

Cabinet

14 February 2024

**Adoption of Rights of Way Improvement Plan
and Delivery Plan**



Report of Corporate Management Team

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Electoral divisions affected:

Countywide.

Purpose of the Report

- 1 The purpose of this report is to seek Cabinet approval for the adoption of the Public Rights of Way Improvement Plan 4 (ROWIP4). The report also explains the co-production and public consultation of ROWIP4 and the intention of the policies and the first three-year delivery plan.

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 (as detailed via this link: [website](#)).
- 3 The Covid-19 pandemic has illustrated that 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 ROWIP4, entitled '*Loving our Local Landscapes*' as set out in Appendix 2 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 PROW but seeks to develop wider aspirations for PROW in County Durham.
- 5 The previous ROWIP (as detailed via this link: [ROWIP 3](#)) ran from 2015 to 2018 and is now five years out of date. ROWIP4 is more strategic than the first three ROWIPs and the four strategic objectives and eight policies are for the next 10 years with the three year delivery plan. ROWIP4 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, the council carried out extensive co-production across the different council departments and with external organisations to develop a draft plan (please refer to paragraph number 20 for the full list). An extensive 12-week public consultation was carried out over the summer and has been supportive of the four strategic objectives and the eight policies that will frame PROW investment for the next 10 years.
- 7 The strategic objectives of ROWIP4 are as follows:
 - (a) managing and enhancing the PROW Network so it is fit for the 21st century;
 - (b) promoting a PROW network that contributes to the green economy by marketing the county's high quality environment;
 - (c) empowering communities and individuals to 'move more'; and
 - (d) ensuring the county's PROW are accessible to people of all abilities.
- 8 The strategic objectives have not been amended as the result of public consultation on ROWIP4. The objectives deliberately reflect key council and partner plans and strategies. For example, ROWIP4 sets out to support both the green economy and healthy workforces in alignment with the Inclusive Economic Strategy (IES). ROWIP4 supports all of the five Ps of the IES, these are:
 - (a) people;

- (b) productivity;
 - (c) places;
 - (d) promotion; and
 - (e) planet.
- 9 The above will also align to other key council strategies such as:
- (a) emerging Physical Activity Strategy 'Moving Together';
 - (b) physical activity framework; and
 - (c) poverty strategy.
- 10 ROWIP4's objectives have also incorporated ideas from external organisations as diverse as:
- (a) National Trust,
 - (b) County Durham Sport; and
 - (c) County Durham Charity (as detailed via this link: [Walk and Talk Trust](#)).
- 11 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.
- 12 The headings of the eight policies to be adopted are as follows:
- (a) delivering a high-quality access network;
 - (b) awareness of PROW and other routes;
 - (c) making the network accessible '10 in 10';
 - (d) empowering communities to 'own' their right of way network;
 - (e) promoting the economy and cultural identity of County Durham through the right of way network;
 - (f) ensuring the countryside code and access legislation is followed and landowners are respected;

- (g) incorporating PROW in new development; and
 - (h) monitoring the use of our PROW.
- 13 A summary of the intention of each policy is contained in the main body (paragraph number 33 detailed below) of the report. In addition to the strategic vision and the eight policies within ROWIP4, Cabinet are also being asked to approve a three-year delivery plan, drafted by the council's rights of way team, that sets out key projects that will be prioritised under the following themes of:
- (a) linking settlements;
 - (b) accessible routes (10 in 10); and
 - (c) bridleways.
- 14 These themes have been derived from the strategic objectives and specifically from the commitments in policy one and policy three of ROWIP4. Policy one states priorities for ROWIP4 are to invest in PROW close to settlements and to providing a cohesive network of bridleways. Policy three states the council will establish 10 accessible routes within the 10 year lifespan of ROWIP4. These delivery plan themes were supported and informed by the public consultation.
- 15 In summary, ROWIP4 is a long-term strategy with a three-year delivery plan for the county's PROW network. These policies are a mechanism for delivering objectives for the benefits of our residents over a 10-year timeframe.

Recommendations

- 16 Cabinet are requested to agree and note the following recommendations:
- (a) Note the content of this report and agree to adopt the ROWIP4 (2024-2034) as set out in Appendix 2;
 - (b) Agree the content of the three-year ROWIP4 delivery plan (2024-2027) as set out in Appendix 3; and
 - (c) Note the ROWIP4 statement of consultation as detailed at Appendix 4 of this report.

