

# Moving Rutland Forward

## Rights of Way Improvement Plan

Our vision for managing the public rights of way network so that it meets our present and future needs.

**2019 – 2029**



**Rutland**  
County Council

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## GLOSSARY

Byway Open to All Traffic (BOAT)	A highway over which the public have a right of way for vehicular and all other kinds of traffic but which is used by the public mainly for the purposes for which footpaths and bridleways are used
CIPFA	The Chartered Institute of Public Finance and Accountancy
CLA	Country Land and Business Association
CROW Act	Countryside and Rights of Way Act (2000)
Definitive Map & Statement	The Definitive Map is a legal document showing the position and status of every public right of way in an authority's area. The Definitive Statement records any additional details relating to those right of way.
DfT	Department for Transport
DMMO	Definitive Map Modification Orders are used to correct errors in or omissions from the Definitive Map & Statement
HLS	Higher Level Stewardship Scheme
LTP	Local Transport Plan
NE	Natural England
ONS	Office of National Statistics
PPO	A Public Path Order is the legal order that's required to create, extinguish or modify a public right of way
PROW	Public Right of Way
Public bridleway	A highway over which the public have a right of way on foot, on horseback or a bicycle
Public footpath	A highway over which the public have a right of way on foot only
Restricted Byway	A highway over which the public have a right of way on foot, on horseback and in a vehicle other than a mechanically propelled vehicle
ROWIP	Rights of Way Improvement Plan
(SLR)LAF	(South Lincolnshire & Rutland) Local Access Forum
SSSi	Site of Special Scientific Interest
UUCR	Unsurfaced Unclassified County Road

## EXECUTIVE SUMMARY

The Countryside and Rights of Way Act ('the Act') required all local highway authorities to prepare and publish plans, referred to as rights of way improvement plans (ROWIPs), explaining how they would make improvements to the public rights of way network in their area to provide a better experience for users. Authorities were given five years from the commencement of the relevant sections of the act (2002) to meet these obligations and publish their plans. The Act also required that plans were reviewed at intervals not exceeding ten years.

Ten years have passed since the first ROWIP for Rutland was published, prompting the preparation of its replacement. Our second ROWIP is part of a suite of plans and policies supporting Moving Rutland Forward - Rutland's fourth Local Transport Plan (LTP4) which runs from 2019 to 2036 to coincide with the time frame of our emerging Local Plan Review. The ROWIP was prepared in parallel to facilitate closer integration but will need to be reviewed no later than 2029. Whilst it supersedes the original plan and all policies contained therein our vision remains largely unaltered:

"A connected, accessible and well-maintained network of local rights of way that meets the present and future needs of users and encourages them to engage with the natural environment for exercise, leisure and transport purposes."

From our assessments we concluded that we need to be mindful of the needs of our aging population and those with disabilities and that the network will need to be made more accessible if it's to meet their needs. We also found that to encourage more people in Rutland to make short journeys by walking or cycling we need to look at the routes linking the places they live with the services they need; rights of way that fulfil this role need to be maintained to a high standard if we want people to keep using them.

We learned that the fragmented nature of the network available to cyclists and horse riders makes it difficult for them to complete a meaningful journey without riding on roads or resorting to using footpaths, and found little evidence to support the idea landowners are happy to provide increased access if given sufficient financial incentive.

To address the issues, and exploit the opportunities identified in the assessments our statement of action proposes that we:

- Maintain our rights of way network infrastructure to a high standard,
- Publish an accurate and up to date definitive map and statement,
- Improve safety, connectivity and accessibility across the network,
- Protect the network from illegal obstructions and the adverse effects of development,

- Promote the network and improve the availability of information to encourage greater use.

## 1. INTRODUCTION

This is the second Rights of Way Improvement Plan (ROWIP) for Rutland, prepared under Section 60 of the Countryside and Rights of Way Act 2000 (the CROW Act). It is part of a suite of plans and policies supporting Moving Rutland Forward - Rutland's fourth Local Transport Plan (LTP4) and sets out the means by which we are proposing to secure an improved public rights of way network. It supersedes the original plan published in 2007 and all policies contained therein.

### 1.1 THE LEGISLATIVE FRAMEWORK

Section 60 of the Countryside and Rights of Way (CROW) Act 2000<sup>1</sup> required local highway authorities to publish ROWIPs by November 2007. The plans are strategic documents explaining how local authorities are proposing to improve the public rights of way network and contained assessments of the extent to which present and likely future needs of the public were being met. No more than 10 years after the publication of the plan it has to be reviewed and new assessments made.

After making the new assessment authorities must decide whether to amend their plans. If the plan is amended an updated version must be published. If an authority decides to leave their plan unchanged they must publish a report explaining the reasons for their decision.

All local highway authorities already have duties under the Wildlife and Countryside Act 1981 and the Highways Act 1980 to keep the definitive map and statement of public rights of way up to date and to ensure that ways are adequately signposted, maintained and free from obstruction. ROWIPs should build upon this work and not conflict with these existing duties or reduce the effectiveness with which they are carried out.

### 1.2 INTEGRATION WITH THE LOCAL TRANSPORT PLAN

Increasing recognition of the potential for improvements to the local rights of way network to contribute towards a more integrated and sustainable transport network led to the publication of a good practice note<sup>2</sup> encouraging the integration of ROWIPs and LTPs.

In acknowledging the links between the two documents it was suggested that ROWIPs might include some recognition of the national transport goals and any

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<sup>1</sup> <https://www.legislation.gov.uk/ukpga/2000/37/contents>

<sup>2</sup> Natural England (2009). LTP and ROWIP Integration: Good practice note (NE325). <http://bit.ly/2EZEZPz>

other local transport objectives and outline how development of the rights of way network can help contribute to these goals.

Our fourth LTP runs from 2019 to 2036 to coincide with the time frame of the emerging Local Plan Review. This, our second ROWIP was prepared in parallel to facilitate closer integration, but in line with legislation it will only run until 2029.

### 1.3 OUR VISION

A connected, accessible and well-maintained network of local rights of way that meets the present and future needs of users and encourages them to engage with the natural environment for exercise, leisure and transport purposes.

Figure 1: Rights of way policies and the Local Transport Plan<sup>3</sup>



### 1.4 ACHIEVEMENTS SINCE 2007

In the time since the publication of the first ROWIP we have managed to make some significant progress towards achieving the objectives in the statement of action it contained (the reference numbers below refer to actions in the 2007 ROWIP).

We have improved maintenance standards across the network, installed hundreds of new sign and waymark posts (1B), and are using recycled materials where appropriate (1K). There has been a huge reduction in the number of physical barriers on our network: no new stiles have been authorised since the publication of the first

<sup>3</sup> DDMO – Definitive Map Modification Order, PPO – Public Path Order

ROWIP in 2007 (3A); we have adopted a policy on structures (3B); and managed to reduce the number of stiles on the network by 26% (3C).

We have also created new footpaths and bridleways which have improved the safety and attractiveness of routes affected by the transport network (8B), extending the network available to cyclists and horse riders (4D).

People who want information about where they can go walking or riding in Rutland now have a choice of media: we're now on the third iteration of our popular web mapping application (2C) that can be used to view the local rights of way; we have published a series of five new leaflets promoting circular walking routes around some of our larger villages (7B); and map display boards showing local walks and rides have been funded in Tinwell and Barrowden.

Finally, working with volunteers from the Local Access Forum we carried out accessibility audits of three paths in the county with potential to be used by people with restricted mobility (5B); the results were used to produce the 'Countryside for All' series of accessible walks leaflet (5E).

## 2. THE RUTLAND CONTEXT

### 2.1 GEOGRAPHY

Situated in the east midlands, Rutland shares borders with Lincolnshire, Leicestershire, Northamptonshire and Peterborough. It's England's smallest county and covers an area of approximately 382 km<sup>2</sup>, of which more than 80% is used for agriculture. The landscape is dominated by Rutland Water, a man-made reservoir in the middle of the county.

The environmental quality of Rutland's landscape is high and the character of the landscape is varied with five different landscape character types. These range from high plateau landscapes across large areas of the north east and south west to lowland valleys in the centre and north-west and on the county's southern border along Welland Valley. There are 19 sites of special scientific interest (SSSIs) in the county, including Rutland Water. There are 221 local wildlife sites and important areas of calcareous grassland and ancient and broadleaved woodland in the county.

The A1 passes through the eastern part of Rutland providing good north-south road links whilst east-west connections comprise the A47 serving the southern part of Rutland and the A606 Stamford-Nottingham road. Oakham station is served by the CrossCountry Birmingham (New Street) to Stansted Airport route, and a once daily return service to London St Pancras via Corby.

Rutland has a low population density of around 1 person per hectare. At the time of the 2001 census the Office of National Statistics declared the county the most rural area in England and Wales. There are 54 settlements including our two market towns; Oakham (population 10,922) and Uppingham (population 4,745)<sup>4</sup>. The remaining 52 vary in size from small hamlets to large villages.

### 2.2 DEMOGRAPHICS

The Office of National Statistics (ONS) estimates Rutland's population reached 39,474 in 2017. Ethnically the county is very homogeneous; 94% of residents describe themselves as white British compared to the national average of 80%. The proportion of the working age population that's economically active is higher in Rutland than the national and regional average and includes a particularly high percentage of self-employed people.

The county is relatively affluent with very low levels of deprivation, the lowest in the East Midlands and 301<sup>st</sup> out of 326 nationally, where 1 is the most deprived. Figures

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<sup>4</sup> Population as reported by census 2011

from the 2011 census (National Statistics Socio-economic Classification) revealed that, compared to the national average, people in Rutland are far more likely to be employed in managerial, administrative or professional occupations than routine occupations.

