A systematic approach to rights of way improvement planning

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A systematic approach to Rights of Way improvement planning

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Abstract

The Countryside and Rights of Way Act 2000 created the legal basis for Rights of Way Improvement Plans (ROWIPs). A systematic approach to the development of these plans has been developed through work on a pilot in Cheshire. A topic reviewed more closely was the way in which a ROWIP might encourage use of sustainable modes of transport. The pilot project comprised extensive user surveys, the results of which were then reviewed in the light of a walk-over survey. Generic classes of improvement have been identified which could assist other Highways Authorities in rights of way improvement plan production. These comprise consideration of anomalies between the legal record and the routes on the ground, changes to legal rights, formation of links in the network to connect to other transport nodes and rights of way, creation of circular routes, extension of the network for comprehensive coverage, surface improvements and safety enhancements and user awareness raising of journey possibilities.

The genesis of the systematic approach is discussed and comments made on its validity and applicability particularly differentiating between deeply rural and semi-urban areas. Survey and assessment techniques and the appropriate level of detail for
user surveys are discussed together with the evaluation of benefits that might arise for different classes of user and journey purposes.

**Legislative background**

Rights of Way are routes over which the public has a right to pass and re-pass. A footpath gives the right to walk with “normal accompaniment”. A bridleway gives the right to walk and lead or ride a horse; cycling is also permitted. Roads Used as Public Paths (RUPPs) will be re-designated as Restricted Bridleways under the Countryside and Rights of Way Act 2000 and offer rights for a restricted class of users. There may be routes that the public uses by virtue of the permission of the land owner and these are known as permissive routes. The Local Highway Authority has a duty to maintain the “Definitive Map” which shows these routes and they must protect these routes for the use of the public.

Section 60 of the Countryside and Rights of Way Act 2000 requires that every Local Highway Authority (other than an inner London authority) shall prepare and publish a plan, to be known as a Rights of Way Improvement Plan (ROWIP). The plan shall contain the authority’s assessment of:

- the extent to which local rights of way meet the present and likely future needs of the public;
- the opportunities provided by local rights of way (and in particular the footpaths, cycle tracks, bridleways and restricted byways within the
authority’s area) for exercise and other forms of open-air recreation and the 
enjoyment of the authority’s area;

- the accessibility of local rights of way to blind or partially sighted persons and 
  others with mobility problems; and

- such other matters relating to local rights of way as the Secretary of State may 
  direct. These are dealt with in the Statutory Guidance to Local Highway 
  Authorities on Rights of Way Improvement Plans (1).

The plan shall also comprise a statement of the action the Local Highway Authority 
proposes to take for the management of local rights of way, and for securing an 
improved network of local rights of way, with particular regard to the matters dealt 
with in the assessment.

The existing public rights of way network has all too often in the past been a 
constraining influence on the plans and aspirations for local transport planning. The 
Countryside and Rights of Way Act 2000 empowers Local Highway Authorities to 
think very much “out of the box” in order to create a potentially quite different 
structure to non-highway public rights of way. It might be reasonable to delete 
footpaths where they are no longer needed, for example, where there is a very dense 
network of paths that once served industry that is no longer present. Equally, it might 
be appropriate to significantly expand the network where residential populations now 
exist in order to expand travel possibilities for leisure and utilitarian purposes.

The Cheshire mini-ROWIP
Cheshire is a rural county and is the southern-most county in the North West region of England. It lies on a plain between the hills of Wales to the West and the Peak District to the East. The Cheshire County Council Public Rights of Way (PROW) Unit, in contract with the Countryside Agency, agreed to act as a demonstration authority and produce a ‘mini’ ROWIP. As part of this process demonstration authorities were given financial support from the Countryside Agency to conduct research into the ‘wider benefits’ of improving the public rights of way network, including user demand surveys, which would be of assistance to other Highways Authorities when compiling their ROWIPs. Cheshire County Council was allocated the benefit of sustainable travel as one of two topics to review more closely. The MVA Consultancy with Bolton Institute undertook the research work.

Cheshire County Council selected an area in central Cheshire roughly equating to the Weaver Valley as the subject for its demonstration ROWIP. As part of the research into the benefits the network could bring in terms of sustainable travel opportunities two study sub-areas from within the demonstration area were selected; the Kingsley, Crowton, Norley area north of the Delamere Forest representing a typical rural area in Cheshire and the Northwich, Comberbach, Barnton area representing a semi-urban area. The main objectives in the study were to:

- evaluate the existing accessibility of important trip generators from the two types of study area. Examples of generators include post offices, churches, schools and public houses;
• identify sustainable travel issues, recurring themes and public needs within the
two study areas;
• identify types of people for whom use of the rights of way network may be a
feasible alternative to their present travel arrangements or where the network
could be used for existing travel methods;
• provide solutions and improvement plan proposals based partly on the user
demand research and partly on desk study, site visits and consultation with
relevant stakeholders; and
• compile a checklist of proposed improvements.

