaths. Although WCC works closely with those who manage these resources, they are not covered by this Strategy.

The policy and legislative context

Legislative framework

The requirement to publish a Rights of Way Improvement Plan was introduced by Section 60 of the Countryside and Rights of Way Act 2000.

The legislation required highway authorities to publish a plan which considers local rights of way (defined as including cycletracks but excluding footways) in the context of;

- the extent to which local rights of way meet the present and likely future needs of the public,
- the opportunities provided by local rights of way for exercise and other forms of open-air recreation and the enjoyment of the authority's area, and

- the accessibility of local rights of way to blind or partially sighted persons and others with mobility problems,
 - such other matters relating to local rights of way as the Secretary of State (as respects England) or the National Assembly for Wales (as respects Wales) may direct,
- and it further required WCC to publish;
- the authority's assessment of the matters specified above, and
 - a statement of the action propose to be taken for the management of local rights of way, and for securing an improved network of local rights of way, with particular regard to the matters dealt with in the assessment.

Government Guidance

In addition to the primary legislation, the Department for Environment, Food and Rural Affairs (Defra) published statutory guidance for ROWIPs in 2002. This guidance was primarily aimed at the production of an authority's first ROWIP but remains in force.

The guidance states 'The government expects local highway authorities to make improvements to their networks that will benefit different types and classes of users, making full use of the powers available to them to do so.'

The guidance includes examples of options or activities which an authority should consider. These are not reproduced in full here but they include;

- the duty to provide adequate margins or verges for ridden horses beside a carriageway where it is considered necessary or desirable,
- additional provision for equestrians through the creation of bridleways and restricted byways,
- routes from centres of population which allow people to gain easy access to the countryside from where they live,
- convenient and safe crossings over roads, railways, rivers and canals,
- links which create circular routes and better facilities for walkers including dog walkers and runners,
- attractive routes in order to support local tourism, economic regeneration and community led initiatives, and
- routes for local journeys such as walking to work, to the station, to the shops or to other local amenities.

A Natural England Good Practice Note on ROWIPs and LTP integration states that 'The new Local Transport Plan (LTP) guidance recognises the role of active travel solutions such as walking and cycling. There is now an opportunity for local authorities to take a broader, more holistic approach to transport and address the rights of way network as an integral part of urban and rural transport systems and in contributing to the achievement of all the national transport goals'. It also states that 'Integration gives local authorities an advantage in delivering positive benefits for people and the natural environment – a more active lifestyle in a greener, healthier, low carbon, quieter and safer environment'.

Guidance produced by the Department for Transport (DfT) states that 'Local transport authorities may wish to integrate the appropriate ROWIP(s) with their LTP'.

Figure RW1 shows how the integration has been achieved in Warwickshire.

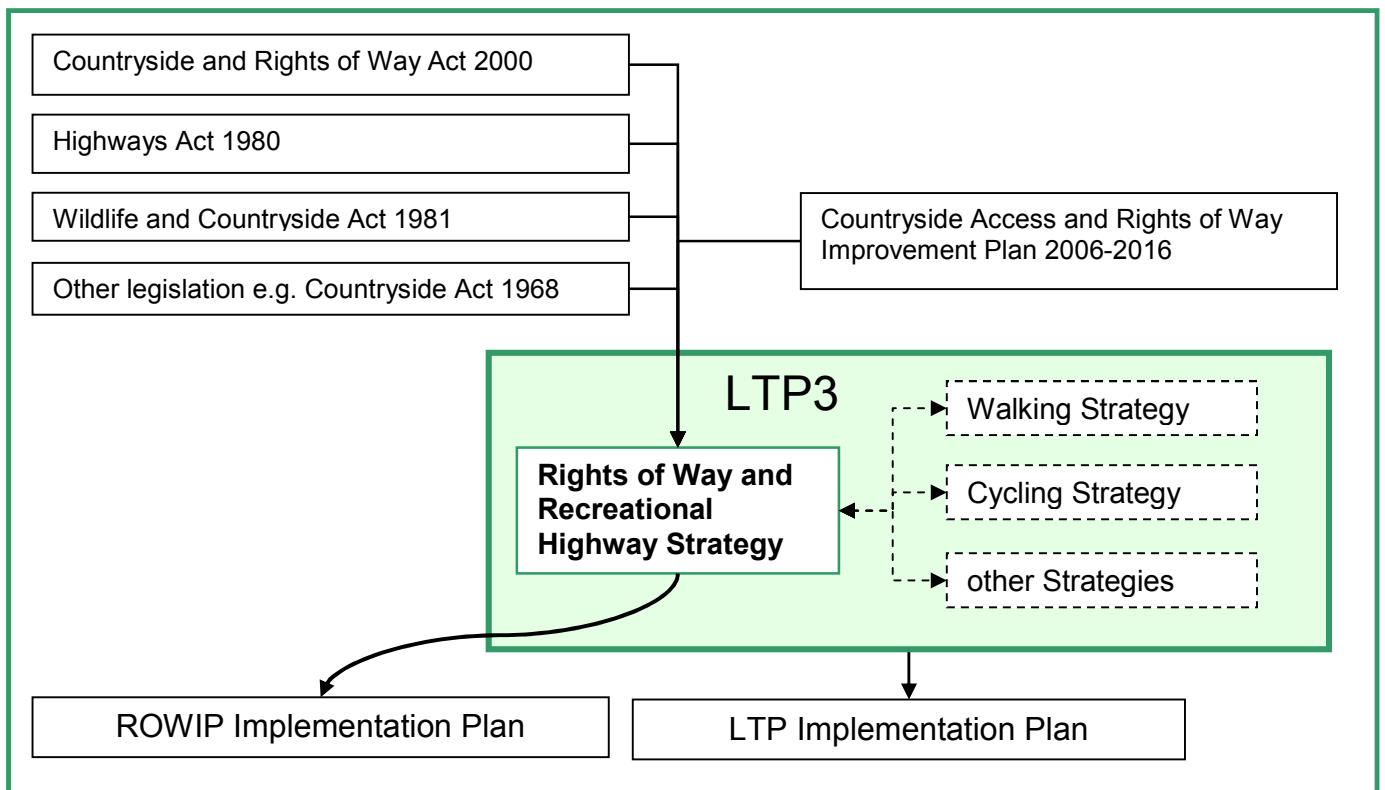


Figure RW1: Integration between the ROWIP and LTP3

Regional and National policy

There are a number of national documents which relate to the rights of way and recreational highway network. These include:

- Rights of Way Improvement Plans - Statutory Guidance to Local Highway Authorities in England (Defra Nov 2002)
- LTP and ROWIP Integration (Natural England 2009)
- Guidance on Local Transport Plans (DfT 2009)
- Guidance on Local Transport Plans and the Natural Environment (Natural England 2009)
- PPS7: Sustainable Development in Rural Areas (Dept. for Communities and Local Government 2004)
- PPG17: Planning for open space, sport and recreation (Dept. for Communities and Local Government 2002)

National Transport Goals

The DfT advises authorities to consider the national transport goals as over-arching priorities for their LTPs. The rights of way network has an important role in helping to contribute to all of the national transport goals and the contributions made by the Strategy are indicated below.

