

## **Cabinet**

**19 April 2023**

### **Consultation on the Rights of Way Improvement Plan 4 (ROWIP4)**



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#### **Report of Corporate Management Team**

**Alan Patrickson, Corporate Director of Neighbourhoods and Climate Change**

**Amy Harhoff, Corporate Director of Regeneration, Economy and Growth**

**Councillor John Shuttleworth, Cabinet Portfolio Holder for Rural Communities and Highways**

**Councillor Elizabeth Scott, Cabinet Portfolio Holder for Economic Regeneration and Partnerships**

#### **Electoral division(s) affected:**

Countywide

#### **Purpose of the Report**

- 1 The purpose of this report is to seek Cabinet approval to begin a 12-week public consultation on the Public Rights of Way Improvement Plan 4 (ROWIP4). The report also explains the development of the consultation version of ROWIP 4 and the intention of the 4 strategic objectives and 8 policies as drafted.

#### **Executive summary**

- 2 All local highway authorities have a statutory duty, under the Countryside and Rights of Way Act 2000 (CROW), to produce a ROWIP. Public Rights Of Way (PROW) include footpaths, bridleways, and byways. The distinction between the different types of PROWs is explained fully on the Council's [website](#).
- 3 The Covid-19 pandemic has illustrated that our residents, more than ever before, understand the value of using the local PROW routes for the benefit of their mental and physical health. Furthermore, working habits and recreational time has changed for many residents with people spending more time in their local green spaces. Therefore,

ROWIP4 comes at a time when people use, need and value their local PROW and other recreational routes.

- 4 The ROWIP outlines how the local authority will address the extent to which rights of way meet the present and likely future needs of the public, ensuring the PROW network is fit for the 21st century. It does not replace the Council's existing statutory duties in respect of public rights of way but seeks to develop wider aspirations for public rights of way in County Durham.
- 5 The previous ROWIP, [ROWIP 3](#) ran from 2015 – 2018 so is now five years out of date. ROWIP4 intends to be more strategic than the first three ROWIPs and the 4 strategic objectives and 8 policies are for the next 10 years, rather than 3-year lifespans. The Plan will put the authority in a strong position to draw in external funding and help set priorities for resources already allocated for PROW improvements.
- 6 As part of drafting ROWIP4, we carried out extensive co-production across the different Council departments and with external organisations to develop a draft plan (see para 18 for full list). Co-production has been fundamental to drafting 4 strategic objectives and 8 policies that will frame PROW investment for the next 10 years.
- 7 The Strategic Objectives of ROWIP 4 are as follows:
  - Managing and enhancing the PROW Network so it is fit for the 21st century;
  - Promoting a PROW network that contributes to the Green Economy by marketing the County's high-quality environment;
  - Empowering communities and individuals to 'Move More';
  - Ensuring the County's PROW are accessible to people of all abilities.
- 8 The strategic objectives in ROWIP4 deliberately reflect key council plans and strategies. For example, ROWIP4 sets out to support both the green economy and healthy workforces in alignment with the recently adopted Inclusive Economic Strategy (IES). ROWIP4 supports all 5 Ps of the IES (people, productivity, places, promotion, and planet) and will also align to other key council strategies such as the emerging Physical Activity Strategy 'Move Together', the Physical Activity Framework and the Poverty Strategy.
- 9 ROWIP4s objectives have also incorporated ideas from external organisations as diverse as the National Trust, County Durham Sport and the County Durham charity [Walk and Talk Trust](#). Most external stakeholders highlighted a lack of confidence residents and visitors have when using PROW due to the lack of reliable infrastructure, such

as the insufficient provision of signs, which creates fear around following routes that do not have clear directions.

