







# 1. Introduction

- 1.1.1 Nottinghamshire has an extensive network of public rights of way (PROW), nearly 2700 km of footpaths, bridleways and byways. Wider countryside access is provided through Open Access, country parks and permissive routes. The opportunities for outdoor recreation and wider utility access are numerous; for example, through walking, horse riding and cycling. By the very nature of PROW, the majority of this access is in an attractive traffic free environment, providing a welcome relief from the road network.
- 1.1.2 The paths in this county are geographically spread and vary in type, status and surface. They are provided in both rural and urban settings and importantly they also link these two environments together. Different classes of PROW are available for different classes of user, with all routes available to pedestrians. The surface of a path can also indicate the type and level of use.
- 1.1.3 The PROW network offers excellent travel opportunities and complements the wider transport network. Many paths, urban and rural, provide communities with links to the transport network enabling access to essential services and facilities, public transport and recreation. They provide a viable and valuable alternative to the car for short journeys and are a particular asset in encouraging social inclusion.

## 1.2 Types of public right of way

Table 1 – PROW classifications and markings

Status	Used by	Waymark used
Public Footpath	Walkers (inc. push chairs, wheelchairs, mobility scooters)	
Public Bridleway	Walkers, horse riders and cyclists	
Restricted Byway *	Walkers, horse riders, cyclists and carriage drivers	
Byway Open to all Traffic	Walkers, horse riders, cyclists, carriage drivers and road legal motorised vehicles	

\* A new classification of public right of way introduced by the CROW Act 2000, replacing Roads Used as Public Paths. No right of access for mechanically propelled vehicles.

- 1.2.1 Rights of way are both a significant part of our heritage and a major recreational resource. It is only in relatively recent times that the true value of public rights of way has been recognised by Central Government and the population at large. This is reflected historically (pre-war) through the lack of legal protection and under funding. Only recently (2002), through the well-publicised foot and mouth outbreak, did the true value of countryside access to the rural economy become known.
- 1.2.2 The highway network we have today has developed over hundreds of years with the Fosse Way crossing the county dating back to Roman times. Historically the network was used locally for travelling between settlements, markets, employment and access to land. This network was used by those walking, riding or on horse and cart and was primitively surfaced before the advent of improved road building techniques and tarmacadam. As modern transport developed the utility needs of this network reduced and in many cases these public highways were lost on the ground but not legally hence the legal maxim 'once a highway always a highway'.
- 1.2.3 Over the years the recreational use of footpaths, bridleways and old carriageways increased and this was recognised by the introduction of legislation protecting these 'old' rights.
- 1.2.4 Rights of way have been developed through necessity i.e. travelling from A to B. This coupled with the fact that development has taken place to serve the needs of industry, housing and infrastructure, means that routes do not always match today's users' needs. For example, creating a circular ride or a riding route without having to use the busy road network is often difficult.
- 1.2.5 Added to this are the various pressures and changes which contribute in trying to manage a modern day rights of way network, such as:
- farming practices have changed
  - increased residential and business development
  - the population is increasing
  - pressures on conservation and bio-diversity
  - people are striving for more privacy
  - the fear and threat of crime
  - as a nation we are more affluent
  - we have more time to enjoy recreational pursuits
  - the type and amount of recreational pursuits are increasing
  - the transport infrastructure resource has grown providing increased opportunities but also problems and severance
  - anti-social behaviour problems have increased
  - the network the County Council has to manage increases year on year.
- 1.2.6 Because of these pressures there is a need to manage the existing network more efficiently, pro-actively and objectively. The Rights of Way Improvement Plan (ROWIP) has now provided the Authority with an opportunity to consider how to plan the modern day needs and pressures on the public rights of way network.

### **1.3 Rights of Way Improvement Plan**

- 1.3.1 The ROWIP will assess the adequacy of the county's rights of way network and wider countryside access in meeting current and future demand. The plan will provide the Authority with a statutory and strategic plan outlining Nottinghamshire's aims and objectives for the development and management of a modern public rights of way network. The ROWIP also includes a statement of action that will detail actions for the implementation of the Plan, for

example, applying a countywide signing and waymarking programme. It is not intended to address individual issues on specific footpaths, bridleways and byways in the Plan. Specific actions will be subject to a different decision making process and included in the Authority's annual work programme.