Table RW1 : Links to National Transport Goals

Goals	Challenges	Relevance to strategy area
Tackle climate change	1 Deliver quantified reductions in greenhouse gas emissions within cities and regional networks, taking account of cross-network policy measures.	✓
Support economic growth	2 Reduce lost productive time including by maintaining or improving the reliability and predictability of journey times on key local routes for business, commuting and freight.	
	3 Improve the connectivity and access to labour markets of key business centres.	
	4 Support the delivery of housing, and in particular the PSA target of increasing supply to 240,000 net additional dwellings per annum by 2016 by facilitating the conditions for the housing to be delivered, while limiting increased congestion.	
	5 Ensure local transport networks are resistant and adaptable to shocks and impacts such as adverse weather, accidents, terrorist attacks and impacts of climate change.	
Promote equality of opportunity	6 Enhance social inclusion and the regeneration of deprived or remote areas by enabling disadvantaged people to connect with employment opportunities, key local services, social networks and goods through improving accessibility, availability, affordability and acceptability.	✓
	7 Contribute to the reduction in the gap between economic growth rates for different regions.	✓
Contribute to better safety, security and health	8 Reduce the risk of death or injury due to transport accidents.	✓
	9 Improve the health of individuals by encouraging and enabling more physically active travel.	✓
	10 Reduce the social and economic costs of transport to public health, including air quality impacts.	✓
	11 Reduce vulnerability of city and regional transport networks to terrorist attack.	
	12 Reduce crime, fear of crime and anti-social behaviour on city and regional transport networks.	✓
Improve quality of life	13 Reduce the number of people and dwellings exposed to high levels of noise from road and rail networks consistent with implementation of Action Plans prepared under the Environmental Noise Directive.	
	14 Minimise the impacts of transport on the natural environment, heritage and landscape and seek solutions that deliver long-term environmental benefits.	✓
	15 Improve the quality of transport integration into streetscapes and the urban environment.	
	16 Improve the journey experience of transport users of urban, regional and local networks, including at the interfaces with national networks and international networks.	✓
	17 Enhance well-being and sense of community by creating more opportunities for social contact and better access to leisure activities and the natural environment.	✓

- ✓1 By contributing transport links for walkers and cyclists between areas of settlement which enables them to have an alternative to the car.
- ✓6 By making the recreational highway network more accessible and more attractive to non-traditional countryside users.
- ✓7 By promoting and supporting Warwickshire as a destination for walkers, cyclists and horseriders from outside the area.
- ✓8 By providing recreational walkers, cyclists and horseriders with routes which are off the tarmac road network wherever possible

- ✓9 By encouraging walking, cycling and horseriding on the recreational highway and rights of way network.
- ✓10 & ✓14 By encouraging and supporting use of the network by walkers and cyclists for utility journeys, particularly in the urban fringe and between villages.
- ✓12 & ✓16 By setting ideal design standards and specifications to provide a well designed and fully integrated network, particularly for routes affected by development.
- ✓17 By maintaining and providing a free-at-the-point-of-use and healthy recreational resource, and by providing appropriate information which allows people to make use of it.

ROWIP goals

The Strategy is an amendment to the CAROWIP prepared and published under Section 60(4) Countryside and Rights of Way Act 2000. In addition to the National Transport Goals, the Strategy includes ROWIP-specific goals to enable it to comply with the relevant legislation (set out above). These are shown in Table RW1a.

Table RW1a : Links to ROWIP Goals

Goals	Challenges	Relevance to strategy area
Meeting the requirements of a ROWIP	18 Meeting likely present and future needs of the public	✓
	19 Providing opportunities for exercise and other forms of open-air recreation and the enjoyment of the authority's area using public rights of way.	✓
	20 Making local rights of way more accessible to blind or partially sighted persons and others with mobility problems.	✓

Overview of the Current Situation

Countryside access, rights of way and Warwickshire

Warwickshire is a landlocked county with a varied landscape, ranging from the gentle rolling landscape of the Cotswolds in the south of the County to the former mining and industrial areas in parts of North Warwickshire. Many thousands of tourists come to the County every year to visit places such as Stratford upon Avon, Warwick and their associated attractions.

The County is closely linked to the City of Coventry which sits at the centre of Warwickshire, and many of our countryside users come from the largely urban areas of Coventry and Solihull, as well as from further afield in the surrounding counties and the West Midlands conurbation.

Warwickshire has over 1,750 miles of public rights of way, along with over 100 miles of canal towpaths and a variety of other site based countryside access opportunities, both private and local authority operated. The current extent of the rights of way network is shown in Table RW2.

Table RW2 : Warwickshire's rights of way (Oct 2009)

Status	no. of routes	length (miles)	% of rights of way network by length	changes to rights of way since CAROWIP was published
Footpath	2920	1443	82.5	+ 9 paths, + 1 mile
Bridleway	396	303	17.3	+ 3 paths, + <1 mile
Restricted Byway	0	0	0	no change
Byway Open to All Traffic	8	3	0.2	no change
Recreational UCR	106	59	n/a	n/a

As well as providing a resource for the people of Warwickshire, the network also plays a larger role with several regionally and nationally important long distance promoted routes passing through the County.

Significant resources were committed to opening, maintaining, improving and recording public rights of way over the last 20 years. Considerable progress has been made towards the ongoing target of making all rights of way easy to use for members of the public, and much of that work has been in response to statutory duties placed upon Warwickshire County Council (WCC).

Strengths and weaknesses of Warwickshire's rights of way and recreational highways

Based on the assessment carried out in preparation for the CAROWIP, together with the current situation regarding the Definitive Map and Statement and the physical network, the following strengths and weaknesses have been identified;

Strengths:

- Success in replacing stiles with more accessible structures.
- Consistent standards for signing and waymarking.
- Good community involvement and motivation.
- Good relationships with landowners and land managers.
- Success in processing path changes in response to landowner requests.

Weaknesses:

- Lack of connectivity.
- Many long term off-line and obstructed routes.
- Reactive workload rather than proactive.
- Little reliable data about the infrastructure on the network.
- Lack of routes with equestrian rights, particularly in North Warwickshire.
- Backlog of applications to record routes on the Definitive Map.
- Ability to maintain the asset value in the medium to long term due to reductions in resources.

Issues and Challenges

An assessment of:

- the extent to which local rights of way meet the present and likely future needs of the public, and
- the opportunities provided by local rights of way for exercise and other forms of open-air recreation and the enjoyment of the authority's area, and
- the accessibility of local rights of way to blind or partially sighted persons and others with mobility problems,

was carried out during preparation for the CAROWIP. This assessment led to the introduction of a number of themes which needed addressing.

Significant research was carried out during the preparation of the CAROWIP. That has not been repeated here as the Strategy is fundamentally a review of the CAROWIP and the situation has not substantially changed. However, it is anticipated that the next (third) ROWIP will be informed by in depth research and consultation and a full assessment of the use and demand for rights of way.

Warwickshire's CAROWIP was divided into eight themes which represented the challenges which faced WCC in carrying out its duties and powers whilst ensuring that residents of, and visitors to, Warwickshire received the maximum benefit from this valued asset. The choice of these themes resulted from the research carried out and still represent some of the greatest challenges.

Since publication of the CAROWIP, other issues have become apparent and these have been included in the summaries given under each of the themes below.

It should be noted that when the 2006 CAROWIP was published, rights of way work enjoyed a relatively high profile and a generous level of resources. At the time this Strategy is published, the greatest challenge facing the network is the provision of an effective service which delivers the Statutory Duties, within difficult economic circumstances.

Whilst the research carried out in 2005-2006 and the resulting themes are still valid, opportunities for large scale improvements are likely to be fewer. However, some of the identified challenges can be addressed through the delivery of the statutory duties, and other opportunities may arise, particularly through partnerships or outside agencies, during the life of this Strategy.

The themes, together with the issues currently associated with them, are:

Accessibility

Access to the countryside may be difficult for a number of groups, including those with disabilities (including but not limited to wheelchair users) and those from disadvantaged backgrounds, particularly from the urban environment. Factors affecting access to the public rights of way network and the wider countryside include:

- Transport difficulties or lack of transport.
- Concerns over personal safety and security in an unknown environment.
- Absence of knowledge and lack of information about the countryside.
- Physical barriers such as stiles, gates, narrow paths or uneven surfacing.

- Ensure that people are not discouraged by what they find by maintaining and developing key areas of the network to a high standard.