- 10 The headings of the 8 policies to be consulted on are as follows:
- 1: Delivering a High-Quality Access Network
  - 2: Awareness of Public Rights of Way and other routes
  - 3: Making our Network Accessible '10 in 10'
  - 4: Empowering Communities to 'own' their Right of Way Network
  - 5: Promoting the Economy and Cultural Identity of County Durham through our Right of Way network
  - 6: Ensuring the Countryside Code is followed, and Landowners are respected
  - 7: Incorporating Public Rights of Way in New Development
  - 8: Monitoring the use of our Public Rights of Way
- 11 A summary of the intention of each policy is contained in the main body (paras 27-38 below) of the report. These policies are now open to public scrutiny through consultation.
- 12 In summary, ROWIP4 is a long-term strategy with an improvement plan for the County PROW network. We are creating policies as a mechanism for delivering objectives for the benefits of our residents over a 10-year timeframe. A shorter 3-year delivery plan will be produced following the consultation, but this consultation draft is to make sure that we have the correct strategic objectives and policies before finalising a detailed investment programme.

## **Recommendation**

- 13 Cabinet is recommended to:
- (a) agree the content of this report and the Rights of Way Improvement Plan 4 (2023-2033);
  - (b) agree to a 12-week public consultation on the draft ROWIP4 as set out in Appendix 2;
  - (c) agree that another report will be brought to Cabinet covering the consultation feedback and the adoption of the final ROWIP4.

## **Rights of Way Improvement Plan 4 (ROWIP4) 2023-33**

### *Vision*

- 14 Durham County Council's ROWIP4 is a 10-year long-term plan, which considers Public Rights of Way (PROW) within the entire County and sets an ambitious but realistic strategic vision of how to improve our PROW network over the next 10 years, from 2023 to 2033.
- 15 ROWIP4 will differ to previous ROWIPs produced by the Council in terms of the plan being more community and partnership led (see summary of policies in para's 28-40). It will be driven in part by the quality of digital information which will enable the Council and its partners to implement higher standard monitoring methods and develop better physical and digital signposting so residents are aware of their local routes.
- 16 The plan promotes outdoor recreation as a major asset for County Durham and therefore supports the economic growth that can be fostered through the activities of Visit County Durham and in line with the ambitions to grow our green economy in accordance with the Inclusive Economic Strategy. The Plan is vital for the wellbeing of communities in County Durham and will help other partners, internal and external to the Council, to deliver their objectives which can ultimately benefit all of our residents.

### *Co-producing ROWIP4 2023-2033*

- 17 The first stage in creating ROWIP4 was to understand the key issues affecting PROW and how people use them in County Durham. As part of this draft Plan, we have co-produced it with both internal and external stakeholders, including those set out on the table below:

<b>Internal</b>	<b>External</b>
Sustainable Travel	Area Action Partnerships
Countryside Team	National Trust
Public Health	Forestry England
Rights of Way Team	Local Access Forum
Highways	Sport England
Equality and Diversity	County Durham Sport
Legal Services	Special Access Consultant, Experience Community
Visit Country Durham	Cycling UK: North of England
North Pennines Area of Outstanding Natural Beauty Team	Wolsingham Wayfarers
Planning and Development Management	Walk and Talk Trust
Culture, Sport, and Tourism	British Horse Society

- 18 The ROWIP4 project team gathered qualitative and quantitative data attending 20 plus stakeholder meetings and completing the ‘spend a tenner’ exercise, which enabled us to collect primary data on the priorities stakeholders wanted to see reflected in ROWIP4. ROWIP4 is therefore a co-produced improvement plan, and the draft objectives and policies reflect stakeholder priorities.
- 19 Internal to the Council, we set up a cross departmental ROWIP4 steering group to ensure due consideration was given to various stakeholder interests. The steering group met several times to discuss ROWIP4s development and included representation from the Local Access Forum.