Rutland is currently one of the healthiest places to live in England, even when compared with the statistical nearest neighbours defined by our Joint Strategic Needs Assessment (JSNA)<sup>5</sup>. This is reflected in the relatively small proportions of people in Rutland affected by limiting long term conditions, disabilities<sup>6</sup>, or considered obese. Surprisingly though, the percentage of people in Rutland classed as overweight (but not obese) is higher than the both the national and regional averages.

Table 1: Census 2011 General health (QS302EW)

	England	East Midlands	CIPFA NN Av <sup>7</sup>	Rutland
Very good	47.2	45.3	47.5	50.4
Good	34.2	35.1	34.6	34.0
Fair	13.1	14.0	13.1	12.1
Bad	4.2	4.3	3.8	2.7
Very bad	1.2	1.2	2.7	0.8

The health of Rutland residents might be attributed to the fact that they're particularly active. A recent survey<sup>8</sup> reported that 65.3% undertook at least 150 minutes per week of physical activity. This is significantly higher than the national figure (57%) and compares favourably with the average of our CIPFA nearest neighbours (61%), but the proportion of people who are physically active enough decreases markedly with age and we're expecting the proportion of people aged 60 or over in Rutland to increase significantly in the next 20 years.

In 2013/14, the number of people in Rutland registered with dementia was 266 or 0.7% of the population. This is higher than the England average value of 0.6%<sup>9</sup>. However an estimation of dementia prevalence published by the Alzheimer's Society suggests a much higher figure of 1.7%, believing there are many incidences yet to be diagnosed. The proportion of adults aged 18-64 with physical disabilities

<sup>5</sup> Rutland County Council (2015). Joint Strategic Needs Assessment. <http://bit.ly/2CLQdK7>

<sup>6</sup> Office for National Statistics (2011). Census: Long-term health problem or disability. [QS303EW](http://bit.ly/2CG6wrQ)

<sup>7</sup> The Chartered Institute of Public Finance and Accountancy (CIPFA) have created a model which seeks to measure similarity between Local Authorities by measuring the Euclidean distance between selected variables.

<sup>8</sup> Sport England (2015). Active People Survey. <http://bit.ly/2qsOeVp>

<sup>9</sup> Quality and Outcomes Framework (2013). Prevalence achievements & exception. <http://bit.ly/2CG6wrQ>

supported through the year in 2012/13 was 595.9 per 100,000 population (125 adults), significantly higher than the national average of 451.7 per 100,000 population.

### 3. LINKS TO OTHER PLANS AND STRATEGIES

In the time since the publication of the first ROWIP public policy has changed relatively little. Active travel is still being hailed as something of a panacea for the issues faced by government, which is hardly surprising considering the expanding body of research supporting such claims.

Guidance requires that local authorities prepare their ROWIPs in the context of a range of other relevant plans and strategies at local, regional and national level. Therefore during the production of this plan we have reviewed relevant policies that have been published. A summary is below and the full review is included at Appendix A.

#### 3.1 POLICY CONTEXT

The benefits associated with the increased levels of physical activity gained from walking and cycling are now well understood and are described by the Department for Transport (DfT)<sup>10</sup> in the following terms:

“For people, it means cheaper travel and better health. For businesses, it means increased productivity and increased footfall in shops. And for society as a whole it means lower congestion, better air quality, and vibrant, attractive places and communities.”

The positive impact that natural environment can have on mental and physical health was demonstrated by the National Ecosystem Assessment (NEA) and the Marmot review, leading government to conclude that we need to strengthen the connections between people and nature and that everyone should have fair access to a good quality natural environment<sup>11 12</sup>.

The countryside access network is in a position to deliver against both these aims; it can facilitate increased levels of walking and cycling on an extensive network of traffic free routes through attractive natural environments. The message from government has clearly been understood in Rutland; from tourism to transport,

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<sup>10</sup> Department for Transport (2017). Cycling and Walking Investment Strategy. <http://bit.ly/2EblktT>

<sup>11</sup> DEFRA (2013). Government Forestry and Woodlands Policy Statement. <http://bit.ly/2EZ6CZ4>

<sup>12</sup> The Marmot Review (2010). Fair Society, healthy lives: the Marmot review. <http://bit.ly/2EZRhaR>

increasing levels of walking and riding in the countryside is an aim shared by many of our internal plans and strategies <sup>13 14 15 16</sup>.

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<sup>13</sup> Rutland County Council (2017). Strategic Plan for Culture and Leisure in Rutland. <http://bit.ly/2CHFyQA>

<sup>14</sup> Rutland County Council (2017). Rutland Local Plan 2016 - 2036: Consultation Draft. <http://bit.ly/2CVQEOJ>

<sup>15</sup> Rutland County Council (2016). Rutland Joint Health and Wellbeing Strategy. <http://bit.ly/2qpXgCl>

<sup>16</sup> Discover Rutland (2016). Tourism Vision 2016 – 2019. <http://bit.ly/2qwC4eg>

## 4. ASSESSMENT DATA

In preparing a rights of way improvement plan local authorities are required to make an assessment of the extent to which local rights of way<sup>17</sup> meet the present and likely future needs of the public, paying particular attention to their accessibility to people who are blind, partially sighted or who experience problems with their mobility.

### 4.1 USE, DEMAND AND REASONS FOR ACCESS

User's needs can vary according to their personal circumstances and their reasons for, or manner of, use. If we are to understand how local rights of way might be improved to better meet the needs of users we have to consider a) their reasons for using local rights of way, and b) any other local factors that might have some bearing on their use.

#### 4.1.1 POPULATION PRESSURES

Changes in the size and structure of the population in Rutland will present significant challenges to the delivery of public services over the life of the plan. The proportion of the Rutland population aged 60 or over is currently much higher than the regional and national averages and the difference is expected to increase over the life of the plan.

*Table 2: % of population over the age of 60 (subnational population projections for local authorities 2016)*

	2017	2027	2036
England	23.40	26.93	29.13
East Midlands	24.76	28.69	30.87
Rutland	30.80	36.86	40.29

We need to be mindful of the needs of our aging population; the general reduction in stamina, mobility and sensory acuity experienced by many older people means they can face many of the same barriers to use of the rights of way network experienced by the disabled. The network will need to be made more accessible if it's to meet their needs.

<sup>17</sup> Defined as all footpaths, cycle tracks, bridleways and restricted byways in the authority's area

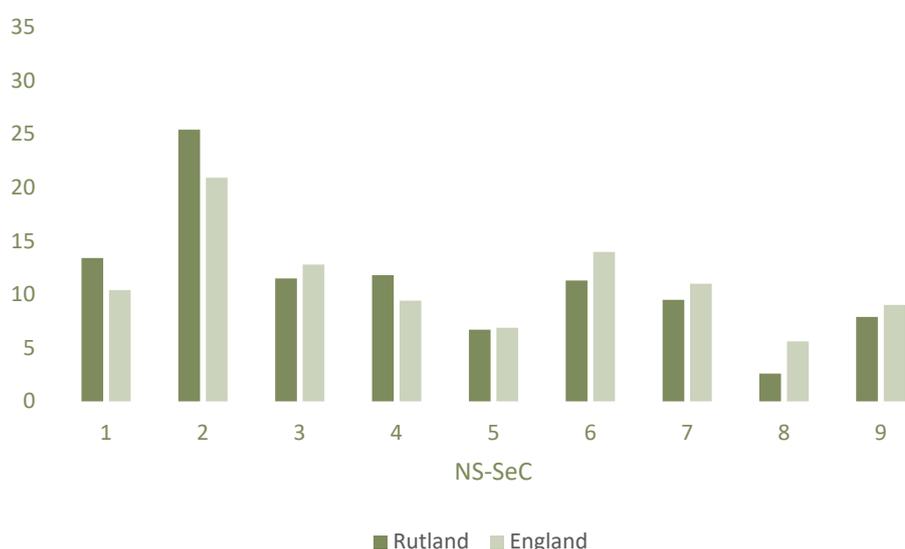
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## 4.1.2 SOCIO-ECONOMIC PROFILE

Rutland is a relatively affluent area with very low levels of deprivation, the lowest in the East Midlands and 301<sup>st</sup> out of 326 nationally, where 1 is the most deprived. Compared to the national average people in Rutland are far more likely to be employed in managerial, administrative or professional occupations than routine occupations<sup>18</sup>.

Various studies have found that recreational activity in the countryside is more common in the more affluent socio-economic groups. Cycle ownership has also been found to be higher amongst more affluent socio-economic groups<sup>19</sup>.

Figure 2: Socio-economic classification 2011 census (All usual residents aged 16 to 74)



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## 4.1.3 HEALTH

We understand that health and exercise are already common reasons for people visiting the outdoors. A survey examining the ways in which people engage with the natural environment found the proportion of visits made for health reasons rose from around a third in 2009/10 (34 per cent) to just under half in 2015/16<sup>20</sup>.

According to the chief medical officer's report<sup>21</sup> increasing how much someone walks or cycles will raise their overall level of physical activity, reducing their risk of coronary heart disease, stroke, cancer, obesity and type 2 diabetes. It helps keep

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<sup>18</sup> Data from 2011 census National Statistics Socio-economic Classifications (NS-SeC)

<sup>19</sup> Entec (2001). Rights of Way Use & Demand Study.

<sup>20</sup> Natural England (2017). MENE: Headline report from the 2015-16 survey. <http://bit.ly/2CSGcYI>

<sup>21</sup> Department for Health (2011). Start active, stay active. <http://bit.ly/2CY6RTy>

the musculoskeletal system healthy, promotes mental wellbeing and older people who engaged in walking were found to be less likely to develop dementia<sup>22</sup>. In addition to the direct benefits from physical activity, walking and cycling offer pleasure, independence and exposure to outdoor environments, which may be particularly significant for people with disabilities whose participation in other activities may be more restricted.