Education

Experience of and knowledge of the countryside is something which a minority of people have the benefit of from an early age. Enabling people to learn about the opportunities the countryside and rights of way network offer can act to make the countryside more accessible to all, as well as reducing the potential for conflict. Factors can be divided into three categories – users, workers and land managers. These are:

Users:

- Understanding of agriculture and its place in the landscape.
- Awareness of livestock and crops and respect for them.
- Knowledge of the hazards to be found in the countryside.
- Knowledge of wildlife and plants.
- The balance between rights and responsibilities of countryside visitors.
- Map reading and navigation.
- A clear expectation about the type of terrain which will be encountered.

Workers (both WCC and others):

- Understanding that rights of way are highways and that they are protected by the same legislation as the roads.
- Understanding the interface and overlap between WCC as highway authority for public rights of way, and related disciplines both in local authorities (such as town planners, ecologists, transport planners) and in the private sector (such as conveyancers and solicitors, developers and land agents).
- Ensuring that those working in rights of way have sufficient knowledge and expertise to perform their role, as there is no formal career progression, such as there is for engineering or planning.

Landowners and land managers:

- Understanding their rights as landowners or land managers, and responsibilities for maintaining gates and stiles
- Understanding the legal aspects of rights of way, and mechanisms for getting them diverted.
- Understanding the rights and responsibilities of countryside visitors

Health, wellbeing and social benefits

It has been well documented that walking, cycling and other forms of exercise such as running and horseriding can be important contributors to people's ongoing health and fitness. A number of 'walking for health' groups have been set up around Warwickshire, but these groups operate independently of WCC.

The largest issues here are:

- Increasing accessibility by dealing with the barriers to people's use of the countryside.
- Increasing awareness of the rights of way network as a free and enjoyable resource.
- Provision of information which allows people to take the first steps in exploring the countryside.
- Increasing the awareness of the free-at-the-point-of-use opportunities for walking, running, cycling and horseriding.

Path networks and connections

The rights of way network is largely a historical anomaly – routes came into existence where they were needed, normally running between two destinations (such as settlements, a mill or a church) or taking a shortcut from road to road. Modern users are very different and whilst the network has a role in transport links for walkers and cyclists between settlements and destinations, the majority of the people use the network for recreation.

The issues include:

- Availability of circular routes suitable both for daily dog-walkers and for experienced ramblers.
- Increasing the length of the network which is available to cyclists and horseriders.
- Reducing the length of road use which is necessary to get from one path to another.
- Ensuring the rights of way network is protected and enhanced whenever the opportunity arises e.g. when new roads are built, or when large scale development takes place.
- Increase the connectivity between routes to build a network suitable for modern usage.

Paths on the ground

The majority of the paths are maintainable at public expense and so the responsibility for the maintenance of the path network rests mainly with the Highway Authority, although the landowner or land manager does bear some responsibility. They must maintain stiles and gates which are on their land, as well as being required to reinstate paths which are disturbed through ploughing and cropping. The responsibility for bridges may vary according to the location and type of bridge, for example, bridges over canals are usually the responsibility of British Waterways, and some bridges may also be scheduled ancient monuments or listed buildings. In many cases, the prime use of the land is agricultural and the existence of a highway can be seen by the land manager as a problem.

The issues include:

- Management of a complex asset, where some aspects are not directly within WCC control.
- Surveying the asset to gather information inventory data.
- Ensuring that third parties with responsibilities for maintenance, for bridges or for other structures carry them out effectively.
- Ensuring the safety of the public using the network.
- Maintain the current standards and quality of the network.

- Preventing and dealing with illegal obstructions.

Records, changes and mapping

The survival and protection of rights of way though the 20th Century is largely down to the requirement for each highway authority to create and maintain a Definitive Map and Statement. The document gives legal protection to those routes which are included and must be constantly reviewed. However, current legislation proposes the closure of the Definitive Map some years hence in 2026 and this may result in the loss of routes if not recorded by then. Whilst the legislative future is uncertain, work must continue on investigating as many potential routes as possible, to ensure their survival for future generations.

In addition, a legal process is required whenever a path needs to be created, moved or closed. This can be time consuming and contentious but is necessary if the historic network can be joined together to make it a viable resource for the future.

The issues include:

- The expectations of others that data is held electronically and is freely available to all.
- Republishing a Definitive Map containing over 12 years worth of legal changes.
- Moving from a paper based world to an electronic world.
- Many legal changes would be required to join up the network and make it a complete off-road resource for non motorised users.
- Prioritising an increasing backlog of work.
- Uncertainty over the status of UCRs and those legally entitled to use them.

Strategic developments and promotion

As recreational pastimes, walking, cycling and horseriding have a broad appeal and many people travel outside their immediate area to participate. There are several regionally and nationally important long distance promoted routes which pass through Warwickshire, such as the Heart of England Way and the Monarch's Way, as well as many smaller locally devised and promoted trails. These have been developed and are promoted mainly by voluntary organisations and this is largely outside the control of WCC.

By their nature, promoted routes are more likely to be used by non-residents as well as seeing a greater than average footfall. However, the risk is that routes are promoted and publicised but there is no follow up to ensure that they are suitable maintained and signed, and the published information can go out of date very quickly. A proliferation of these routes can also, if not monitored and controlled, lead to an excess of confusing signs across the countryside.

In addition to promoted routes, there are aspects of access to the countryside which are desirable to the visiting public, yet rarely available in practice. These include access to woodland and water, as well as access to pockets of countryside where there are very few rights of way or even none at all.

The issues faced by WCC include:

- Ensuring that routes within Warwickshire which are actively promoted by others are fit for purpose.
- Ensuring that any routes developed and promoted by WCC deliver good value and are sustainable

- Supporting other organisations appropriately if they wish to develop or promote new strategic routes.
- Demand for waterside and woodland access.
- Developing a presence on the website to allow more interactivity and provide better information.
- Increasing awareness of the health benefits of walking, cycling and horseriding in the countryside.
- Providing targeted information on site where appropriate.
- Providing or improving key inter-village routes.
- Providing or improving local networks to meet local needs.

Tourism and leisure

Warwickshire is well known as a tourist destination, with several honeypot sites. The challenge is to expand that tourist destination to include the countryside so as to bring additional visitors to the County and to extend the stay of current visitors. It is recognised that visitors to the rights of way network do add value to the rural economy.

The issues faced by WCC include:

- Supporting and encouraging local events and promoted routes which use the network and which will bring visitors to the area.
- Providing targeted information for visitors.
- Increasing the numbers of non-resident visitors to the Warwickshire countryside.
- Issues arising from increased visitor numbers such as car parking, toilets and other facilities.

Changes since 2006

The CAROWIP was published as a sister document to the second LTP, and a degree of integration with the walking and cycling strategies was achieved by cross referencing actions within the two plans. At the time of publication, integration between the two documents had been a stated DfT and Defra aim, but it had not been possible to integrate fully. With the change in emphasis and introduction of the National Transport Goals it has proved possible to reconcile the recreational and utility use of the network and produce a single strategy which fulfils the requirement for a ROWIP and the LTP.

Spatial geography

Whilst the bulk of the network serves the countryside, there are many rights of way, both unrecorded and on the Definitive Map, which serve the more built up areas.

There are particular opportunities for increasing access to the countryside from the urban fringe as well as increasing utility use between settlements, for example links from a village into the local town.

The distribution of rights of way across the County is variable, largely down to the historical development of the highway network, but there is one clear area where a geographical anomaly exists and that is the relative scarcity of bridleways in the north of the County. The CAROWIP

included an action to look at the provision of bridleways in the north and it is intended to carry that forward through inclusion in the ROWIP Implementation Plan.