### *Strategic Objectives of ROWIP4 2023-33*

- 20 ROWIP4 has been drafted to compliment a range of objectives found in the key plans and strategies of DCC and its partners. Some of the strategic objectives are intentionally different to those found in the previous ROWIP’s and they reflect a more modern, integrated and community-based approach to managing our local PROW.
- 21 The strategic objectives are as follows:
- Managing and enhancing the PROW Network so it is fit for the 21st century;
  - Promoting a PROW network that contributes to the Green Economy by marketing the County’s high-quality environment;

- Empowering communities and individuals to ‘Move More’;
  - Ensuring the County’s PROW are accessible to people of all abilities.
- 22 The ROWIP picks up on important themes set out in the Council vision 2019-2035 relating to long and independent lives and connected communities and also the environmental and physical objectives set out in the Council Plan 2022-26 around protecting our natural environment and creating a physical environment that contributes towards good health.
- 23 It complements the Inclusive Economic Strategy (IES) 2022 and supports all 5 Ps (people, productivity, places, promotion, and planet) of the IES. ROWIP4 can support both the green economy and healthy workforces, as well as improving physical connectivity between places in the County. It also promotes enhancing digital infrastructure related to PROW.
- 24 ROWIP4 tackles the issues found within the Climate Emergency by encouraging active travel (walking, cycling, or riding) and using local assets to get people moving. It also complements our transport objectives, particularly the emerging Local and Cycling Walking Infrastructure Plans (LCWIPs) and the North East Transport Plan which both promote active travel.
- 25 It promotes an affordable recreational activity that will increase occurrences of physical activity in alignment with DCC’s emerging Physical Activity Strategy, ‘Moving Together’. It can encourage everyday exercise, accessible to all which can have positive impacts on reducing health inequality between different areas in the County. More use of public rights of way promotes mental and physical wellbeing for all.
- 26 ROWIP4s objectives have also incorporated ideas from external organisations as diverse as the National Trust, County Durham Sport and the County Durham charity Walk and Talk Trust. Most external stakeholders highlighted a lack of confidence residents have when using PROW due to the lack of reliable infrastructure, such as the insufficient provision of signs, which creates fear around following routes that do not have clear directions.
- 27 People may be apprehensive about using new routes because of the uncertainty about what they will find when they venture off-road. Having access to information about County Durham PROW on digital platforms thereby reassures people and provides confidence that PROW are available for the full range of users. By improving signage to gateway

sites and key entry points, residents and tourists will feel more confident, safe and welcome.

### *ROWIP4 2023-33 Policies for Public Consultation*

- 28 The following section of the report gives an overview of the 8 policies of ROWIP4 that we will be consulting upon. In the consultation version of the documents, each proposed policy will be accompanied by a consultation question asking if the policy is fit for purpose and how the council should monitor the performance of the policy.
- 29 The 8 proposed policies of ROWIP4 are as follows:
- 30 *Policy 1: Managing and Delivering a High-Quality Access network* – The first policy in the Plan sets the tone for all the policies in the improvement plan by setting out tangible projects for the Rights of Way team. This policy is about the everyday duties and responsibilities of DCC’s Rights of Way team as well as the priorities for investment that will be delivered by the team in the ROWIP4 period. It gives an overview of some of the key legal responsibilities including the need to ensure that PROW are adequately signposted, maintained, and free from obstruction.
- 31 In addition to the day to day legal duties of the team, this policy sets out some of the key projects that the Rights of Way team will be delivering in the 10 year ROWIP4 period, including prioritising investment and allocating resources for:
- (a) Signage;
  - (b) Bridleways;
  - (c) The Stockton and Darlington Heritage Walk and Cycle Route;
  - (d) PROW close to settlements;
  - (e) Engagement with communities; and
  - (f) Diverting footpaths out of farmyards.
- 32 *Policy 2: Awareness of Public Rights of Way and other routes* - This policy aims to increase the awareness of PROW and other routes network by raising the profile of the routes both physically and digitally. The policy seeks to create a high-quality digital platform which comprises all public, recreational, and utility routes onto one website page. This will be more than hosting the existing Definitive Map<sup>1</sup> of public rights of way because it will add railway paths and all the other public access opportunities. It will provide information on routes for families and residents and give them the confidence to use all types of the public network. Branded routes will be ‘tiered’ including routes such

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<sup>1</sup> The Definitive Map is already in a digital format and can be found [here](#)

as the English Coastal Path, the Northern Saints trails, the Weardale Way or the more local H100 network.