Access to green space could be a natural solution to health inequalities, with research<sup>23</sup> showing a range of benefits from engaging with the natural environment including better sleep, improved immunity, greater social interaction and increased physical activity. The same research also found links between contact with nature and a number of mental health benefits, including improved mood and reduced stress, anxiety and severity of children's symptoms of attention deficit hyperactivity disorder (ADHD).

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#### **4.1.4 TOURISM / ECONOMY**

Outdoor recreation makes a significant contribution to local economies. Visit Britain found that £2.1 billion was spent in England on outdoor activities in 2015<sup>24</sup>. Opportunities for outdoor activities can influence where people choose to take a holiday; those who visit might spend money on equipment as well as on food and drink in local shops and restaurants.

Visit Britain reported that there were 255 million day visits in Great Britain in 2015 where one or more of the main activities involved taking part in outdoor activities, and also that 113 million visits had outdoor activities as the single main activity. The most popular activity reported was a long walk or hike, featuring in 83 million day visits to rural locations. The contribution made by to the UK economy each year by leisure and tourism cycling on the National Cycle Network was calculated by Sustrans<sup>25</sup> to be worth more than £650 million.

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#### **4.1.5 UTILITY**

The Department for Transport wants to make walking and cycling the natural choices for shorter journeys. Personal benefits include cheaper travel and better health, but for society as a whole it means lower congestion, better air quality, and vibrant, attractive places and communities.

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<sup>22</sup> Public Health England (2014). Improving access to green spaces. <http://bit.ly/2CVole1>

<sup>23</sup> Institute of Health Equity (2014). Natural solutions to tackling health inequalities. <http://bit.ly/2AvvOD7>

<sup>24</sup> Visit Britain (2015). The GB Day Visitor Statistics 2015. <http://bit.ly/2F0zAYR>

<sup>25</sup> Sustrans (2015). Cycle tourism boosts economy. <http://bit.ly/2CseNM6>

Walking for utility purposes, that is to get from place to place rather than for recreation, is less common in Rutland than it is nationally<sup>26</sup>; it's the same story with cycling<sup>27</sup>. We have also found that fewer children walk or cycle to school in Rutland than nationally<sup>28</sup>. Local consultation found that there is a lack of routes linking the places people live with the services they need, and that where routes do exist they may need to be maintained to a higher standard.

## 4.2 DIFFERENT USERS AND THEIR NEEDS

The next stage in making our assessment is to consider how needs vary according to the manner in which different people use local rights of way. To do this we have drawn data from a range of sources, combining the findings from consultation undertaken for the first ROWIP with our countywide travel survey<sup>29</sup> and national research from relevant user groups.

### 4.2.1 WALKERS

Walking is the most popular form of leisure activity in the countryside<sup>30</sup>, ahead of cycling and horse riding and is more common in rural households and in households from the more affluent socio-economic groups<sup>31</sup>; it's also more common in women than men<sup>32</sup>.

In Rutland walking is more commonly a recreational activity than a means of transport (

Table 3); our rural nature and the long distances people need to travel to access essential goods and services make walking a less viable mode of transport.

Table 3 : Proportion of how often and how long adults walk for, 2014/15 (CW0105)

	England	East Midlands	CIPFA NN Av	Rutland
Walking monthly (recreation)	53.9	55.4	60.5	65.7
Walking monthly (transport)	60.4	56.5	57.6	49.6

<sup>26</sup> Department for Transport (2015). Walking and cycling statistics. [Table CW0105](#)

<sup>27</sup> Department for Transport (2015). Walking and cycling statistics. [Table CW0104](#)

<sup>28</sup> Department for Education (2011). School census. [Local authority tables: SFR12/2011](#)

<sup>29</sup> Rutland County Council (2016). Countywide travel survey. <http://bit.ly/2CUEnKx>

<sup>30</sup> Rutland County Council (2006). Rights of Way Improvement Plan Consultation. <http://bit.ly/2mOKLsq>

<sup>31</sup> Entec (2001). Rights of Way Use & Demand Study.

<sup>32</sup> Sport England (2016). Active Lives Survey. <http://bit.ly/2EaApwL>

Walkers are unique in that they are the only group using the rights of way network that might feel that there are enough routes to meet their current needs. People often feel strongly about whether there are enough paths and tracks already, but opinion on this question is divided; those in rural areas are more likely to think there are enough<sup>31</sup>.

Consultation undertaken in preparation for the first ROWIP found support for creating new footpaths to be limited. Instead it was suggested that we should focus on improving connectivity to create circular routes. We found more support for making routes easier to find and follow, using a combination of better maintenance, waymarking and promotion.

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#### **4.2.2 EQUESTRIANS**

The Equestrian Access Forum (EAF) brings together the main equestrian access organisations in the UK under a single banner with the aim of increasing access to off-road riding and carriage driving.

They estimate that nationally horse riders have access to only 22% of all public rights of way recorded on the definitive map; in Rutland this figure is more positive being closer to 40%.

They proposed widespread changes to the processes followed in recording historic rights of way<sup>33</sup> because, not unreasonably perhaps, they feel that reclaiming historic routes through the definitive map process is the only method that has delivered any significant gains to the equestrian network.

To give an indication of what they feel could be achieved, in 2002 the Countryside Agency estimated that there were some 16,000 km of unrecorded rights of way in England, and that some 6700 km of these rights of way were either bridleways or byways.

We found that there is strong support amongst horse riders for the creation of new bridleways in Rutland<sup>34</sup> and, following a consultation exercise with members of the local bridleways association, we know where they're needed. Other issues important to local riders are safer roads / roadside verges and the condition of gates.

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#### **4.2.3 CARRIAGE DRIVERS**

In simple terms the desires of carriage drivers are no different to any other group; they want a local network of safe routes providing a variety of drives and offering

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<sup>33</sup> Equestrian Access Forum (2012). Making ways for horses. <http://bit.ly/2Av3z7J>

<sup>34</sup> Rutland County Council (2006). Rights of Way Improvement Plan Consultation. <http://bit.ly/2mOKLsq>

links to wider networks. However byways and restricted byways amount to only 5% (9,700 km) of rights of way nationally, and only 2% in Rutland.

Unsurfaced unclassified county roads (UUCRs) are largely traffic free and are potentially a valuable addition to the network for carriage drivers. However whilst legally roads they are not maintained to the same standards. Use of tarmac should be avoided on UUCRs, it's unsuitable for horses and might encourage increased use by motor vehicles, but well-drained surfaces with adequate bearing capacity are essential.

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#### 4.2.4 CYCLISTS

A study of the riding preferences of mountain bikers in England and Wales, and the implications for improving public rights of way networks and wider access to the countryside<sup>35</sup> identified that there was relatively little research in to off-road cycling or mountain biking in England.

Whilst acknowledging the limitations of the Cycling UK survey<sup>36</sup> (self-selection bias) the huge number of responses provides some reassurance that the results are a reasonable indication of what regular off-road cyclists are doing and what they would like from the public rights of way network. Health and fitness were the most commonly cited motivation for off-road cycling, ahead of avoiding traffic.

Over half (56%) of the more than eleven thousand respondents to the survey ride on bridleways and byways 'at least weekly'; many ride regularly on trails whose status they don't know. The survey found that putting bikes on the back of the car isn't as common as may be thought; most people cycle from their door rather than drive for rides on rights of way (66%). Routes in broadleaf woodland are the most popular, with coniferous woodland being only marginally less popular.

Asked about the rights of way network nationally, almost three quarters of respondents felt that it's unsuitable for modern cycle usage and nearly half said that the existing network often makes it difficult to put together a 'legal' route. This is probably why almost 80% admitted to riding on public footpaths or undesignated trails, with around a third claiming to do so at least weekly.

Of the 9460 people claiming to ride on public footpaths and undesignated trails 65% cited a lack of choice or convenience as their main motivation and just over half referred to the danger associated with cycling on the road. This is reflected in our own research<sup>37</sup>, which asked how we might encourage cycling in the county and

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<sup>35</sup> FITZGERALD, M. and CROWE, L. (2014). The riding preferences of mountain bikers in England and Wales, and the implications for improving public rights of way networks and wider access to the countryside. <http://bit.ly/2m0yu7w>

<sup>36</sup> Cycling UK (2017). Rides of Way: Cycling UKs Off-Road Report. <http://bit.ly/2IWRX84>

<sup>37</sup> Rutland County Council (2016). Countywide travel survey. <http://bit.ly/2CUEnKx>

found that over half those who responded suggested we create 'more or extended designated cycle routes, protected from traffic'.

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#### **4.2.5 MOTORISED USERS**

When a range of organizations representing off-road drivers were asked what they sought from routes<sup>38</sup> their responses were largely similar. In summary they want unsurfaced routes of reasonable length with interesting topography and character; they enjoy interest and a challenge but obstruction effectively denies the resource to them. Unfortunately their preference for more challenging terrain is often at odds with the requirements of other users who would prefer a different surface.

Motorised users have access to only 2% of the rights of way network in Rutland. Even after taking in to account the small number of unsurfaced unclassified county roads there is no effective route network for them and no realistic prospect of creating one. In the circumstances we will need to focus our efforts on the sympathetic management of the existing access resource.

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#### **4.2.6 PEOPLE WITH MOBILITY PROBLEMS**

At all points in the delivery of the rights of way service within the area for which they are responsible, authorities should be aware of the obligations placed upon them by the Equalities Act 2010, the successor to the Disability Discrimination Act<sup>39</sup>.

When considering the accessibility of local rights of way we recognise that we have to consider more than just the physical barriers on-site. Lack of accessible information on routes is one of the most significant barriers limiting use of the outdoors by disabled people but also one of the most straightforward to resolve. Availability of accessible car parking in close proximity to features of interest is particularly important to people with limited mobility, wheelchair users and the elderly.

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#### **4.2.7 LANDOWNERS**

Government guidance for local authorities states that the interests of landowners should be taken into account during the preparation of ROWIPs. This is essential if local highway authorities wish to foster effective working relationships. However establishing exactly what those views are is no simple task.