Table RW3. LTP3 Challenges & Priorities by spatial area

LTP3 Challenges and Priorities Rights of way and recreational highways	Relevance to spatial area				
	Main urban area	Other urban area	Villages & rural areas	Inter-urban	Countywide
Strategy based challenges & priorities					
Increasing the physical accessibility to the countryside for the less able.			✓	✓	
Ensuring potential non-traditional countryside users have access to information which allows them to access the countryside with confidence.					✓
Maintaining the network to a high standard so that users are not discouraged by what they find in the countryside.			✓	✓	
Increasing the awareness of countryside users (and potential users) of their rights and responsibilities when visiting the countryside, as well as its agriculture, animals, plants and natural hazards.					✓
Increasing the awareness and knowledge of fellow professionals and ensuring they understand that rights of way are highways and that they are protected by the same legislation as the roads.					✓
Promoting understanding of the interface and overlap between WCC as highway authority for public rights of way, and related disciplines both in local authorities and in the private sector.					✓
Increasing the understanding of landowners and land managers so as to minimise misunderstandings and build on existing working relationships.					✓
Increasing the awareness of the free opportunities for walking, running, cycling and horseriding and the health benefits of those activities.					✓
Increasing accessibility by dealing with the barriers to people's use of the countryside e.g. concerns over personal safety, lack of transport etc.					✓
Adapting and creating routes which are more suitable for modern users, by increasing connectivity between routes as well as reducing the necessity for walkers, horseriders and cyclists to use the tarmac road network to get from one recreational highway to another.			✓	✓	
Increasing the length of the recreational highway network available for horseriders and cyclists.			✓	✓	
Ensuring the rights of way network is protected and enhanced whenever the opportunity arises e.g. when new roads are built, or when large scale development takes place.					✓
Reducing the number of hazardous road and rail crossings along the recreational highway network for walkers, horseriders and cyclists.		✓	✓	✓	

LTP3 Challenges and Priorities Rights of way and recreational highways	Relevance to spatial area				
	Main urban area	Other urban area	Villages & rural areas	Inter-urban	Countywide
Managing a complex asset, where some aspects are not directly within WCC control, including ensuring that third parties with maintenance responsibilities (e.g. for bridges or for other structures) carry them out effectively.					✓
Maintaining the value of the asset without deterioration.					✓
Maintaining the current standards and quality of the network whilst preventing and dealing with illegal obstructions.					✓
Reviewing and republishing the Definitive Map whilst moving from a paper based record to an electronic record.					✓
Future legislative changes which will affect the way in which rights of way are, and can be, recorded, together with increasing demand for changes to the legal network and recording of historic and used routes.					✓
Supporting and promoting Warwickshire as a destination for recreational walkers, cyclists and horseriders.					✓
Supporting existing and new promoted routes which run through and within the County.					✓
Providing better information on site and on the website for users of the recreational highway network.					✓
Providing and improving local networks to meet local needs for walking, cycling and horseriding.			✓	✓	

The Strategy

The vision for the rights of way and recreational highway network in Warwickshire is:

'To ensure that the public gain maximum use and enjoyment of the network, whilst protecting and improving it for future generations of residents and visitors'

The overall objectives in implementing the Strategy are to achieve:

- A well managed and maintained asset.
- A sustainable network which meets the needs of modern users.
- A network which is accessible to, and used by, a wide variety of people from different backgrounds and with differing abilities.
- Responsible users who respect the countryside as a working environment and as an investment for the future.
- A better rights of way network for all.

Based on the issues and challenges summarised above, the objectives can be grouped into three main areas:

- The physical network.
- Legal processes and records.
- Public awareness and usage.

It should be recognised that these objectives are aspirational and is not anticipated that the individual objectives will be directly funded as separate entities.

It is, however, expected that officers will consider these objectives in the delivery of their duties. For example, so that maximum benefit can be gained through the planning process, or through involvement in projects being promoted by third parties.

The physical network

Challenges

Increase physical accessibility to the countryside for the less able (N.B. not just wheelchair users).
Maintain the network to a high standard so that users are not discouraged by what they find in the countryside.
Managing a complex asset, where some aspects are not directly within WCC control, including ensuring that third parties with maintenance responsibilities (e.g. for bridges or for other structures) carry them out effectively.
Maintain the current standards and quality of the network whilst preventing and dealing with illegal obstructions.
Providing and improving local networks to meet local needs for walking, cycling and horseriding.

Objectives

1. To fulfil the statutory duties to assert and protect the highway network.
2. To ensure that all recreational highways are easy to use by members of the public.
3. To manage the asset in a cost effective way whilst ensuring best value for the public
4. To improve the network of paths on the ground and increase accessibility.

Legal processes and records

Challenges

Adapting and creating routes which are more suitable for modern users, by increasing connectivity between routes as well as reducing the necessity for walkers, horseriders and cyclists to use the tarmac road network to get from one recreational highway to another.
Increasing the length of the recreational highway network available for horseriders and cyclists.
Reducing the number of hazardous road and rail crossings along the recreational highway network for walkers, horseriders and cyclists.
Reviewing and republishing the Definitive Map whilst moving from a paper based record to an electronic record.
Future legislative changes which will affect the way in which rights of way are, and can be, recorded, together with increasing demand for changes to the legal network and recording of historic and used routes.
Providing and improving local networks to meet local needs for walking, cycling and horseriding.

Objectives

5. To ensure that all public rights of way are legally defined and correctly recorded.
6. To adapt existing and create additional routes both for the public benefit and to allow for modernisation of the network.

7. To ensure the public have access to clear and accurate information about location and status of recreational highways.

Protection of and improvement to the current asset

Challenges

Ensuring the rights of way network is protected and enhanced whenever the opportunity arises e.g. when new roads are built, or when large scale development takes place.
Increasing the awareness and knowledge of fellow professionals and ensuring they understand that rights of way are highways and that they are protected by the same legislation as the roads.
Promote understanding of the interface and overlap between WCC as highway authority for public rights of way, and related disciplines both in local authorities and in the private sector.

Objectives

8. To seek out improvements to the path network to compensate for the adverse effects of development on the network.
9. To increase the awareness of rights of way amongst other professionals so as to ensure that the recreational highway network is properly protected

Public awareness and usage

Challenges

Ensure potential non-traditional countryside users have access to information which allows them to access the countryside with confidence.
Increase awareness of countryside users (and potential users) of their rights and responsibilities when visiting the countryside, as well as its agriculture, animals, plants and natural hazards.
Increasing the awareness of the free opportunities for walking, running, cycling and horseriding and the health benefits of those activities.
Increasing accessibility by dealing with the barriers to people's use of the countryside e.g. concerns over personal safety, lack of transport etc.
Supporting and promoting Warwickshire as a destination for recreational walkers, cyclists and horseriders.
Supporting existing and new promoted routes which run through and within the County.
Providing better information on site and on the website for users of the recreational highway network.

Objectives

10. To ensure that the public can confidently access the recreational highway network.
11. To make people aware of the resource which is there for them to use, and of the benefits of doing so

Policies

Since the CAROWIP was produced, two additional policies affecting rights of way have been developed. The first relates to the use of Gating Orders, replacing the policy on antisocial behaviour and crime (CAROWIP Policy CA16), and the second is an entirely new policy relating to the use of Traffic Regulation Orders on recreational highways. With the exception of these two policies, all the CAROWIP policies have been reviewed for the Strategy.

In developing the policies for the Strategy, it is important to note that these fall into two distinct categories. There are seven overarching policies which set out the authority's aims, and seventeen more detailed supporting policies which set out the authority's priorities and standards in a number of different areas such as inspection of paths, minimum widths of new paths and the use of gates and stiles. Each of the supporting policies sits underneath one of the overarching policies, although there is some overlap in places. The mix of strategic overarching policies and detailed supporting policies is deliberate, as it enables the Strategy to both fit within the LTP

framework and to support the day to day working of the service without the need for a second, separate policy document.

The background to the development of these policies was set out in the CAROWIP and is not reproduced here.