- 33 As well as more physical signposting and waymarking, we should also develop a working partnership with an outdoors app. company who could host our branded walks so residents and visitors to County Durham can use GPS software for waymarking.
- 34 *Policy 3: Making our Network Accessible '10 in 10'* - The Council is committed to making PROW more accessible for all residents. This policy will achieve that ambition by setting out a programme of accessible routes and seeks to establish '10 in 10' circular accessible routes in the County; 10 accessible routes in 10 destinations in 10 years. The routes will be wheelchair accessible and be accompanied by high-quality information, such as information on toilets, parking, signage, surface etc. The areas which will receive greater focus in terms of the development of the 10 routes will be northern, central, and coastal areas.
- 35 *Policy 4: Empowering Communities to 'own' their Right of Way Network* - We want people to own their local PROWs in a way that they begin to care, maintain, and cherish their local paths. To achieve this, the Council will encourage communities to have local ambassadors who will serve as volunteer community representatives, providing knowledge about local routes and creating community-based walks. This policy includes allocated resource within the DCC Rights of Way team to work directly with community groups. This policy is inspired by the work of the Wolsingham Wayfarers and the charity Walk and Talk Trust.
- 36 *Policy 5: Promoting the Economy and Cultural Identity of County Durham through our Right of Way network* - The Council will promote routes to tourists and local communities through local news sites and social media. This is to encourage engagement with PROW across the County and showcase the cultural heritage of County Durham through walking, cycling, or riding.
- 37 *Policy 6: Ensuring the Countryside Code is followed, and Landowners are respected* - This policy aims to educate users of the PROW network about the Countryside Code and the work of private landowners to ensure the PROW network is used in a responsible way. This will involve the Council working with local communities and schools.
- 38 *Policy 7: Incorporating Public Rights of Way in New Development* - Under this policy, the Council will protect and integrate PROW in developments in accordance with Policy 26 of the County Durham Plan. We will provide clear guidelines on how S106 money is spent to prioritise and protect the PROW network.



- 39 *Policy 8: Monitoring the use of our Public Rights of Way* - Due to the increase of foot traffic on PROWs across the County following the covid-19 pandemic, we need to monitor the use of PROWs and the subsequent impact on ecology and climate change to help focus our investment in the right places, particularly on popular routes. Monitoring will be achieved by using GPS and Bluetooth technologies, as well as in-person counters. Technology is reliable and ensures maintenance issues can be captured on the PROW network in real time, such as reporting fallen down trees.

### **Monitoring Progress**

- 40 The council will want to monitor the progress of ROWIP4 so in addition to policy 8 above, we also intend to implement an annual monitoring framework based upon the performance of the 8 proposed policies.

### **Conclusion and Next Steps**

- 41 Following the 12-week consultation, the next steps are to incorporate consultation feedback into ROWIP4. Once the public have had their say on key strategic objectives and policies in ROWIP4, the next stage of strategy development will be to create a 3-year Delivery Plan that will accompany the final adopted version of ROWIP4. This will be used by our Rights of Way team to allocate funding and resources to improving PROW in County Durham with assistance from our partners.
- 42 Once the delivery plan has been developed, we will seek to adopt ROWIP4 using delegated powers. ROWIP4 will complement other key Council strategies but also the ambitions of our partners who we have spoken to and who have helped co-produce this consultation version.
- 43 Having co-produced these policies with internal and external partners, the Council now want to open up these policies to consultation with the public and with a wider group of stakeholders including AAP's and Town and Parish Councils, to make sure the policies are fit for purpose.
- 44 If Cabinet members are minded to agree to the content of the report and the approval to begin public consultation on ROWIP 4, the consultation will begin for a statutory 12 week period starting May 2023.