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<sup>38</sup> DEFRA (2005). Report on motor vehicles on byways open to all traffic. <http://bit.ly/2AwlVVK>

<sup>39</sup> DEFRA (2009). Rights of Way Circular (1/09). <http://bit.ly/2F0u5sW>

In a report published in 2012<sup>40</sup> under the heading ‘Managing public access’ the Country Landowner & Business (CLA) state that easy-to-follow signage and well-waymarked paths are essential. It’s suggested that local highway authorities should ensure that “paths are well signed and the surface is easy to use and that highway budgets provide for proper maintenance”.

They believe that “highway authorities should be encouraged by government to properly enforce use of rights of way, including situations where problems are experienced by landowners”. Ensuring public compliance with the rights granted is often beyond the scope of local authority powers however.

Local consultation reported similar findings; issues with dogs, fly-tipping and gates being left open were the most common problems reported by landowners, however our analysis of fly-tipping incidents revealed no discernible trends other than laybys and farm gateways on rural roads being a target; the link with rights of way is weak.

Research analysing issues relating to the supply of public rights of way in England from the perspective of farmers and landowners<sup>41</sup> found no evidence to support the idea that landowners would be happy to provide increased access if given sufficient financial incentive. This suggests that highway authorities wishing to expand their countryside access network will need to be creative if they wish to avoid using compulsory legal processes.

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#### 4.2.8 NON-USERS

The reasons why people don’t currently use the rights of way network are varied. It must be recognised that whilst many non-users, given the right information and route provision, may become users, there are also many people who simply have no interest or desire in using their local rights of way network.

*Table 4: Entec Rights of way use and demand study 2001 – reasons for non-participation*

	England	East Midlands
Too busy / no time	24%	31%
Health problems	16%	19%
Old age	13%	15%
Not interested	12%	4%
No reason	16%	21%

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<sup>40</sup> Country Land & Business Association (2012). The Right Way Forward. <http://bit.ly/2CJhOvD>

<sup>41</sup> MULDER, C., SHIBLI, S. & HALE, J. (2006). Rights of way improvement plans and increased access to the countryside in England: some key issues concerning supply. <http://shura.shu.ac.uk/7862/>

Whilst problems relating to poor health and old age may be addressed, in part, by measures to make paths more accessible it is less clear how we might go about encouraging participation amongst those who have no time. One suggestion is to create opportunities close to where people live and work to reduce the time that would be lost travelling.

Almost a third of respondents to a survey for the first ROWIP stated that paths not being easy to find or follow limited their use of rights of way. Lack of information and the condition of the network were also stated as reasons why people did not use the network as often as they would like.

Asked in the Rutland Travel Survey (2016) what improvements they thought would encourage walking in Rutland 19% of responses proposed the creation of new routes. Other common suggestions were improved maintenance (14%) and more promotion of routes / events (13%). A similar pattern was reported with respect to encouraging cycling, with the creation of new cycle tracks (protected from traffic) being the most popular suggestion.

## **4.3 NETWORK ASSESSMENT**

The final stage in making our assessment is scrutiny of the definitive map and statement together with information about any unrecorded rights of way, requests for improvements and documents relating to the entire access network (including cycle tracks, permissive routes and access land).

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### **4.3.1 RUTLAND'S RIGHTS OF WAY NETWORK**

In assessing our rights of way network we considered records relating to:

- (a) Definitive maps and statements
- (b) Network condition
- (c) Maintenance, inspections and improvements
- (d) Path coverage
- (e) Enforcement, the legal duty to assert and protect
- (f) Claims evidence from the public
- (g) Legal orders (PPO / DMMO)
- (h) Dedications and permissive agreements
- (i) Cross boundary issues

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#### **4.3.1.1 DEFINITIVE MAPS AND STATEMENTS**

The definitive map is a legal record of the public's rights of way. It should show every public right of way that the local authority is currently aware of. If a way is shown on the map that is considered to be conclusive evidence that the public had those rights along the way at the relevant date of the map. The definitive statement is a written

description of public rights of way which might provide additional details such as paths widths or limitations to the public's use.

Each definitive map and statement has a 'relevant date'. This means that the map provides evidence that public rights existed at that date. It is possible that a legal change, e.g. the diversion of a way, has happened since the relevant date and that has not been recorded on the map yet.

Rutland's definitive map is broken up in to 26 separate sections with relevant dates ranging from 2<sup>nd</sup> January 1989 to the 16<sup>th</sup> December 1998. The implications of this are that a) the Ordnance base mapping used for the definitive map is very out of date and doesn't show any development that has taken place in the last 30 years, and b) there have been more than a dozen changes to the network since the relevant date(s) which are not yet shown on the map(s).

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#### 4.3.1.2 NETWORK CONDITION

Since 2007, when a detailed survey of the network was undertaken, there has been no objective measure of its condition. However between January and August 2011 over 1600 mystery walkers were recruited by the Ramblers to check a sample of 2720 kilometres of footpaths in England.

Walkers were assigned grid squares close to where they live and asked to rate (from 1 to 5, five being the best) their experience in terms of five categories, chosen as representing the main issues that are important to walkers. The results for Rutland were disappointing; despite not scoring below a 3 in any category we were placed 120<sup>th</sup> out of 126 local authorities surveyed.

Over the second half of 2015 the Ramblers recruited over 3000 walkers to participate in their next campaign, The Big Pathwatch. Local authorities were divided in to one kilometre grid squares, which were adopted by volunteer surveyors who undertook to walk the rights of way in their squares.

Almost 200 grid squares containing a combined total of 128.9 kilometres of rights of way were surveyed in Rutland. The results were encouraging; only one grid square was classed as *poorly kept*, while over three-quarters were classed as *well-kept* and *signposted*<sup>42</sup>.

Table 5: Rights of Way structures data 2017

	Kissing gate	Pedestrian gate	Bridle gate
Condition: Good	97%	90%	76%
Condition: Minor adjustment required	3%	10%	21%
Condition: Unsatisfactory	0%	0%	3%

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<sup>42</sup> The Ramblers Association (2016). The Big Pathwatch: The State of Our Paths. <http://bit.ly/2ydS9lc>

In 2017 when we repeated the detailed condition survey of our network first undertaken in 2007 we found that the condition of the network has improved slightly but also that there had been some significant changes to the numbers of different structures which have significantly improved accessibility.

#### 4.3.1.3 INSPECTIONS & MAINTENANCE

The Council, as highway authority, has a duty to keep all the highways maintainable at the public expense in its area in a condition suitable for their use by ordinary traffic at all times of the year.

Guidance<sup>43</sup> suggests that highway authorities should undertake regular condition surveys to identify deficiencies in the highway fabric which, if untreated, could adversely affect its long term performance and serviceability. If resources allowed it would be desirable to inspect all our public rights of way on an annual basis. Instead we carry out detailed surveys of the entire network at ten years intervals, supplemented by reactive inspections of paths undertaken in response to user complaints.

We use a planned approach to maintenance. Vegetation is cut back twice a year as part of our cyclic mowing program and the findings from our detailed surveys are used to direct the focus of our larger maintenance contracts. Issues reported to us in the intervening years are resolved as they arise.

Stiles, gates and other similar structures across footpaths and bridleways must be maintained in safe condition by the owner of the land and to a standard of repair required to prevent the unreasonable interference with the public rights. We are required to contribute at least 25% of landowners costs incurred in maintaining authorised structures. It's our policy to meet this obligation by providing the required materials, usually in the form of new metal gate (BS5709 compliant). By ensuring structures on our network are of the highest quality we can meet our obligations under the Equalities Act 2010.

At the time of writing there were 277 public rights of way recorded in Rutland extending for more than 331 kilometres. The bulk of the network is made up of footpaths but, as the table below shows, we have a far higher proportion of bridleways in Rutland than elsewhere in the country.

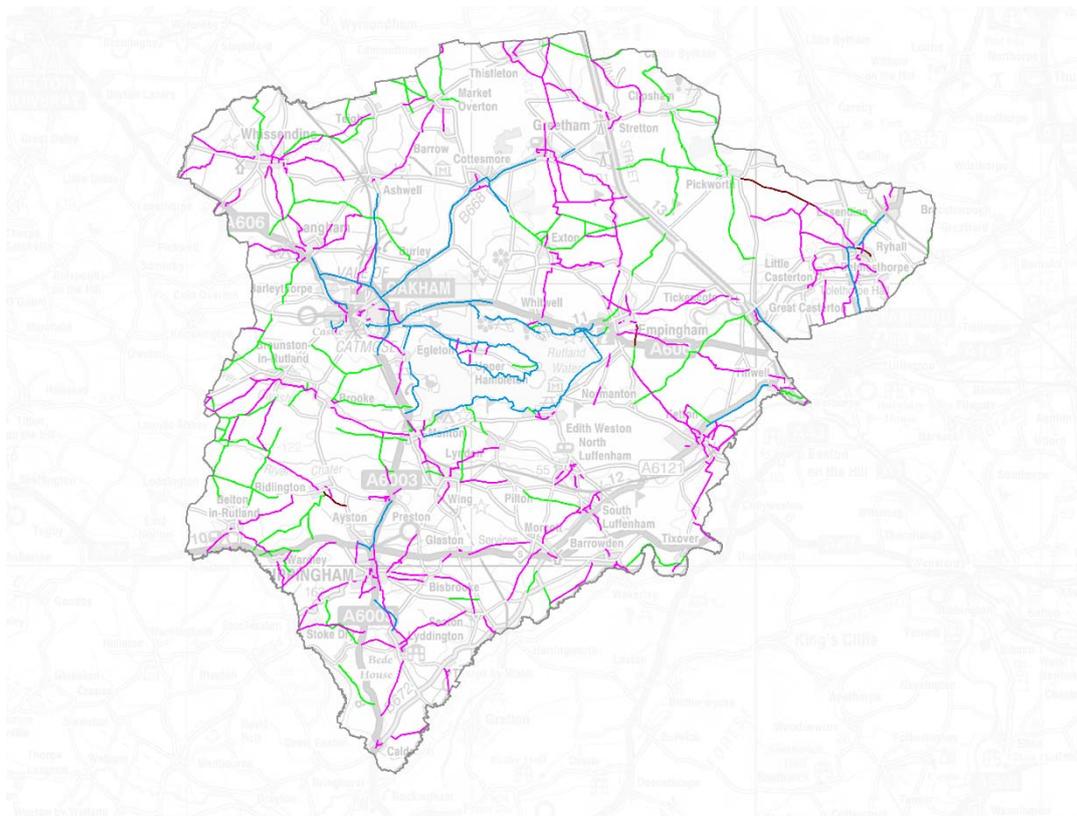
*Table 6: Proportions of rights of way in Rutland by legal status*