Managing the network

There are over 3,300 public rights of way in the County, covering around 1,750 miles, which run over a wide variety of landscapes and terrains. These include many different types of paths;

- paths from a few metres to over 3km in length in length,
- flat tarmac paths to steep earth paths,
- paths varying in width from less than a metre to over twenty metres,
- paths which see few walkers each year to those used by many people on a daily basis, and
- fenced in alleyways to unfenced paths across fields containing livestock.

WCC has succeeded, over many years and together with support from parishes and volunteer groups, on making significant improvements to the overall condition of the paths. However, there is a significant amount of work involved in just maintaining and supporting the existing condition of the paths. WCC will continue in its work to protect and assert the rights of the public by ensuring that all paths are open and available to use.

In order to carry out the statutory duties to maintain the routes for the usual traffic of the area and to protect and assert the rights of the public who use them, a wide variety of activities are undertaken. These include;

- maintenance of existing surfacing and infrastructure,
- provision of infrastructure such as bridges or new lengths of surfacing
- signposting and waymarking of routes,
- advice and guidance to landowners and land managers who have rights of way and recreational highways running over and through their land, and
- enforcement action where the highway is interfered with e.g. obstruction.

Policy RW1: Managing the network

The County Council will assert and protect the rights of the public to use and enjoy the rights of way and recreational highway network, by maintaining the asset and taking enforcement action where necessary.

Policy RW1 reflects the statutory duty contained in section 130 of the Highways Act 1980. In order to deliver this policy there are a number of more detailed policies which support the day to day work. These enable officers to make effective decisions and allow consistency across the County.

Policy RW1a: Defect reports and inspections on rights of way and recreational highways

The County Council will encourage the public and landowners/land managers to report defects. Personal details of people reporting defects will not normally be disclosed outside the County Council.

Inspection timescales will be as follows:

Situation considered by the County Council to have the potential to cause serious injury to a member of the public	within 1 working day of receiving the report
Defects on Category 1* Recognised Promoted Routes# which prevent the public from using the route	within 15 working days of receiving the report
Other reports of defects	within 3 months of receiving the report

see Policy RW7a on Promoted Routes and Trails

Policy RW1b: Signing and waymarking of rights of way and recreational highways

The County Council will use standardised waymarking and signing in the WCC House Design across the County unless working in partnership with a local council or other organisation, for example, to promote local distinctiveness or named trails.

Routes wholly within built up areas will not normally be signed unless, for example, they lead to the countryside, are part of a recognised promoted route or there are other compelling reasons for doing so.

The County Council will aim to maintain advisory signs on site for 5 years after any significant path diversion, creation or extinguishment order made by the County Council.

Policy RW1c: Surfacing of rights of way and recreational highways

The County Council will only normally maintain a surface to the standard needed for public use. Where a footpath or bridleway co-exists with a private vehicular route a contribution of up to £500 or 10% (whichever is the lesser) may be made towards repairs or resurfacing by a third party provided it is agreed in advance. A contribution will normally only be made once every ten years.

The type of surfacing material will be chosen to balance the needs of all path users, cost, sustainability, local distinctiveness and the local ecology. This will apply whether the County Council is carrying out the surfacing or consenting to third parties carrying out the works.

Routes with predominantly utility use, or those non-tarmac unclassified roads or byways open to all traffic which serve as the sole means of access to inhabited property, will generally be surfaced, or partially surfaced, to a higher standard than those with predominantly recreational use. The exception will be where a right of way or recreational highway has been targeted for improvement as a result of an action within the ROWIP Implementation Plan.

Policy RW1d: Electric fences and recreational highways

This policy applies to all electric fences whether 'live' or not.

Electric fences across footpaths or bridleways (including temporary stock fences) are obstructions to the use of the highway unless they are tied in to an acceptable boundary crossing, are needed to contain livestock, and are authorised by the County Council.

Acceptable boundary crossings are:

- For a footpath – an insulated handle provided that the electrified strand is insulated for a minimum of 30cm either side of the handle. The location of the insulated handle should be clearly identified as being part of the public footpath.
- For a footpath – a wicket gate, kissing gate or a field gate, provided insulation extends 30 cm from the latch, with the electrified strand buried under the right of way, or taken at least 3 metres above the path on wooden poles.
- For a bridleway – a bridle gate or a field gate, provided the fence is insulated for 2 metres on either side of the gate with the electrified strand buried approximately 50 cm deep under the right of way.

Electric fences adjacent to recreational highways must allow for a minimum width of 2m for footpaths, 4m for bridleways and 5m for other routes (unless the legally recorded width is different in which case the legally recorded width should be available).

All electric fences crossing footpaths and bridleways, or adjacent to recreational highways, must have warning signs placed at appropriate intervals by the landowner/occupier.

Policy RW1e: Obstructions to rights of way and recreational highways

The County Council may temporarily defer taking legal action on an obstruction in the following situations;

- where a significant physical problem affects a route, such as a lake, landslip or an established building, while the County Council pursues a satisfactory legal solution, or
- where a route has been obstructed for a number of years, and where a suitable application to divert (or extinguish) the route has been received, and where an interim route has been agreed with the County Council.

In both these circumstances an interim unofficial diversion may be waymarked as permissive.

If a diversion (or extinguishment) proves not to be possible then enforcement action will be taken.

Policy RW1f: Permissive Paths

Landowners may set out permissive (preferred alternative) routes on their own land but;

- the legal line must be open and available for use (unless it is covered by Policy RW1e) **and**
- the legal line must be correctly waymarked (including at each location where the alternative route diverges and rejoins) **and**
- WCC House Design waymarkers will not be used to sign any permissive route.

N.B. See also Policy RW5f Permissive path agreements.

Policy RW1g: Use of permanent traffic regulation orders (TROs) on recreational highways

This policy covers highways for which the main use is recreational. Recreational highways are likely to fall into one of the following categories:

- Public footpaths, public bridleways, restricted byways and byways open to all traffic shown in the Definitive Map and Statement of Public Rights of Way in Warwickshire.
- Unclassified roads (UCRs) without a sealed surface (generally referred to as E roads) which are managed in a similar way to the rights of way network.
- Stubs of other UCRs (generally referred to as D roads and usually having a tarmac surface) which form a continuous route with a one of the above.

The County Council will not seek to make a permanent TRO for a recreational highway either;

- to avoid its maintenance liability, or
- if it is not possible to enforce it without restricting access for permitted traffic.
N.B. enforcement may either be through the installation of barriers or through Police involvement.

The County Council will give favourable consideration to the making of a permanent TRO for a recreational highway;

- where there is an actual or foreseeable long term danger to the public which a TRO would resolve (and which could not be resolved through routine maintenance).

In all other circumstances, each proposed TRO for a recreational highway will be considered on its own merits, based on the evidence available to the County Council. Each proposed TRO must satisfy at least one of the grounds set out in section 1(1) the Road Traffic Regulation Act 1984 (RTRA84) or sections 22, 22A or 22C as appropriate. Additionally the County Council must have regard to the matters specified in section 122(2) of the RTRA84.

Examples of cases where a TRO could be used are given in the Cabinet Report dated 17 December 2009.

TROs may be reviewed in the following circumstances;

- where the TRO excludes one or more classes of user from a recreational highway,
AND
- where evidence becomes available which demonstrates that the circumstances which led to the making of the TRO have changed.

A review may lead to a TRO being revoked or it may result in a variation which could either impose greater restrictions or lessen the existing restrictions.

Improvements

WCC has succeeded, over many years and together with support from Parish Councils and volunteer groups, on making significant improvements to the overall condition of the paths. Now that the network is by and large available to the public, it is important to consider how the network can be improved so as to enhance the enjoyment of path users and, in particular, increase accessibility.

The Countryside and Rights of Way Act 2000 requires an authority to consider the accessibility of local rights of way to blind or partially sighted persons and those with mobility problems, as well as to users of the paths in general. The Equality Act 2010 includes provisions which give disabled people rights to access everyday services that others take for granted and there is a

duty to make reasonable adjustments to the way the service is delivered so that disabled people can use them.