### **Background Papers**

- Draft ROWIP4

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## **Appendix 1: Implications**

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### **Legal Implications**

Different paths have different legal statuses and there are several different Public Rights of Way (PROW) including footpaths, bridleways and byways. Although railway paths are a key element of the ROWIP4, it is worth noting that they do not have the same legal status as PROW. The railway paths are classed as 'permissive paths' where permission to use could be withdrawn by the landowner.

All local highway authorities have a statutory duty, under the Countryside and Rights of Way Act 2000 (CROW), to produce a Rights of Way Improvement Plan (ROWIP). It is also a legal requirement to include diversions out of farmyards.

Local Highway Authorities have duties under the Wildlife and Countryside Act 1981 and the Highways Act 1980 to ensure that PROW are adequately signposted, maintained, and free from obstruction.

There are some issues around trespassing of private land that is covered in policy 5 and in Crime and Disorder later in Appendix 1.

### **Finance**

There are no direct financial implications from the proposed consultation exercise, which is covered by existing revenue budgets. ROWIP4 will put the authority in a strong position to draw in external funding and help set priorities utilising funding already allocated in the current medium term financial plan.

The use of a 3-year Delivery Plan that's sits under the ROWIP will be developed in 2023 and thereafter will be reviewed on a shorter time frame than the overarching 10 year strategic objectives and policies in this consultation document.

A delivery plan will enable regular reviews to respond to latest budgets, on the ground audits while allowing priorities to be reassessed by the Rights of Way and Countryside teams as the monitoring process referred to Policy 8 becomes established.

### **Consultation**

The aim of this report is to agree to a 12-week public consultation starting May 2023. The drafting of the ROWIP to date has been stakeholder led and in co-production with internal departments and external partners. The draft document and policies was presented to the Local Access Forum in October 2022 and to members of the LAF also in January 2023.

A consultation plan is being drawn up in association with the Consultation Officers Group and promoted with all the usual communication channels with online events for members of the public and other stakeholders. As part of the consultation, it is anticipated that specific accessibility workshops will be held relating to the development of ROWIP4. It is also proposed that this consultation is aligned with the development of the Physical Activity (Moving Together) Strategy.

### **Equality and Diversity / Public Sector Equality Duty**

Policy 3 of ROWIP4 has a specific policy that seeks to create accessible routes in the County. As part of the consultation, it is planned that specific accessibility workshops will be held relating to the development of this and other policies within ROWIP4.

ROWIP4 is accompanied by an equalities impact assessment (EIA) which will be adopted following public consultation (see Appendix 3).

### **Climate Change**

The Planet and the green economy are one of the key elements of the ROWIP and the policies are designed so that County Durham communities are more active and make more use of the County Durham landscape for mental and physical health. This will lead to a greater appreciation of local environments and reduce amount of car-based travel as residents can enjoy a more accessible local environment and use it for local journeys.

### **Human Rights**

None.

### **Crime and Disorder**

Anti-social behaviour, particularly illegal motorbike use on PROW, is becoming an increasing issue in urban and urban-fringe areas. We are seeing the fear of motorbikes gaining access as a key barrier to some landowners agreeing to make footpaths more accessible. Ultimately, anti-social behaviour is a police matter, but a partnership approach is the preferred method of addressing it. Therefore, we will share information with the Police in terms of the locations of where anti-social behaviour is most prominent in order to tackle the issue at hand. This will minimise the disruption for lawful users on PROW across the County and provide extra security to farmers and/or private landowners.

### **Staffing**

Resources will be allocated to deliver the policies within ROWIP4. Ongoing updating, monitoring and maintenance of digital information will be required in accordance with Policy 2 of the plan. It is essential for staff to provide relevant information on PROW for people to continuously access. This ensures that

Policy 2 of the Plan, which relates to keeping a digital sharing platform updated so is future proof and relevant to online viewers.

**Accommodation**

None.

**Risk**

None.

**Procurement**

None.

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## **Appendix 2: ROWIP 4**

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See separate attachment

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## **Appendix 3: EIA**

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See separate attachment