	Footpath	Bridleway	Restricted Byway	Byway
Rutland (% by length)	63	35	0	2
England (% length)	78	17	3	2

<sup>43</sup> UK Roads Liaison Group (2017). Well Maintained Highways: Code of practice. <http://bit.ly/2CKYmyH>

Walkers may use the entire network of routes recorded on the definitive map, as well as all other routes with public access. An analysis of network density undertaken for the first rights of way improvement plan showed that routes are quite evenly spread across the county. There were a few anomalies however; areas of unusually low network density were noticed around both MOD sites, which was to be expected, but also around Burley House and wood. The network of routes available to cyclists and equestrians is far more sparse; areas in the north east (Exton / Pickworth) and south west (Leighfield) of the county are reasonably well catered for but this only serves to highlight the paucity of routes elsewhere.

Figure 3: Local rights of way in Rutland



Footpaths

Bridleways

Byways

Cycle Tracks

Connectivity can also be an issue in some areas, particularly when considering the network available to cyclists and horse riders. Routes ending on roads that lack a footway or usable verge require users who wish to continue their journey to walk or ride on the road itself. This is an issue that may be concerning when the road in question is a busy 'A' road.

#### 4.3.1.4 ENFORCEMENT, THE LEGAL DUTY TO ASSERT AND PROTECT

The council, as highway authority, has a duty to 'assert and protect the rights of the public to the use and enjoyment of any highway' in its local area; highways are

defined as including public rights of way (footpaths, bridleways, restricted byways and byways open to all traffic). This statutory duty requires that we ensure that public rights of way are kept free from obstructions, interference and encroachments.

Whilst council officers have legal (enforcement) powers enabling them to carry out this duty they are seen as a last resort. By engaging with them we can try and educate stakeholders, raising awareness of landowner's responsibilities and the benefits that the rights of way network brings to an area, because by achieving voluntary compliance we can focus our efforts on those who continue to flout the law after repeated warnings.

An enforcement policy can ensure that our approach to enforcement issues remains consistent and landowners benefit from knowing exactly what they can expect from us if a problem should occur. In 2008 we published a policy setting out the actions to be taken by the council in relation to ploughing and cropping offences. The ROWIP process has identified that a refresh of this policy is overdue and that consideration should be given to expanding its scope.

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#### 4.3.1.5 DEFINITIVE MAP MODIFICATION ORDERS

Rights may exist over ways not shown on the definitive map. Where such rights are alleged to exist there are procedures to enable the allegations to be tested. They allow for a surveying authority to make an order, known as a definitive map modification order, to amend the map and statement to ensure that it is a correct record of the public's rights. However a prospective change in legislation means that all rights of way over footpaths and bridleways which existed before 1949 and which have not been recorded on definitive maps will be extinguished on the 'cut-off date' (1<sup>st</sup> January 2026).

As a rule we receive very few applications for definitive map modification orders. However we're anticipating that one of the consequences of the 'cut-off date' will be a significant increase in the number of applications received by local authorities. A partnership between our local access forum (LAF) and Ramblers branch has revealed that they are investigating more than 200 possible 'lost ways' in Rutland.

We usually process applications in the order they're received however we now recognise the benefits of systems which prioritise cases that have the potential to deliver the greatest public benefits. The advantages of such a system would become increasingly apparent if the volume of applications we receive increased.

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#### 4.3.1.6 PUBLIC PATH ORDERS

Local authorities have powers to divert and close right of ways by making public path orders but, in the words of the Rights of Way Review Committee, 'public rights of way and private rights of ownership should not be interfered with lightly'. Proposals for changes can arise from applications made to the local authority, usually from landowners, or the authority itself may propose to make a change.

We now feel that the discretionary power of moving paths should have low priority in times when resources are limited. Consequently there will be a presumption against making changes unless an application has clear public benefit. We will seek to clarify the authority's position on this matter by publishing our policy.

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## **4.3.2 OTHER COUNTRYSIDE ACCESS**

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### **4.3.2.1 OPEN ACCESS LAND**

The Countryside and Rights of Way Act 2000 (CROW Act) granted the public a right of access to land mapped as 'open country' (mountain, moor, heath and down) or registered common land. Public bodies were encouraged to voluntarily dedicate land holdings that weren't classed as open country for public access. Collectively this land is referred to as 'open access land'. Open access land in Rutland is limited to a few small woodland sites owned or managed by the Forestry Commission and covering less than 1% of the county by area. All of the sites can be accessed from the public rights of way that pass through them.

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### **4.3.2.2 PERMISSIVE ACCESS**

Prior to 2010 landowners entering in to Higher Level Stewardship (HLS) schemes had the option of allowing the public onto their land on a concessionary basis; permissive footpaths, bridleways and area access was created and made a significant contribution to the rights of way network in some areas.

In 2010 it was announced that subsidies would no longer be available for permissive access created through HLS, but that existing schemes would continue to run until the end of their (10 year) duration. We have been working in partnership with members of the local access forum to encourage the owners of land crossed by expired HLS routes to continue allowing public access. In exchange we have offered to waive our usual fee for applications under section 31 of the Highways Act 1980 so that there is no risk of the permissive access becoming a right of way.

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### **4.3.2.3 THE HIGHWAY NETWORK**

Public rights of way are part of a wider highway network; the roads and footways making up the remainder play a significant part in linking in an otherwise fragmented network. However increasing volumes of traffic and the speed with which vehicles pass vulnerable road users can act as a barrier to the use of some routes. We must be mindful of our duties to provide sufficient footways and grass verges where considered necessary or desirable for the safety or accommodation of pedestrians and equestrians. Furthermore, where public rights of way and the countryside access network connect with our road network we need to consider providing safe and suitable crossing facilities.

There are a small number of unsurfaced unclassified county roads in Rutland. There is a presumption that they carry vehicular rights but they're mostly used pedestrians,



Route 63 runs which connects Burton on Trent in the west with Wisbech in the east passes through the north of Rutland on its way between Oakham and Stamford.

It links with the 37 kilometres of cycle tracks around the Rutland Water reservoir managed by Anglian Water at Barnsdale. Cyclists in Rutland are also able to use a substantial network of cycle tracks that we have constructed within the highway verge, helping to keep vulnerable road users (cyclists and pedestrians) away from the carriageway.

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#### 4.3.2.6 WOODLAND

Accessible woodland in Rutland is limited. There are two small sites owned or managed by the Forestry Commission, namely Wardley and Pickworth woods. In addition there are a range of small sites across the county owned and managed by the Woodland Trust, a woodland conservation charity that has a very positive approach to public access.

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#### 4.3.3 PROGRAMMES AND MATERIALS PROMOTING USE OF THE NETWORK

As part of the ROWIP assessment process local authorities are required to consider programmes and materials promoting walking and riding in their area, and the contribution they may make to the economy. Research has shown that a lack of information can be a significant barrier to people using the countryside access network and in response local authorities have been encouraged to provide the public with information on the full range of choices available for enjoying the rights of way network; “Information should be accessible, comprehensive and well promoted and it should be a key element in rights of way improvement plans<sup>44</sup>”.

The promotion of walking and cycling initiatives is also a cornerstone of the Governments strategy for combating obesity and physical activity through preventative health measures<sup>45</sup>. Local research has confirmed the relevance of this approach to Rutland by emphasising the importance of promotion and providing people with information on where they can go to walk or ride in the countryside<sup>46</sup>.

We use a variety of different media to provide the public information on the countryside access network in Rutland. Printed leaflets are still popular but, as with many aspects of local authorities work, there is a gradual move towards electronic service delivery; the development of our on-line content and web mapping application are seen as a priorities.

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<sup>44</sup> DEFRA (2009). Rights of Way Circular (1/09). <http://bit.ly/2F0u5sW>

<sup>45</sup> Department for Transport (2017). Cycling and Walking Investment Strategy. <http://bit.ly/2EblktT>

<sup>46</sup> Rutland County Council (2016). Countywide travel survey. <http://bit.ly/2CUEnKx>

Driven by volunteers working for and with our local access forum, we have supported the development of a series of leaflets promoting routes suitable for use by people with limited mobility. Opportunities to create routes in Rutland meeting the highest standards of accessibility are limited, but what we are able to do is provide objective information on a site or route to allow people to make an informed decision on their suitability.

Rutland Walking and Cycling Festival is now in its eighth year. Over the course of a two week period the festival consists of an average of three to four led walks and rides each day. The events themselves are designed to appeal to different ages and abilities so that there is something suitable for everyone. We work with the walk and ride leaders in the weeks leading up to the festival to ensure that the routes they are proposing to use reflect the high standards to which we maintain the network.

We support a number of Walking for Health groups across the county, helping people in Rutland to lead more active lifestyles. Trained walk leaders take groups from Oakham, Ketton and Market Overton out in to the Rutland countryside on a weekly basis. New walkers are always welcome regardless of age or fitness levels and there is a social element to their events which can help combat the social isolation sometimes experienced by the rural elderly. We will prioritise the maintenance and improvement of routes used by these groups.