Background

- 17 Durham County Council's ROWIP4 is a 10 year long term plan that considers PROW within the entire county and sets an ambitious but realistic strategic vision of how to improve the PROW network over the next 10 years from 2024 to 2034.
- 18 ROWIP4, entitled '*Loving our Local Landscapes*' will differ to previous ROWIPs produced by the council in terms of the plan being more community and partnership led (please refer to the summary of policies detailed in paragraph number 33). 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.
- 19 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 the green economy in accordance with the IES. 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 residents.

Co-producing ROWIP4 2024-2034

- 20 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 the development of this plan, the council have co-produced it with both internal and external stakeholders, including those set out on the table overleaf:

Internal	External
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 County Durham	Cycling UK: North of England
North Pennines National Landscape Team	Wolsingham Wayfarers
Planning and Development Management	Walk and Talk Trust
Culture, Sport, and Tourism	British Horse Society

21 The ROWIP4 project team gathered qualitative and quantitative data attending 20 plus stakeholder meetings and completing the 'spend a tenner' exercise, which enabled the council to collect primary data on the priorities stakeholders wanted to see reflected in ROWIP4. ROWIP4 is therefore a co-produced improvement plan and the objectives and policies reflect stakeholder priorities. Furthermore, in the summer of 2023, the council undertook a wide ranging public consultation and a summary of the consultation and its key findings is detailed in paragraph number 36. The resulting amendments are detailed in paragraph number 36.

22 Internal to the council, a cross departmental ROWIP4 steering group was formulated to ensure due consideration was given to various stakeholder interests. The steering group met several times to discuss ROWIP4's development prior to and following the public consultation. This group included representation from the Local Access Forum (LAF).

Strategic Objectives of ROWIP4 2024-34

23 ROWIP4 has been drafted to compliment a range of objectives found in the key plans and strategies of Durham County Council and its partners. Some of the strategic objectives are intentionally different to those found in the previous ROWIPs and they reflect a more modern, integrated and community based approach to managing the local PROW.

24 The strategic objectives are detailed as follows:

- (a) managing and enhancing the PROW network so it is fit for the 21st century;
 - (b) promoting a PROW network that contributes to the green economy by marketing the county's high quality environment;
 - (c) empowering communities and individuals to 'move more'; and
 - (d) ensuring the county's PROW are accessible to people of all abilities.
- 25 ROWIP4 complements the IES 2022 and supports all of the five Ps of the IES; these are:
- (a) people;
 - (b) productivity;
 - (c) places;
 - (d) promotion; and
 - (e) planet) of the IES.
- 26 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.
- 27 ROWIP4 tackles some of the issues found within the Climate Emergency Response Plan (CERP) by encouraging active travel (walking, wheeling, cycling or riding) and using local assets to get people moving. It also complements the council's transport objectives particularly the emerging Local and Cycling Walking Infrastructure Plans (LCWIPs) and the North East Transport Plan which both promote active travel.
- 28 It promotes an affordable recreational activity that will increase occurrences of physical activity in alignment with Durham County Council's 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 PROW promotes mental and physical wellbeing for all.
- 29 ROWIP4's objectives have also incorporated ideas from external organisations as diverse as:
- (a) National Trust;

- (b) County Durham Sport;
 - (c) County Durham Charity Walk and Talk Trust; and
 - (d) extensive feedback as part of the extensive public consultation exercise.
- 30 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.
- 31 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 2024-34 Policies for Adoption

- 32 The following section of the report provides an overview of the eight policies of ROWIP4 that the council will adopt.
- 33 The eight proposed policies of ROWIP4 are as follows:
- (a) policy one - 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 priorities for the rights of way team. With the notable exception of the Stockton and Darlington Heritage Railway, specific individual projects will be set out in the three-year delivery plan (rather than policy one) that will sit alongside ROWIP4. This policy is about the everyday duties and responsibilities of Durham County Council'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. In addition to the day-to-day legal duties of the team, this policy sets out some of the key priorities that the rights of way team will be delivering in the 10 year ROWIP4 period including prioritising investment and allocating resources for:
 - signage;