Not all improvements need to be directly funded by WCC. It is often possible to make incremental improvements by, for example;

- engagement with local volunteer groups,
- ensuring that the more accessible structures are used for new boundary crossings,
- improvements built into diversions of existing paths, and
- involvement in projects being managed and funded by others.

Policy RW2: Improvements

The County Council will aim to improve the physical rights of way and recreational highway network for all users.

Policy RW2a: Gaps, gates and stiles on footpaths and bridleways

The County Council will only authorise the least restrictive option for new boundary crossings.

The County Council will always aim for the least restrictive option when landowners or land managers replace or install structures in existing boundary crossings.

“Least restrictive option” means that:

- A gap is the preferred option.
- If a gap is not practicable then a field gate or wicket gate shall be used. Gate latches on bridleways must be usable by a competent rider from horseback.
- If a gate is not practicable and the route is a footpath, then a kissing gate may be used.
- Stiles are not acceptable. A stile is unlawful unless it is already in existence and has been there since the date of the first Definitive Map. The County Council will seek by negotiation to replace these stiles with gates.

Wherever possible, the County Council will seek to replace stiles with gates or gaps, and to make gates easier to open/close. In order to achieve this, the County Council may choose to bear the cost of improvement.

In authorising structures under Highways Act 1980 section 147 the County Council will seek to restrict the number of structures in sub divided or strip grazed fields and horse paddocks.

The County Council will allow existing structures of historical or cultural significance to remain for reasons of local distinctiveness, but will seek where appropriate to increase accessibility by installing a gate or creating an adjacent gap.

Guidance on the application of the Equality Act was published by Defra in October 2010. Working practices will be developed to ensure that WCC complies with Defra guidance as well as following the principles contained within this Policy.

Communities and volunteers

The County Council has a long history of working with communities and volunteers to achieve improvements to the network. Some of the current partnerships with Parishes date back over 10 years.

By working in partnership to engage local people in their own communities it is possible to achieve more practical improvements as well as encouraging a sense of local ownership of the paths.

Policy RW3: Communities and volunteers

The County Council will work with communities to deliver local improvements, and provide support and training to community partners and volunteers.

Policy RW3a: Volunteers working on rights of way and recreational highways

Volunteer groups and partners (including their staff and/or contractors) working on behalf of the County Council will be bound by the Policies contained in this strategy.

Volunteer groups and partners may only carry out works agreed in advance with WCC Countryside Access Team (CAT) and must always contact the landowner (or arrange for WCC CAT to contact the landowner) to get agreement prior to carrying out works.

Volunteers working on the network must follow and comply with WCC Countryside Access Risk Assessments. The County Council will ensure that the necessary skills are in place and that volunteer groups are trained in safe working practices.

Volunteer groups and partners must also be covered by public liability insurance complying with WCC requirements (£5 million for 2010/11).

Partnerships with volunteer groups will only be supported if an active contribution is being made by the group.

The legal record

The fundamental record of public rights of way is the Definitive Map and Statement of Public Rights of Way in Warwickshire (hereafter referred to as the Definitive Map). This is a legal document which was first prepared and published in the 1950s and 1960s and which has been under review ever since. It was most recently republished in 1998. WCC has a statutory duty to keep the Definitive Map and Statement under continuous review and to investigate any applications which are made to it relating to the existence, status and extent or routes which are or should be shown in the Definitive Map.

It records the position and status of public footpaths, public bridleways, restricted byways and byways open to all traffic, but it is incomplete in that it is conclusive evidence for those routes which are included, but there may be other routes which are not shown. Recent and anticipated case law and changes in legislation mean that the framework for this work can change very quickly.

The Definitive Map is fundamental in a number of ways. It provides a measure of protection for the public right of way, as it is legally conclusive for the routes it shows. Most commonly it is consulted during the planning process or when land and property changes hands, and it allows prospective landowners to be made aware of the existence of rights of way which might affect their decision to proceed with the purchase of a property. Failure to consult the Definitive Map in the

past has left WCC with enforcement problems with a number of paths affected by development across the County.

There is a common maxim 'Once a highway, always a highway. This means that if evidence exists which demonstrates that a route exists then there is a legal process which enables routes to be added to the Definitive Map following investigation, provided the evidence supports it.

UCRs are not recorded on the Definitive map, but on a list of highways maintainable at public expense (known as the List of Streets). This record indicates maintenance responsibility but does not indicate status, and it is not conclusive in law.

Policy RW4: The legal record

The County Council will work towards a complete legal record of rights of way, including a periodic consolidation of the Definitive Map, using technology to share and enhance the information.

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Policy RW4a: Definitive Map review

The County Council will review the Definitive Map and Statement of public rights of way, and will commence cases in the following numbered order of priority:

1. Applications received before 1 July 2011, in the following order:

- 1.1. Former Atherstone RDC area.
- 1.2. Former Tamworth RDC area.
- 1.3. Former Meriden RDC area.
- 1.4. Former Bedworth UDC area.
- 1.5. Former Nuneaton UDC area.
- 1.6. Former Rugby RDC area.
- 1.7. Former Rugby MBC area.
- 1.8. Former Southam RDC area.
- 1.9. Former Shipston on Stour MBC area.
- 1.10. Former Stratford upon Avon RDC area.
- 1.11. Former Alcester RDC area.
- 1.12. Former Stratford upon Avon MBC area.
- 1.13. Former Warwick RDC area.
- 1.14. Former Kenilworth UDC area.
- 1.15. Former Leamington Spa MBC area.
- 1.16. Former Warwick MBC area.

Within 1.1 – 1.16 above, Parishes will be investigated in alphabetical order, and within each Parish the following order will apply:

- (i) User-evidence based cases in order of date received.
- (ii) Documentary cases in order of date received.

2. Applications received on or after 1 July 2011 in order of date received.

3. Cases for which there are no applications will be investigated in the following order:

- 3.1. Unrecorded routes in the former Excluded Areas of (in order) Bedworth, Nuneaton, Rugby, Stratford upon Avon, Kenilworth, Leamington Spa and Warwick.
- 3.2. Non-tarmac unclassified roads (UCRs) and any other classified or unclassified roads which are co-existent with rights of way, in the same sequence as 1. above
- 3.3. Any other discovered evidence.
- 3.4. Anomalies.

Exceptions

A case may be dealt with outside the above sequence of priorities if;

- A. it will involve investigation of substantially the same evidence as a route currently under investigation, or
- B. evidence or an anomaly comes to light during a current investigation, or
- C. a route is threatened by development, or
- D. processing a case will significantly progress a specific action within the ROWIP Implementation Plan, or
- E. there is an overriding operational need to do so.

Changing the network

Each of the footpaths, bridleways, byways (of whichever type) and recreational UCRs is a highway, and as such it is protected in law. Making changes to the network is not lightly undertaken, yet it is necessary for a number of reasons which benefit either the landowner/land manager or the public or, in some cases, both.

Historically, routes were mainly linear and used to get from one place to another. In modern times some routes are still used this way, and this should be encouraged, but the majority of modern users are more likely to favour circular routes and recreational routes which enable them to avoid having to walk, ride or cycle on the tarmac highway.

In most cases, unlike the main tarmac highway network, the right of way or recreational highway is a secondary use of the land and passes through arable land, pasture, gardens and business premises. It is open to a landowner to apply for the right of way to be moved in their interest e.g. to enable them to make better use of the land. There are checks and balances which ensure that the public interest is considered, and sometimes changes can be included to benefit the public as well.

Whilst creating, moving or closing a route can take a long time to implement, by making incremental changes, the network overall will benefit in the longer term.

It is not simply the network which changes, but the landscape around it as well. It is important that where the landscape changes, for example, through housing development or the construction of a new road, the public are not disadvantaged by those changes.

Policy RW5: Changing the network

The County Council will change the network, by creating, diverting and extinguishing rights of way and recreational highways to meet the needs of the 21st Century.