#### **4.4 CONCLUSIONS FROM ASSESSMENT**

Statutory guidance on preparing a ROWIP suggests that the plan should not contain site specific details of network assessments, which should instead be contained in an annual business plan. However a number of general conclusions can be made from our assessment:

- We need to be mindful of the needs of our aging population and those with disabilities; the general reduction in stamina, mobility and sensory acuity experienced by many older people means they can face many of the same barriers to use of the rights of way network experienced by the disabled. The network will need to be made more accessible if it's to meet their needs.
- People with mobility problems would like us to reduce the number of structures on the network and ensure that any newly authorised structures are the least restrictive option. We need to provide objective information on the factors that matter to disabled people so that they can make an informed decision about the suitability of a particular route.
- If we're to increase the number of journeys people in Rutland make by walking and cycling we need to consider creating more routes linking the places people live with the essential services they need, but they may need to be maintained to

a high standard to encourage use. We should prioritise routes used by groups such as Walking for Health. Circular routes are also important to users.

- There is a dense network of routes for walkers which is pretty evenly distributed, but there is no correlation between population density and network density, and so routes in and around centres of population may be subject to greater use than those further out in the countryside. Some routes have been 'severed' by busy roads and railway lines.
- Routes for cyclists and horse riders are unevenly distributed and the network available to them is highly fragmented, so it's difficult to make a meaningful route without either a) using sections of road, or b) trespassing on footpaths. Cyclists and horse riders are concerned about the safety of our roads. Better maintenance of unclassified county roads may present some opportunities to enhance this network.
- Opportunities for off-road (carriage) driving are very limited; there is no effective route network for them and no realistic prospect of creating one so we need to focus our efforts on the sympathetic management of the existing access resource.
- There's little evidence to support the idea that landowners would be happy to provide increased access if given sufficient financial incentive; with limited opportunities we will need to be creative to deliver new routes. However there may be potential to extend the network by the addition of historic routes (lost ways).
- We should be sufficiently resourced to ensure that paths are well signed and their surface is easy to use, as the easier a path is to follow the less likely the user is to cause damage and the better their feelings towards the owner of the land; we should consider what action we could take to address the issues experienced by landowner due to irresponsible dog owners.
- The definitive map requires updating to ensure that it records all of the routes currently available in the county. Producing policies on inspection, maintenance, enforcement and public path orders should help to prioritise staff time and inform users and landowners what they can expect from our network.

## 5. STATEMENT OF ACTION

This section sets out how, based on the results of our assessment and the likely available resources, we plan to secure an improved network of local rights of way, whilst section 6 outlines the specific tasks required to deliver on this. Overall we are aiming to provide:

### A RIGHTS OF WAY NETWORK INFRASTRUCTURE MAINTAINED TO A HIGH STANDARD THROUGH THE EFFICIENT USE OF AVAILABLE RESOURCES

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Most public rights of way are maintainable at public expense which means that local highway authorities have a legal duty to keep them in a condition suitable for their use by ordinary traffic at all times of the year. Our Rights of Way Improvement Plan seeks to build upon this work and sets out our arrangements to secure continuous improvement in the way in which we exercise this function, having regard to a combination of economy, efficiency and effectiveness.

### AN ACCURATE AND UP TO DATE DEFINITIVE MAP AND STATEMENT

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The definitive map and statement together are the legal record of public rights of way. We have a legal duty to keep them under continuous review and investigate allegations that the details they contain are incorrect. If the allegations are proven we make definitive map modification orders to rectify errors. We also have discretionary powers to close, create and divert rights of way, which we might use to facilitate development, for example.

### A SAFER, MORE CONNECTED AND ACCESSIBLE NETWORK FOR ALL

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If we hope to make walking and cycling the natural choices for shorter journeys in Rutland we need to remove the barriers people may face to using the rights of way network. The speed and volume of motorised traffic on the rural road network can deter vulnerable users; there are not enough routes connecting the places people live with the services they need, and parts of the network are off-limits to those who find structures such as stiles and steps too challenging.

## PROTECTING THE NETWORK AND INFLUENCING DEVELOPMENT

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Rights of way need to be protected from illegal obstruction and the adverse effects of development. Regulatory activities undertaken in this context will be transparent, accountable, proportionate and consistent. We will oppose any development for which the net effect on the rights of way network is negative and as traffic on rural roads continues to increase<sup>47</sup> we will consider carrying out safety audits at junctions with the rights of way network.

## PROMOTE GREATER USE OF THE NETWORK & INCREASE AVAILABILITY OF INFORMATION

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Accessible, comprehensive and well promoted information on the rights of way network will be required if we want to increase levels of use. Promotional activities should be coordinated, cross-sector efforts to ensure programmes offered by different sectors are complementary, and to avoid duplication. Objective information is important to everyone visiting the countryside, but without reassurance disabled people will often assume that it's not accessible to them so we should publicise available facilities and include information that people with impairments will require.

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<sup>47</sup> Department for Transport (2017), Road Traffic Estimates: Great Britain 2016, <http://bit.ly/2qbhK0F>

## 6. IMPLEMENTATION PLAN

Each of the statement of actions outlined in section 5 has an associated set of tasks – which have been identified in the tables below.

*Table 7: Actions - A rights of way network infrastructure maintained to a high standard through the efficient use of available resources*

Action	Task	Resource Implications	Stakeholders	Completion date
1A	<p><b>Establish a Public Rights of Way network hierarchy:</b> The Code of Practice for Highway Maintenance considers a network hierarchy to be the foundation of a coherent, consistent and auditable maintenance strategy.</p>	Low.	SLRLAF.	2020
1B	<p><b>Develop a risk based approach to safety inspections of public rights of way, whereby frequency of inspection is based on a paths category within the network hierarchy:</b> The establishment of an effective inspection regime is considered to be the most crucial component of highway maintenance.</p>	Low.	RCC Highways.	2020
1C	<p><b>Review seasonal mowing programme in accordance with the new network hierarchy:</b> Whilst it's not a legal requirement as such, regular mowing of our paths makes them more appealing, encouraging more people to use them, and prevents the establishment of woody shrubs that might become obstructions. A network hierarchy can be used to set priorities for routine</p>	Low.	Parish/Town councils.	Initial review in 2020. Periodic reviews thereafter.

Action	Task	Resource Implications	Stakeholders	Completion date
	maintenance like the annual mowing programme so that the frequency with which a path is mown is determined by its position in the hierarchy.			
1D	<p><b>Explore viability of a headland management grant scheme, paying landowners to clear headland paths across their land:</b></p> <p>Many other authorities have found that paying farmers to mow the paths across their land can be better value for money than undertaking the work themselves and this is something we feel should be explored.</p>	Low.	Landowners.	Establish viability by 2024. Commence by 2026 if justified.
1E	<p><b>Explore the viability of providing new waste bins on local rights of way where we recognise that there is a serious dog fouling issue:</b></p> <p>Dog fouling was listed as one of the public's top three priorities to improve on in a national perception survey<sup>48</sup>. It's also probably the most common complaint we hear from landowners who have paths across their land. By working with our colleagues in Environmental Services to provide waste bins on rights of way people we hope to reduce the amount of fouling on rights of way.</p>	Low.	Landowners RCC Environmental Services.	Promote scheme to landowners / parish councils by 2022.

<sup>48</sup> Keep Britain Tidy (2012), The View from the Street, <http://bit.ly/2hDoe6d>

Action	Task	Resource Implications	Stakeholders	Completion date
1F	<p><b>Establish and periodically review management agreements for PROW passing through Sites of Special Scientific Interest (SSSi):</b></p> <p>Sites of special scientific interest (SSSIs) are protected by law and where public bodies request to carry out operations which have been identified as potentially damaging to their special interest features assent must be obtained from Natural England (NE). Management agreements for regular programmed maintenance operations over a defined period are an efficient way of avoiding having to make repeated applications for assent.</p>	Low.	Natural England Landowners.	Review relevant sites / operations and approach Natural England by 2024.

Table 8: Actions - An accurate and up to date definitive map and statement

Action	Task	Resource Implications	Stakeholders	Completion date
2A	<p><b>Publish an consolidated definitive map and statement using up to date base mapping and incorporating changes since the relevant date:</b></p> <p>When the definitive map and statement require modification as a consequence of legally authorised changes we should periodically prepare and publish an updated copy of that map and statement so that interested parties can rely on the accuracy of our legal records.</p>	Medium.	PCC Legal Services.	Publish an updated map and statement by 2026.

Action	Task	Resource Implications	Stakeholders	Completion date
2B	<p><b>Publish a statement of priorities / exception criteria in relation to applications for definitive map modification orders (DMMOs):</b></p> <p>If a surveying authority fails to determine an application for a definitive map modification order within one year of receipt an appeal may be made to the Secretary of State. In considering the appeal they take into account any statement made by the authority setting out its priorities for bringing and keeping the definitive map up to date. Our statement will ensure that we can justify the prioritisation of applications with the potential to deliver the greatest benefits to the network.</p>	Low.	SLRLAF.	2022.
2C	<p><b>Publish a policy statement setting out criteria to be met in order for the authority to accept an application for a diversion and also for the prioritisation of applications that have been accepted:</b></p> <p>Local authorities have discretion in how they exercise their powers to divert right of ways. Such decisions should not be taken lightly and when resources are limited so the ‘do-nothing’ option is going to appear far more appealing unless an application has clear public benefit. Otherwise we're using our resources on a power, to the advantage of owners and occupiers, whilst possibly having to neglect our statutory duties which have wider benefits.</p>	Low.	SLRLAF.	2022.