- bridleways;
 - the Stockton and Darlington Heritage Walk and Cycle Route;
 - PROW close to settlements;
 - engagement with communities, and,
 - diverting footpaths out of farmyards.
- (b) policy two - 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 map¹ 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 as the English coastal path, the Northern Saints trails, the Weardale Way or the more local H100 network. As well as more physical signposting and waymarking, the council should also develop a working partnership with an outdoors application company who could host the council's branded walks so residents and visitors to County Durham can use GPS software for waymarking;
- (c) policy three - 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 accessible routes across the county. The proposal is to deliver a minimum of 10 accessible routes in 10 destinations in 10 years, hence the title of the policy. The routes will be wheelchair accessible and be accompanied by high quality information such as information on toilets, parking, signage, and surface etc. The areas which will receive greater focus in terms of the development of the accessible routes will be northern, central, and coastal areas.
- (d) policy four - empowering communities to 'own' their right of way network: the council want people to own their local PROWs in a

(¹ The definitive map is already in a digital format and can be found [here](#))

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 Durham County Council 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;

- (e) policy five - 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;
- (f) policy six - ensuring the countryside code and access legislation 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 and landowners complying with access legislation also;
- (g) policy seven - 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. The council will provide clear guidelines on how S106 money is spent to prioritise and protect the PROW network; and
- (h) policy eight - 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, the council 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 etc.

Monitoring Progress

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

Feedback from Consultation

- 35 Following the public consultation, the next step was to read and consider representations made and, where appropriate, incorporate suggestions into the final version of ROWIP4. Many of the comments were submitted anonymously via the website but there were responses from at least 21 separate organisations and individuals. The detailed ROWIP4 statement of consultation (as detailed at Appendix 4) demonstrates the success of the public consultation with the document and the council's response to the comments spanning 79 pages.
- 36 Comments were generally positive and supportive of the strategic objectives and the policies contained within ROWIP4. While, responses were generally positive, we also had a number of people question whether ROWIP4 would receive sufficient funding to deliver the 4 strategic objectives and the 8 policies. All public representations and the council's response to them are detailed in the statement of consultation but the key themes are summarised below:
- (a) there were many site specific representations on local PROW from residents and town and Parish Councils;
 - (b) the four strategic objectives had overwhelming support;
 - (c) the importance of providing a coherent bridleway network was emphasised;
 - (d) there was significant support for the digitisation of routes and better online information;
 - (e) the need to retain physical signs, way markers, maps, leaflets and noticeboards to avoid digital exclusion;
 - (f) the need for the council to share information on walking routes to third party online route-finding applications;
 - (g) the need to increase parking provision including for horse boxes at the start and end of popular routes and bridleways;

- (h) support for the '10 in 10' accessible routes policy and the need to ensure the delivery of accessible gates within the routes;
- (i) the diversion of footpaths out of farmyards was highlighted on numerous occasions as an area that the council need to focus on;
- (j) many residents emphasised the need for landowners to play their part in maintaining access to PROW;
- (k) there were 35 changes to ROWIP4 as a response to the public consultation, many were tweaks to improve the wording and clarity of the policies and the substantive changes to ROWIP4 are detailed below:
 - the executive summary has been amended to reflect the importance of the CERP and how ROWIP4 can contribute towards meeting net zero targets,
 - in policy one, criteria D, and elsewhere in the document, the council have included the words 'rural and urban' to reflect that PROW can occur in both environments;
 - in policy one, criteria F, and in the title of policy six, the council have added reference to the 'access legislation' which sets out the legal responsibilities of landowners to maintain public access to PROW;
 - text has been added that the council need to allocate dedicated resource within its PROW team to diverting footpaths;
 - in the supporting text to policy one the council have information about providing suitable parking for horse riders near bridleways;
 - in policy three - making our network accessible '10 in 10' has been amended to include the words 'at least' so that 10 accessible routes in 10 years is a minimum not a maximum;
 - extra text relating to the value of PROW for the green economy' has been added to the supporting text of policy five;
 - a glossary of terms has been added at the end of the document;

- the whole document has been updated as it is no longer a consultation version but is now the final version so consultation questions have been removed etc.; and
- the time horizon of ROWIP4 has been amended to 2024 to 2034 to reflect the proposed adoption date of February 2024.