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Policy RW5a: Creations, diversions, conversions and extinguishments

The County Council will prioritise creations, diversions, conversions and extinguishments on the rights of way and recreational highway network according to the following criteria, and deal with them accordingly;

Any one of the following will be treated as **High Priority**:

- Where there is a clear benefit to public safety e.g. at-grade rail level crossings, major road crossings etc.
- Where an application is made under Highways Act 1980 Sections 118B or 119B (crime prevention), 118C or 119C (schools special orders) or Section 119D (SSSIs).
- Where a path is in danger of being (naturally) eroded.
- Where an additional link, higher status or new path is dedicated (or created) which will have a significant positive impact on the local network and/or local population.
- Where an order (or combination of orders) will contribute to achieving actions in the ROWIP Implementation Plan.
- Applications processed by the County Council in its capacity as planning authority.

Any one of the following will be treated as **Medium Priority**:

- Where processing an order could save significant costs incurred in processing other orders.
- Where an order will significantly benefit members of the public using a highway, i.e. where an order is in the public interest.
- Where the town/parish council or district/borough council resolve to actively support the proposal or where they are the applicant.
- Where an order is, in the opinion of WCC heritage or ecology professionals, necessary to safeguard an archaeological or ecological feature.

Any one of the following will be treated as **Low Priority**:

- Where an order is principally in the landowner's or land manager's interest and meets none of the above criteria.
- Orders and agreements promoted by WCC and which meet none of the above criteria.
- Orders and agreements which resolve Definitive Map and Statement anomalies but which meet none of the medium or high priority criteria.

Applications should be made in writing on the relevant form and the relevant charges will apply.

The County Council will make a number of orders and agreements each year in order to achieve ROWIP Implementation Plan actions. Whilst the County Council will try to reach agreement with persons who have an interest in the affected land, it will inevitably mean making orders contrary to the wishes of some individuals or landowners/land managers.

Widths of public rights of way and UCRs which are created or diverted by legal order will be subject to the widths given in Policy RW5c: Legal widths of rights of way and recreational highways.

N.B. See also policy RW2a Gaps, gates and stiles on footpaths and bridleways.

Policy RW5b: Development, rights of way and recreational highways

The County Council will seek improvements, both within a development site and in the surrounding area, where the development is likely to lead to an increase in use of the local network or where the development impacts on the existing network. These improvements may include;

- practical works on existing routes
- longer term management of affected routes
- new paths and upgraded paths
- promotional materials
- use of agreements under Section 106 Town and Country Planning Act 1990.

In, or leading to a development site, it will not generally be acceptable to divert a footpath or bridleway along a road or immediately beside a road (whether new or existing) or along a private driveway serving two or more dwellings or any commercial premises.

Where it is proposed to use a section of an existing public right of way as the main vehicular access to a new development of three or more dwellings, that section of public right of way would need to;

- either be legally diverted to another alignment where private vehicular use will not have an adverse effect on the public highway, or
- be built to adoptable standards* and offered to the County Council for adoption. at the developer's expense.

Where it is proposed to use a section of an existing unsealed UCR as the main vehicular access to a new development then that section of UCR should be made up to adoptable standards* at the developer's expense.

Where a route within a development site is claimed, with supporting evidence, as a public right of way under Section 53 Wildlife and Countryside Act 1981, the developer will be advised to treat the route as if it was a public right of way.

Where authorised development has given rise to the permanent obstruction of a public right of way, the County Council, as Highway Authority, will require the Planning Authority to make remedial Public Path Orders at their own expense or to pay the County Council's costs in processing the orders. In the event of continued failure to resolve matters the County Council may seek the removal of the obstruction.

Widths of paths which are created or diverted by legal order will be subject to the widths given in Policy RW5c: Legal widths of rights of way and recreational highways.

Ideally additional legally recorded width will also be provided on existing paths so they meet the same standards.

**Advice should be sought from the County Council Development Group.*

N.B. See also the following:

- *Policy RW2a : Gaps, gates and stiles on footpaths and bridleways*
- *Policy RW5d : Cycling and rights of way*

Policy RW5c: Legal widths of rights of way and recreational highways

The legal width is the width which must remain clear and unobstructed. The surfaced width will often be less than the legal width.

The following minimum legally recorded widths will apply to all new and diverted routes created by legal order:

Unenclosed footpaths	2m
Enclosed footpaths	3m
Unenclosed bridleways or bridleways where there is little likelihood of equestrian use (e.g. in urban areas)	4m
Enclosed bridleways in rural areas	5m
Restricted byways, byways open to all traffic and recreational UCRs	5m

except in the following circumstances:

- where existing physical features (e.g. buildings) mean there is not sufficient width available OR
- where the landownership extent means there is not sufficient width available without taking land from a third party and it is not practical to do so OR
- where there is a pinch point or barrier.

Where a new or diverted footpath or bridleway crosses agricultural land it may be appropriate to include a limitation in the Order which permits reinstatement of a ploughed or cropped path to a lesser width than that shown above.

N.B. See also Policy RW5d Cycling and rights of way.

Policy RW5d: Cycling and rights of way

Public footpaths which are to be included as part of a cycle route shall be converted by means of a Cycletrack Order or by upgrading them to public bridleway status.

The following widths will apply to cycle routes which use existing rights of way:

Minimum legally recorded width	4m to include a surfaced width of no less than 2.5m
Desirable legally recorded width	5m to include a surfaced width of no less than 3m

except in the following circumstances;

- where existing physical features (e.g. buildings) mean there is not sufficient width available, OR
- where the landownership extent means there is not sufficient width available without taking land from a third party and it is not practical to do so, OR
- where there is a pinch point or barrier.

Public footpaths which are subject to Cycletrack Orders will continue to be shown in the Definitive Map and Statement as public footpaths.

Public bridleway status will be sought where there is existing or potential equestrian demand and where routes for cyclists are proposed.

Bridleways which are to be used as part of a cycle route shall not be resurfaced with tarmac, unless a suitable verge can be created and maintained – minimum 2m grass verge within the legally recorded width. A suitable surface shall be used instead of tarmac (usually stone or recycled road materials).

N.B. See also the following:

- *Policy RW5a Development, rights of way and recreational highways*
- *Policy RW5c Legal widths of rights of way and recreational highways*

Policy RW5e: Roads and railways, and rights of way and recreational highways

Where routes cross trunk roads at-grade, the County Council will work pro-actively with the Highways Agency to divert those routes onto overbridges or through underpasses (where possible).

Where new roads with a speed limit greater than 30mph are proposed, all footpath and bridleway crossings shall be grade-separated (i.e. an underpass or overbridge will be required) or light controlled crossings will be provided as part of the scheme.

Where diversions are proposed as part of a new road or rail scheme, those should reflect the public's desire lines, rather than positioned for the ease of the proposer.

Where there is a gap in the non-motorised user (NMU) network, caused by a road which is too busy and/or unsafe to be walked, ridden or cycled along or where routes cross existing fast or busy roads, the County Council will consider appropriate solutions including the following;

- where a suitable verge exists, making the verge available for NMUs and free from unnecessary clutter, or
- where no verge exists, exploring the possibility of 'behind-the-hedge' schemes or diversions to achieve better connectivity.

Solutions for routes which form part of a Recognised Promoted Route will take priority.

The only substitute the County Council will normally accept for an at-grade railway crossing (as part of a rail crossing diversion order) is an overbridge or underpass. Where it is proposed to construct new railway lines or re-open closed railway lines, at-grade crossings will not normally be acceptable.

Any new roads or railways shall not sever the existing rights of way and recreational highway network unless reasonable alternative provision is made.

Policy RW5f Permissive path agreements

The County Council will only enter into formal permissive path agreements where;

- there is a significant gap in provision, OR
- there is a significant safety issue,
AND
- where other efforts to secure public access have been unsuccessful,
AND
- where the public benefit outweighs the additional burden on the County Council.