### 1.4 ROWIP legislation

1.4.1 Under Section 60 of the CROW Act 2000, all highway authorities including the outer London boroughs must prepare and publish a ROWIP by November 2007. This section of the CROW Act commenced on the 21st November 2002 with the publication of Statutory Guidance.<sup>2</sup> In summary the ROWIP must contain the following:

- An assessment of the extent to which local rights of way meet the present and likely future needs of the public
- an assessment of the opportunities provided by local rights of way for exercise and other forms of open air recreation and enjoyment of the authority's area
- an assessment of the accessibility of local rights of way to blind or partially sighted people and others with mobility problems
- a Statement of Action. This will outline strategic actions an authority will make for the management of rights of way, and for securing improvements to the network taking into account identified issues which have arisen from the above assessments.

### 1.5 Statutory role

1.5.1 Nottinghamshire County Council, in fulfilling its role as highway and surveying authority, has a statutory responsibility for the management and maintenance of Nottinghamshire's public rights of way network.

1.5.2 Public rights of way are highways and are legally protected – it is a criminal offence to obstruct a public right of way. The Authority's principal duty is stipulated by primary legislation. The Highways Act 1980 section 130, states that the Authority is 'to assert and protect the rights of the public to the use and enjoyment of any highway' and 'to prevent, as far as possible, the stopping up or obstruction of' any highway.

To summarise Nottinghamshire County Council has a statutory role as:

- A highway authority to maintain routes on the ground and to keep them open and free from obstruction
- a surveying authority to map all of the county's paths on the definitive map
- an access authority to look after and promote the new open access sites and rights.

### 1.6 Local Access Forum

1.6.1 Nottinghamshire's statutory Local Access Forum was established in July 2003 to advise the County Council, the Countryside Agency and other bodies on all matters relating to countryside access. The City of Nottingham has its own forum. There are currently 17 independent members who represent areas of interest rather than an organisation or body. Public meetings are held quarterly

Local Access Forum meeting



<sup>2</sup> Rights of Way Improvement Plans, Statutory Guidance to Local Highway Authorities in England, Defra, November 2002.

and various, more technical meetings are held on an ad-hoc basis. A sub-group was set up in 2004 to deal specifically with the production of Nottinghamshire's ROWIP. This has proved very fruitful and the group will continue to help develop and manage the county's strategic access network. See [www.nottinghamshire.gov.uk/countryside](http://www.nottinghamshire.gov.uk/countryside) for further information.

## **1.7 Previous policies and documents**

- 1.7.1 Preparation of the Nottinghamshire ROWIP builds upon previous strategies and documents.

The three main documents are:

## **1.8 Milestones**

- 1.8.1 In March 1999, in response to the Countryside Commission's Milestones Initiative, the County Council produced Nottinghamshire's Milestones Statement. This document set out clear targets for improving and managing the county's public rights of way network. This inaugural strategic document followed the Commission's recommendations to set out objectives and annual targets. The statement was divided into three sections; legally defined, properly maintained and well publicised. As a result of this initiative the Authority was successful in securing extra definitive map, publicity and enforcement officers.
- 1.8.2 The ROWIP has replaced the Milestones process taking into account wider issues than just fulfilling the County Council's statutory rights of way duties.

## **1.9 Greenwood and Sherwood Access Studies**

- 1.9.1 In March 2003, two Countryside Agency grant-aided 'Access Studies' were published by Nottinghamshire County Council. They were the pre-cursor to the ROWIP concept and were highlighted as good examples of local access consultations. These studies reviewed the provision of and the demand for countryside access opportunities, assessed any shortcomings and suggested appropriate improvements. This exposure helped the County Council to become one of the eight authorities nationally to produce a pilot ROWIP, which was published in March 2004.