Table 9: Actions - A safer, more connected and accessible network for all

Action	Task	Resource Implications	Stakeholders	Completion date
3A	<p><b>Develop our network by creating new routes that make it easier for people to access the services they need and link the places they live with the surrounding countryside:</b></p> <p>Public rights of way are a key component in the network of routes used for walking and cycling in Rutland, and if we're to cater for an increased demand from our current and future population it seems inevitable that we will need to create new routes. Our resources are limited and it's unlikely that any new routes can be created without a source of external funding. Proposals that connect the places where people live with the surrounding countryside and with the essential everyday services they need will be prioritised.</p>	High.	SLRLAF Landowners Parish/Town councils.	From 2020 onwards (subject to availability of external funding).
3B	<p><b>Modernise the existing network by making improvements to the drainage and surfaces of routes to facilitate use at all times of the year by the widest possible section of the community:</b></p> <p>Poorly drained, muddy, and uneven surfaces can discourage people from using the rights of way network, particularly those mobility problems. Prioritisation of improvements to routes will be determined by their position in the rights of way network hierarchy.</p>	High.	Landowners User groups Parish/Town councils.	At least one route each year from 2020 (subject to funding).
3C	<p><b>Engage equestrian users at the earliest possible stage when designing schemes that affect road-side verges to</b></p>	Low.	User groups RCC Highways	From 2020 onwards.

Action	Task	Resource Implications	Stakeholders	Completion date
	<p><b>ensure that important links between bridleways are protected:</b></p> <p>We understand that horse riders and cyclists may need to use rural roads to make connections in a fragmented network. We must give sufficient consideration to their needs when planning highway improvements and protect locally important margins / verges. We feel that no scheme should benefit one class of user at the expense of another.</p>		RCC Road Safety.	
3D	<p><b>Only structures adhering to the current British Standard for gaps, gates and stiles (BS5709:2006) will be authorised:</b></p> <p>Structures meeting the standard cause the minimum of inconvenience to users whilst preventing the passage of animals. By applying the standard we can also be sure that we're complying with our duties under the Equalities Act, so that our network is accessible to users with limited mobility.</p>	Low.	Landowners.	Continuation of action 3B from the first ROWIP (2007).
3E	<p><b>Actively seek to reduce the number of structures on the network that might act as barriers to some users:</b></p> <p>Physical barriers can take many forms and consultation has revealed that they are not just an issue for the disabled. Reducing the number of physical barriers can open up the network to a wider section of the community, with the potential to improve access to services and reduce the social exclusion experienced by people with mobility problems.</p>	Medium.	User groups Landowners.	Continuation and extension of actions 3C and 3D from the first ROWIP (2007).

Table 10: Actions - Protecting the network and influencing development

Action	Task	Resource Implications	Stakeholders	Completion date
4A	<p><b>Publish a policy describing how the authority will assert and protect the public’s right to use a rights of way network free from illegal obstructions and unreasonable interference:</b></p> <p>We’re proposing to publish an enforcement policy that will deliver a high level of service in terms of dealing with breaches of legislation whilst adhering to the principles set out in the Regulators Code<sup>49</sup>. Through our policy we will ensure that rights of way remain open and available for public usage and to ensure that complaints from the public about such breaches are dealt with promptly and effectively and in line with the network hierarchy and internal prioritisation guidelines.</p>	Low.	SLRLAF Landowners User groups.	Review and update existing policies by 2024.
4B	<p><b>Ensure that new development not only preserves but enhances the local rights of way network, either within the limits of development or beyond, and publish guidance for developers defining best practice. Existing paths within the limits of development should be improved by the dedication of additional width and/or higher rights, whilst off-site improvements should focus on the creation of new routes to integrate the development in to the wider network:</b></p>	Low.	RCC Planning.	Continuation and extension of action 9A from the first ROWIP (2007). Guidance for developers to be published by 2024.

<sup>49</sup> Department for Business, Innovation and Skills (2014), The Regulators Code, <http://bit.ly/Q5z5IR>

Action	Task	Resource Implications	Stakeholders	Completion date
	<p>Development is often seen as detrimental to the rights of way network, and perhaps in the past we haven't always fully appreciated its value. We believe that in the future developers should be required to enhance rights of way affected by their proposals in anticipation of increasing levels of use and raised expectations.</p>			
4C	<p><b>Review locations where the rights of way network meets the primary road network and consider whether we can make them safer for vulnerable users through enhanced signage and improved visibility:</b></p> <p>You have told us that road safety should be a priority in Rutland and in response we're aiming to reduce the number of people injured in collisions on our roads. Safety concerns are a significant barrier to achieving our aim of getting more people walking and cycling more often. Furthermore we recognise that the consequences of involvement in a road traffic collision are far more severe for vulnerable road users such as walkers, cyclists and horse riders.</p>	Low.	RCC Highways RCC Road Safety.	2026.
4D	<p><b>Proposals to close footpaths and bridleways that cross the railway without providing a safe and convenient alternative route will not be supported:</b></p> <p>The Railway Upgrade Plan is described by Network Rail as the biggest sustained programme of rail modernisation since the Victoria era. Guidance from the Office of Rail Regulation (ORR) suggests that the programmes primary objective in</p>	Low.	User groups Network Rail.	2020.

Action	Task	Resource Implications	Stakeholders	Completion date
	relation to level crossings should be their elimination following the closure or diversion of a highway. Considering our aim of increasing levels of walking and cycling levels this sounds counterintuitive.			

Table 11: Actions - Promote greater use of the network & increase availability of information

Action	Task	Resource Implications	Stakeholders	Completion date
5A	<p><b>Provide the public with accessible promotional information to assist them in exploring and enjoying the Rutland countryside:</b></p> <p>We will review and, if possible, extend the range of materials we currently provide promoting the rights of way network and countryside access.</p>	Medium.	RCC IT Team Discover Rutland.	2024.
5B	<p><b>Make it easier for the public to access an up to date and accurate definitive map &amp; statement for Rutland through a combination of electronic service delivery and by ensuring paper copies are held in all town &amp; parish council offices:</b></p> <p>Surveying Authorities are required to make copies of their definitive map and statement available for public inspection at their offices and, so far as appears practicable, in each of</p>	Low.	RCC IT Team Parish councils.	2026.

Action	Task	Resource Implications	Stakeholders	Completion date
	the parishes in their area. In addition, by providing a working copy of the definitive map, incorporating any changes made since the relevant date, on our website we can ensure that this information is available when and where the public want.			
5C	<p><b>Work with partners to maximise awareness of opportunities and events in the county using or promoting the rights of way network:</b></p> <p>Cross-sector coordination is going to be required to deliver Governments ambition for walking and cycling, involving stakeholders from areas including countryside management, sport, public health and transport. We will need to work with our partners to publicise our facilities, to motivate people to use them and maximise awareness of events in the county using or promoting the rights of way network.</p>	Low.	SLRLAF Active Rutland Team.	From 2020 onwards.
5D	<p><b>Make the structures data available online in a suitable format:</b></p> <p>Accurate and objective information is important to everyone visiting the countryside, but without reassurance disabled people will often assume that it's not accessible to them. It's natural therefore that providing good information will have an effect on the number of visits disabled people make to the countryside (Fieldfare Trust Information Guidelines). Lack of accessible off-site information and physical barriers such as gates and stiles have been described as some of the most common barriers limiting use of the outdoors by disabled</p>	Medium.	RCC IT Team.	2022.

Action	Task	Resource Implications	Stakeholders	Completion date
	<p>people (CA215). Programs to promote walking and cycling should publicise available facilities and include information that people with impairments will require (Physical Activity: Walking and Cycling, PH41).</p>			

## 7. APPENDIX A

### 7.1 POLICY CONTEXT (NATIONAL)

#### 7.1.1 DEPARTMENT FOR TRANSPORT CYCLING & WALKING INVESTMENT STRATEGY (2017)

Published earlier this year, the Department for Transport's Cycling and Walking Investment Strategy<sup>50</sup> sets out the Government's ambition for walking and cycling in England which, in a broad sense, is to make cycling and walking the natural choices for shorter journeys. Specifically their objectives are to increase walking and cycling levels, particularly amongst children aged 5 to 10 travelling to school, whilst reducing the number of cyclists killed or seriously injured on England's roads by 2020.

#### 7.1.2 SUMMARY OF PRIORITIES FOR HIGHWAYS ENGLAND'S NETWORK (JAN 2017)

Transport Focus<sup>51</sup> is an independent group representing users of England's Strategic Road Network<sup>52</sup> (SRN). In January of 2017 they published a report considering the key issues and barriers faced by cyclists, pedestrians and equestrians using the SRN. They found that the SRN can be a barrier to making journeys as it severs routes linking communities and places of work, and that there needs to be better provision for cyclists, pedestrians and equestrians who need to cross the SRN.

They noted that non-motorised users want provision incorporated for them at the outset of the scheme design, rather than 'fighting' for adaptations later, and that when provision has been made for them it should be maintained to an agreed standard and inspected on a regular basis. On the whole users preferred physical separation from motorised vehicles which might be achieved by separating a byway, bridleway, footpath or cycle path from the carriageway itself, but following the same broad alignment.

#### 7.1.3 BRITISH ROAD SAFETY STATEMENT (2015)

In 2015 the Department for Transport published the Government's vision, values and priorities for improving the safety of Britain's roads<sup>53</sup>. They believe that the elevated risks to vulnerable road user groups are outweighed by the health and environmental

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<sup>50</sup> Department for Transport (2017). Cycling and Walking Investment Strategy. <http://bit.ly/2EblktT>

<sup>51</sup> Transport Focus (2017). Cyclists, pedestrians and equestrians. <http://bit.ly/2AvriEB>

<sup>52</sup> England's motorways and major 'A' roads managed by Highways England

<sup>53</sup> Department for Transport (2015). Working Together to Build a Safer Road System. <http://bit.ly/2IZewcf>

benefits associated with walking and cycling, and that protecting vulnerable road users, including pedestrians, cyclists, motor cyclists and horse riders should be one of their key priorities therefore.