The County Council will normally only enter into permissive path agreements with other public bodies or national organisations, unless an agreement with someone else will significantly forward an action within the ROWIP Implementation Plan.

N.B. See also Policy RW1f Permissive Paths

Information

Historically, the users of the mainly rural rights of way were those who lived and worked in the immediate area. In the 21st century, the majority of users and potential users come from further afield and from the built up areas. Many do not have the knowledge and awareness of the

countryside and of farming which would have been second nature a hundred years ago. The countryside is a living, working environment and there are responsibilities as well as rights which come with the use of the network. For those who make their livelihood from the land there is the potential for conflict with legitimate path users as well as the potential for damage to crops and livestock from users who are unaware of or uncaring of their responsibilities. Similarly, many people buy land which is crossed by rights of way and they may be unaware of their legal obligations and responsibilities. By providing information at a number of levels conflict and misunderstandings can be minimised.

Information can be provided in two ways – on request e.g. from a member of the public or landowner, or proactively distributed through press releases or publicity material.

Policy RW6: Information

The County Council will help people to understand the rights of way network and the use of the countryside.

Public awareness

The rights of way and recreational highway network represents a large resource, which is free at the point of use, yet which is only used by a minority of the public. Many people are unaware of the network or would be reluctant to use it as it is unfamiliar to them. By increasing use by the public, and by bringing in visitors from outside Warwickshire, the economic benefits to rural areas can be increased as visitors spend their money in local shops, pubs and other rural businesses.

In the past WCC has developed and published a number of promoted routes. In addition, a number of volunteer groups have developed and published walks which are entirely or partially within Warwickshire. Several of these volunteer groups also contribute positively to the network through practical works and informal path-warden schemes.

Policy RW7: Public awareness

The County Council will support appropriate promotion of the rights of way network, so that more people from a wider cross section of the public are encouraged use it.

Policy RW7a: Promoted routes and trails

The County Council will maintain and publish a list of “Recognised Promoted Routes” (“the List”) and review the List in conjunction with the Local Access Forum.

The County Council will support the route-specific signing and waymarking of routes only where they are included in the List in the relevant category . Route-specific waymarking must comply with WCC Design Guidelines.

The County Council will routinely inspect those routes in the List which have been published by WCC Countryside Access Team, and encourage regular inspections of other routes on the List by their responsible bodies (e.g. A Coventry Way Association). Routes not subject to routine inspection by their promoters may be removed from the List by the County Council.

The County Council will provide a free checking service for any promoted and published routes if the author or publisher makes contact. This will cover the legal status of the proposed promoted route(s) and any known legal issues.

Antisocial behaviour and crime

In addition to the specific policies listed here, there is also a policy in respect of antisocial behaviour and crime and orders made under section 129A of the Highways Act 1980 which is not reproduced here. This is the 'Gating Orders in Warwickshire' policy which was approved by WCC Cabinet on 19 June 2008.

This policy was introduced in response to powers brought in under the Clean Neighbourhoods and Environment Act 2005 which enabled any highway which was not a classified road or trunk road to be closed with gates in certain circumstances. Further information is available in the Cabinet report. It was not considered necessary to reproduce it here.

The Action Plan

Policy	Action	Timescale	Relevance to Spatial areas				
			Countywide	Inter-urban	Main urban areas	Other urban areas	Villages and rural areas
Policy RW1 Managing the network	1. Collect and maintain inventory information about the asset.	ongoing	✓				
	2. Maintain infrastructure which is the responsibility of WCC, and replace as needed.	ongoing	✓				
	3. Ensure infrastructure is maintained where responsibility lies with others.	ongoing	✓				
	4. Ensure that the network is open and available for the public to use, taking enforcement action where needed.	ongoing	✓				
	5. Seek to resolve obstructions and problems on the network through goodwill and co-operation.	ongoing	✓				
	6. Identify and pursue satisfactory legal solutions for public rights of way and recreational highways obstructed by buildings.	ongoing	✓				
Policy RW2 Improvements	7. Seek improvement to infrastructure whether it is WCC's responsibility or the responsibility of others.	ongoing	✓				
	8. Seek Increased accessibility on the rights of way and recreational highway network.	ongoing	✓				
	9. Target improvements where they will provide the greatest benefit for the public.	ongoing		✓			✓
	10. Seek improvement to the safety of non-motorised users where the network interacts with roads and railways.	ongoing	✓				

Policy	Action	Timescale	Relevance to Spatial areas				
			Countywide	Inter-urban	Main urban areas	Other urban areas	Villages and rural areas
Policy RW3 Communities and volunteers	11. Work with communities and volunteers who will make a positive contribution to the maintenance and improvement of the network.	ongoing				✓	✓
	12. Work alongside others to make the network available for novice or less experienced countryside users.	ongoing	✓				
Policy RW4 The legal record	13. Enable and assist landowners to make deposits under Section 31(6) Highways Act 1980 via a straightforward process using standard forms.	ongoing	✓				
	14. Republish the Definitive Map in 2015 and every five years thereafter.	0-5 yrs	✓				
	15. Share the digital rights of way information with District and Borough Councils and other non-commercial organisations.	ongoing	✓				
	16. Make the digital rights of way information available online.	6-10 yrs	✓				
	17. Process evidential modification orders in line with Policy RW4a.	ongoing	✓				
Policy RW5 Changing the network	18. Respond to requests for changes from third parties and seek to include improvements for the public, in line with Policy RW5a.	ongoing		✓			✓
	19. Seek to increase the width of bridleways where necessary to make them suitable for non-motorised users.	6-10 yrs		✓			✓
	20. Seek to increase the length and number of bridleways in Warwickshire	ongoing	✓				
	21. Seek increased connectivity of the rights of way network, including reducing the necessity of using the tarmac road network, where opportunities arise.	ongoing	✓				
	22. Ensure that any changes arising from development do not have a net loss or negative effect on the network.	ongoing	✓				
	23. Identify areas of poor access to the countryside and seek to improve it where opportunities arise.	6-10 yrs 11-15 yrs			✓	✓	✓
Policy RW6 Information	24. Provide appropriate information about the network.	ongoing	✓				

Policy	Action Specific actions will sit under these strategic actions and be part of the 5 year implementation plan (yet to be written)	Timescale	Relevance to Spatial areas				
			Countywide	Inter-urban	Main urban areas	Other urban areas	Villages and rural areas
	25. Increase awareness about the rights and responsibilities of users of the network.	ongoing	✓				
	26. Ensure that fellow professionals understand the importance of the network and the various legislative requirements.	ongoing	✓				
Policy RW7 Public awareness	27. Support existing promoted routes where they are responsibly managed.	ongoing	✓				
	28. Support the development of new promoted routes where they have a clear purpose and there are suitable arrangements for their future management.	ongoing	✓				
	29. Provide appropriate information about the network.	ongoing	✓				
	30. Encourage people to use the network for health, recreation and everyday journeys.	ongoing	✓				

Targets and monitoring

The time span covered by this document is stated to be 1 April 2011 to 31 March 2026. However the Countryside and Rights of Way Act requires that a Rights of Way Improvement Plan is reviewed after no more than ten years, and it is anticipated that the Strategy will be reviewed in 2021 in the event that LTP3 is not reviewed sooner.

The ROWIP Implementation Plan will be a separate document and will have a life span of three years from April 2011 to March 2014.

Targets

There are several performance targets implicit in the strategy. These are set out below.

Policy RW1a	Inspection timescales for fault reports	potential for serious injury	within one working day
		defect on Listed* promoted route	within 15 working days
		other defect reports	within 3 months
Policy RW4	Republication of Definitive Map	in 2015 and every five years thereafter	

* Routes included in the WCC List of Recognised Promoted Routes.

Performance measures

In addition to the targets above, more detailed measures and targets will be defined in the ROWIP Implementation Plan, covering the first three years of the Strategy.