## **1.10 Pilot Greenwood area Rights of Way Improvement Plan**

- 1.10.1 After the commencement of the Countryside and Rights of Way (CROW) Act 2000 Defra required the Countryside Agency to conduct an exercise in developing best practice guidance for use by all local highway authorities in developing their own rights of way improvement plans. As a result, the Countryside Agency selected one highway authority or partnership of authorities from each of its eight regions in England to take part in an exemplar ROWIP exercise. Nottinghamshire County Council was the highway authority selected for the East Midlands region.
- 1.10.2 The exemplar rights of way improvement plan exercise, or pilot plan, required each authority to produce a draft Rights of Way Improvement Plan for all or parts of its area, taking into account the statutory guidance released by Defra in November 2002 and interpretations of the legislation by the Countryside Agency.
- 1.10.3 Nottinghamshire's Plan, along with the other regions has since been used to highlight good practice on the 'Institute of Rights of Way Management Good Practice Guide'. It is available at [www.iprow.co.uk](http://www.iprow.co.uk). The plan has been used to help develop this full Rights of Way Improvement Plan.

## 1.11 Nottinghamshire's vision and objectives

1.11.1 The overall corporate vision for the county is set out in Nottinghamshire's Community Strategy – 'All Together Better 2005-2009'. The strategy was adopted in September 2005 by a partnership of over 70 key organisations in Nottinghamshire, which includes the County Council, the Police, District and Borough Councils, the community sector, Primary Care Trusts and the county's Fire and Rescue service.

1.11.2 The five key priorities from the community strategy 'All Together Better' are:

- Safer and stronger: making Nottinghamshire safer, building a strong sense of community and enriching lives
- Healthier: improving health and wellbeing
- Learning and earning: helping everyone to reach their potential
- Cleaner and greener: protecting and improving the environment
- Travel and access: travelling easily and safely and being able to access all the services people need.

## 1.12 Nottinghamshire's countryside access vision

1.12.1 Rights of way and countryside access have a key role in helping deliver and complement the Community Strategy's key priorities. **The Countryside Access vision is "to develop, promote and protect a local rights of way network that meets the present and likely needs of the public for outdoor recreation, exercise and access to services"**. This Rights of Way Improvement Plan will serve as the over-arching focus for the protection, creation and enhancement of countryside access in Nottinghamshire.

1.12.2 The Council will develop and manage this network for all, enabling opportunities for the widest possible type and number of users contributing to Nottinghamshire's economy, health, social well being and environment. To realise this vision the Authority needs to focus on achieving the following aims:

### 1.13 Aims

1.13.1 The aims of the ROWIP recognise the Council's two key statutory duties to assert and protect the rights of the public to use and enjoy the public rights of way network, and to maintain an accurate and up to date definitive map. These aims need to recognise the interests of agriculture, forestry and other land uses in the management of the public rights of way network.

1.13.2 The aims are:

- 1 To protect, maintain and seek to enhance the network for all lawful users
- 2 to improve access to the network for all, including those with visual impairment and mobility problems, by adopting the principle of the least restrictive option
- 3 to improve the safety and connectivity of the metalled road network with the rights of way network
- 4 to increase awareness of the network and the understanding of the wider benefits arising from its use, such as leading an active and healthy lifestyle, and making a positive contribution to the local economy
- 5 to provide a revised and updated definitive map and statement, with particular reference to the resolution of map anomalies and support for the 'Lost Ways' project
- 6 to enhance and increase community involvement in managing and improving the network.

1.13.3 Nottinghamshire County Council will deliver the vision, by working with and involving our partners and stakeholders. Furthermore, the strategic development of the network will not stop at this plan; the council will build upon this framework with the production of a business plan for the longer-term management of countryside access.

## **1.14 Research and consultation**

1.14.1 A major part of the production of Nottinghamshire's Rights of Way Improvement Plan is the assessment of people's opinions about current access, what they want from it and how they use the county's rights of way network. In undertaking these assessments the County Council has considered national, regional and local research, and best practices from other authorities. National research by Defra and the Countryside Agency provided an overview but the Authority quickly established the need for local quantitative and qualitative data on rights of way issues. This data has been supplemented by the County Council's own experience in managing the public rights of way network. The knowledge and experience of Nottinghamshire's Local Access Forum members has also proved to be an invaluable contribution to this Plan. See Appendix 1 for a summary of local consultation.