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#### **7.1.4 OFFICE OF RAIL REGULATION: LEVEL CROSSINGS (RAIL SAFETY PUBLICATION 11) (2011)**

This guidance from the Office of Rail Regulation (ORR) seeks to reduce the risks to highway users at levels crossings through the promotion of safe design, management and operation. They believe that, where practicable, this should be achieved through the elimination of level crossings in favour of bridges, underpasses or diversions. Where elimination of a crossing is not possible risk should be reduced so far as is reasonably practicable.

Footpath and bridleway crossings should be designed so that users should have sufficient time from first seeing, or being warned of, an approaching train to cross safely. Consequently it's suggested that a change in line speed will require new assessments of risk to be undertaken at the affected crossings.

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#### **7.1.5 DEFRA – THE NATURAL CHOICE (WHITE PAPER) (2011)**

Recognition of the impact of outdoor environments on health and wellbeing has been growing steadily. Building on previous work on the subject<sup>54</sup> in 2011 government published a white paper on the natural environment<sup>55</sup> with the aim of strengthening connections between people and nature.

They found evidence that spending time in the natural environment has a positive effect that on the health and emotional wellbeing of children, that the quality of the local natural environment is one of the factors that shapes our health over a lifetime and that a good-quality environment is associated with a decrease in problems such as high blood pressure and high cholesterol (it is also linked with better mental health, reduced stress and more physical activity) (4.5).

One of the ways in which they propose to help people connect with the natural environment is by providing 'clear, well-maintained paths and bridleways' (4.33), noting that 'there is considerable scope to improve and extend this network... through Local Access Forums and Rights of Way Improvement Plans'. They also propose to streamline the process for recording and making changes to public rights of way (4.34) and encourage more people to choose to travel by public transport, cycling or walking to get out in to the countryside (4.35).

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<sup>54</sup> The Marmot Review (2010). Fair Society, healthy lives: the Marmot review. <http://bit.ly/2EZRhaR>

<sup>55</sup> HM Government (2011). The Natural Choice: securing the value of nature. <http://bit.ly/2m2Xbjp>

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### **7.1.6 GOVERNMENT FORESTRY AND WOODLANDS POLICY STATEMENT (2012)**

A report prepared by the Independent Panel on Forestry<sup>56</sup> in 2012 concluded that as a society we have lost sight of the value of trees and woodland. Government's response to the report's findings took the form of policy statement published in 2013<sup>57</sup>, in which they made clear their desire for 'as many people as possible to be able to access green space, including woodlands, for exercise, leisure and recreational purposes'. It was suggested that this was an issue best addressed at the local level and that solutions should be developed in Rights of Way Improvement Plans. Further guidance to Local Authorities in reviewing Rights of Way Improvement Plans and funding for a project to look at Public Rights of Way for woodland access was proposed.

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### **7.1.7 DEPARTMENT FOR HEALTH - HEALTHY LIVES HEALTHY PEOPLE (WHITE PAPER) (2010)**

In a white paper published in 2010<sup>58</sup> the Department for Health responded to the recommendations made by the Marmot Review earlier in the year, setting out their approach to reducing inequalities and improving health at key stages in people's lives. To bring about these changes active travel and physical activity need to become the norm in communities. The capacity for increased access to local green spaces to improve mental and physical health is recognised.

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### **7.1.8 NICE PUBLIC HEALTH GUIDELINE – PHYSICAL ACTIVITY: WALKING & CYCLING (2010)**

The National Institute for Health and Care Excellence (NICE) seek to improve outcomes for people using the NHS and other public health and social care services by producing evidence based guidance and advice for public health and social care practitioners. In 2012 they published a guide to how people might be encouraged to increase the amount they walk or cycle for travel or recreation purposes to help meet a range of interlinked public health and environmental goals, recommending:

- the promotion of walking and cycling needs high level support from the health sector;
- that all relevant local authority policies and plans consider walking and cycling;
- the development of programmes to encourage walking and cycling for recreation and transport that include communication strategies to publicise the available facilities (such as walking and cycling routes) and encourage people to use them;

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<sup>56</sup> DEFRA (2012). Independent Panel on Forestry: Final Report. <http://bit.ly/2AxcgOV>

<sup>57</sup> DEFRA (2013). Government Forestry and Woodlands Policy Statement. <http://bit.ly/2EZ6CZ4>

<sup>58</sup> Department for Health (2010). Healthy Lives, Healthy People. <http://bit.ly/2E8VMYD>

- the introduction of cycling programmes for off-road mountain bikes;
- that local authorities address infrastructure issues that may discourage people from walking; and
- provide general information including maps, signs and other details about walking routes.

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### **7.1.9 NICE PUBLIC HEALTH GUIDELINE – PHYSICAL ACTIVITY AND THE ENVIRONMENT (2008)**

In 2008 they published a guide to improving the physical environment to encourage and support physical activity it was hoped that by doing so the general population's physical activity levels could be increased. The evidence based recommendations contained in the report are considered to be the most cost effective means of meeting this aim, and include:

- Ensure public open spaces and public paths can be reached on foot, by bicycle and using other modes of transport involving physical activity. They should also be accessible by public transport.
- Ensure public open spaces and public paths are maintained to a high standard. They should be safe, attractive and welcoming to everyone.

## **7.2 POLICY CONTEXT (LOCAL)**

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### **7.2.1 RUTLAND STRATEGIC PLAN FOR CULTURE AND LEISURE 2017 – 2020**

Our Strategic Plan for Culture and Leisure<sup>59</sup> explains in some detail how we propose to meet our strategic aims of 'supporting the promotion of Rutland as a place to visit...' and 'supporting our communities to access cultural, recreational and volunteering opportunities'. The plan recommends we 'improve and increase cycle and walking trails' to aid in the delivery of sustainable growth, and also that we 'promote walking routes and rights of way' to improve mental and physical health across the county.

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### **7.2.2 RUTLAND CONSULTATION DRAFT LOCAL PLAN 2017 – 2036**

The Local Plan<sup>60</sup> is a statutory planning document that guides the future location, scale, type and design of new development in Rutland. Our existing plan is currently under review and in 2017 we published an updated consultation draft that extends its

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<sup>59</sup> Rutland County Council (2017). Strategic Plan for Culture and Leisure in Rutland. <http://bit.ly/2CHFyQA>

<sup>60</sup> Rutland County Council (2017). Rutland Local Plan 2016 - 2036: Consultation Draft. <http://bit.ly/2CVQEOJ>

life to 2036. In it we make it clear that ‘cycling and walking have a key role to play in connecting new development to the wider transport network, accessing services and facilities, and promoting low-cost sustainable, healthy travel in the county’ (RLP30).

We expect that well designed development ‘makes provision for safe access by vehicles, pedestrians, wheelchair users and cyclists as well as provide good links to and from public transport routes’. Furthermore ‘developers will be expected to retain existing footpaths, cycle routes and bridleways and to make provision for new routes to link with existing networks. This includes taking opportunities to enhance access to the countryside through improvements to the rights of way network’ (RLP33).

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### **7.2.3 RUTLAND HEALTH & WELLBEING STRATEGY 2016 – 2020**

Our Health and Wellbeing Strategy<sup>61</sup> sets out the priorities for improving health and wellbeing in the county. We will focus our efforts on extending residents the healthy life expectancy (the years lived in good health), and tackling the health inequalities evident between certain socio-economic groups. Both issues can be addressed, to some extent, by increased levels of walking and cycling which can improve physical health and access to services (for those without a car).

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### **7.2.4 RUTLAND COUNTY COUNCIL CORPORATE PLAN 2016 – 2020**

All service delivery in Rutland is guided by our Corporate Plan, a strategic document setting out the council’s goals, objectives and work activities over its life. Our strategic aims are:

- Delivering sustainable growth in our County supported by appropriate – housing, employment, learning opportunities and supporting infrastructure (including other Public Services) whilst protecting our rural environment in accordance with our Local Plan,
- Safeguarding the most vulnerable and supporting the health and well-being needs of our community, and
- Planning and supporting future population and economic growth in Rutland to allow our businesses, individuals, families and communities to reach their full potential

To meet these aims we’re proposing to decrease the impact of smoking, obesity and alcohol consumption on the health and well-being of our community, continue to maintain our road network as cost effectively as possible, improve road safety by reducing the number of people injured on our roads and support opportunities for active lifestyles for all.

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<sup>61</sup> Rutland County Council (2016). Rutland Joint Health and Wellbeing Strategy. <http://bit.ly/2qpXgCl>

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### **7.2.5 DISCOVER RUTLAND TOURISM VISION 2016 – 2019**

Tourism in the county is managed by a partnership between the council and a tourism committee, who operate as 'Discover Rutland'. Their Tourism Vision<sup>62</sup> acknowledges the countryside is perhaps Rutland's most appealing aspect to visitors, and that the 'enhancement and promotion of the areas outdoor, walking and cycle friendly attributes can help Rutland become a leading destination'.

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### **7.2.6 SPACE FOR WILDLIFE: LEICESTER, LEICESTERSHIRE AND RUTLAND BIODIVERSITY ACTION PLAN (LLRBAP) 2016 – 2026**

Leicestershire and Rutland are amongst the poorest counties in the UK for sites of recognised nature conservation value; more than 80% of the land is farmed and good habitats for wildlife are few and far between. The very best sites (Sites of Special Scientific Interest, SSSI) represent only about 2% of the land area (ca. 1.3% for Leicestershire). Consequently the scope of the LLRBAP was expanded to address wildlife conservation in the wider countryside, with locally important habitats being identified.

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<sup>62</sup> Discover Rutland (2016). Tourism Vision 2016 – 2019. <http://bit.ly/2qwC4eg>

## Further information

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