Three Year Delivery Plan for ROWIP4 (2024-2027)

37 A three year delivery plan for the first three years of ROWIP4 (2024 to 2027) accompanies the final adopted version of ROWIP4 and can be found in Appendix 3. The delivery plan has been drafted by the council's rights of way team and sets out key projects that will be prioritised under the following themes of:

- (a) linking settlements;
- (b) accessible routes (10 in 10); and
- (c) bridleways.

38 These themes have been derived from the strategic objectives and specifically from the commitments in policy one and policy three of ROWIP4. Policy one states priorities for ROWIP4 are to invest in PROW close to settlements and to providing a cohesive network of bridleways. Policy 3 states the council will establish at least 10 accessible routes within the 10-year lifespan of ROWIP4. These delivery plan themes were supported in the public consultation.

39 The delivery plan will be hosted on the council's website alongside the ROWIP4 strategic document and can be updated at the end of the first three years to ensure that the projects are current and reflect the latest priorities and funding opportunities. Not all of the funding for the ROWIP4 delivery plan is secure but the plan will act as a detailed bidding document and workplan giving an indication of the costs of specific projects and allowing the council and its partners to work up further details relating to delivering the individual projects. For the first year, funding has already been allocated from the Highways capital budget while Elected Member funds, grant funding and partner funds offer the potential for investment in future schemes.

Conclusion

40 Cabinet are requested to agree to the content of the report, the ROWIP4 strategic objectives, the eight policies and the three year delivery plan as recommended in paragraph 16.

Background Papers

- None

Other useful documents

- None

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Appendix 1: Implications

Legal Implications

Different paths have different legal status and there are several different 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 CROW Act 2000, to produce a 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 five and in the Crime and Disorder section detailed later in this appendix.

Finance

There are some financial implications from the proposed consultation exercise as not all the policies over the ten-year lifetime of the Plan are fully covered by existing budgets. For the first year, funding has already been allocated from the Highways capital budget. ROWIP4 will put the authority in a strong position to draw in external funding and help set priorities for future years, and funding opportunities will continue to be reviewed. Elected Member funds offer the potential for investment in future schemes.

The use of a three-year delivery plan for the period 2024 to 2027 will sit alongside the ROWIP4 that has been developed and thereafter will be reviewed on a shorter timeframe 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 and on the ground audits, while allowing priorities to be reassessed by the rights of way and countryside teams as the monitoring process referred to in policy eight becomes established.

Consultation and Engagement

The 12 week public consultation that started in May 2023 was extensive and has informed the adopted version of ROWIP4. All the consultation responses and the Councils response to them can be found in Appendix 4. As well as the extensive public consultation, the drafting of the ROWIP4 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 LAF in October 2022 and to members of the LAF also in January 2023. Since consultation in 2023, the results of the public consultation have been presented to the ROWIP4 steering group which included LAF representation.

With regards to the actual public consultation, a consultation plan was 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, there was a specific accessibility workshop and specific sessions with Town and Parish Councils. The development of ROWIP4 has also been closely aligned with the development of the Physical Activity (Moving Together) Strategy.

Equality and Diversity / Public Sector Equality Duty

Policy three of ROWIP4 has a specific policy that seeks to create accessible routes in the county. As part of the consultation, a specific accessibility workshops was held relating to the development of this and other policies within ROWIP4.

ROWIP4 has been subject to an equalities impact assessment which can be found in Appendix 5.

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. The council 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 the council 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 two of the plan. It is essential for staff to provide relevant information on PROW for people to continuously access. This ensures that policy two 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.

Appendix 2: Rights of Way Improvement Plan 4 2024-2034

Please refer to the attached Rights of Way Improvement Plan 4 2024-2034.

Appendix 3: Rights of Way Improvement Plan 4 Three Year Delivery Plan (2024-2027)

Please refer to the attached Rights of Way Improvement Plan 4 Three Year Delivery Plan (2024-2027).

Appendix 4: Rights of Way Improvement Plan 4 – Statement of Consultation

Please refer to the attached Rights of Way Improvement Plan 4 – Statement of Consultation.

Appendix 5: Rights of Way Improvement Plan 4 2024-2034 – Equalities Impact Assessment

Please refer to the attached Rights of Way Improvement Plan 4 – Equalities Impact Assessment.