Users Survey Methodology

Owing to the lack of facilities in the rural study area and the low population level,
doorstep rather than on-street interviews were conducted. In the light of cost
constraints and considering the population size of the study area, a sample size of 270
was specified (approx. 6% of total population). In order to obtain a geographically
representative sample a minimum of 10 interviews were conducted in each UK census
Output Area within the study boundaries.

On-street interviews were conducted in the semi-urban study area in order to cover all
probable important trip generators. A number of different locations were selected for
interviewing, including the town centre, near to local schools, areas of employment
and the railway station.
The interviews collected information regarding respondents’ main trips on weekdays and during the weekend and, when time allowed, respondents were asked about their use and opinions of non-motorised and public transport. In order to obtain a representative sample, quotas were set in each study area for gender, age and working status based on Census 2001 statistics.

**Users Survey Results**

*Rural Area*

The five most popular destinations in the rural area accounted for 82% of responses, with the most common distance travelled for the most frequent weekday journey being between one and a half and five miles. Only 4% of respondents stated that they did not have access to a motor vehicle with the main reasons for mode of transport choice being ‘convenience’, ‘public transport unavailable’, ‘quicker’, and ‘necessary due to distance travelled’. Of those that stated they regularly cycle, the majority (79.3%) cycle more than once a month.

More than seven in ten stated that ‘nothing’ could make their journey on foot more comfortable, attractive or improve their ability to find their way and more than eight in ten stated ‘nothing’ could make their journey by bicycle more comfortable, attractive or improve their ability to find their way. ‘Improved provision of footpaths’, ‘improved provision of off-road cycle tracks’, ‘improved provision of on-road cycle tracks’, and ‘improved maintenance of existing routes’ were the main initiatives cited as being likely to encourage walking or cycling more often.
Semi-Urban Area

The majority of trips which respondents make in the semi-urban area based on the survey response is into the centre of Northwich (i.e. Watling St and the pedestrianised shopping area). Also the majority of respondents use a car or van as their method of transport for their most frequent trips in the study area, both during the week and at weekends. When respondents who travel by car/van or motorbike were asked to identify a feasible sustainable alternative, over half stated that they did not know of one. The most common distance travelled was between one and a half and five miles, irrespective of whether the journey was made on a weekday or during the weekend.

Nearly eight in ten respondents indicated that none of the initiatives presented to them would be likely to make them cycle or walk more. However, ‘improving footpaths’, ‘improved provision of off-road cycle paths’, ‘improving maintenance of existing routes’, ‘improved provision of on-road cycle paths’ and ‘public transport made more cycle friendly’ were the main initiatives that were expected to make people cycle or walk more. More than seven in ten stated that ‘nothing’ could make their journey on foot more comfortable, attractive or improve their ability to find their way. More than eight in ten stated ‘nothing’ could make their journey by bicycle more comfortable, attractive or improve their ability to find their way.

Improvement identification and evaluation

The methodology for identifying and evaluating improvements comprised:
• a review of data on applications for modifications to the Rights of Way network that have been made in the past;

• a review of public transport timetables and routes in and through the areas in question;

• a review of other sources of information including structure and local plans, community strategies, ordnance survey mapping, local school locations and interests (e.g. in safe routes to school projects), greenways and quiet lanes, a review of main features and attractions in an area, including built and natural environment artefacts that are desirable destinations, or at least desirable to pass en route; and

• a walk-over survey of the two study areas, comprising half a day in the rural area and full day in the urban area. Photographic and dimensional data was collected via a digital video camera to confirm geometries, surface conditions and attractiveness of the area.

Development of a systematic approach to improvement planning

The experience of undertaking the walk-over surveys gave rise to the development of a systematic approach to the generation of potential improvements. This approach is presented as a generalised objective framework for the classification of proposed improvements to a rights of way network. Headings for this classification are indicated below, together with an explanation of their use. The classification is divided into two parts, the first (identified as 1a to 1e) is concerned with the Rights of Way network structure and its legal definitions. The second part (identified as 2a to 2c) is concerned with issues in connection with use of the network.
**1a Consideration of anomalies and inconsistencies on the Definitive Map**

In some instances there are lines of route on the Definitive Map that are different to the routes that are evident on the ground. Similarly there may be new alignments that have come into use, or deliberately been created, which are near to but different from the alignments shown on the Definitive Map. The Definitive Map is the legal record of the alignment of a right of way, and, while it is not a matter of automatically correcting the Definitive Map to reflect the alignment on the ground, there is good reason to carefully investigate the reasons for the discrepancies and make changes accordingly. Evidence to support a change will include further inspection of the route on the ground and earlier maps and documents and consultation with landowners and interested parties. If there is sufficient evidence, a Definitive Map Modification Order will be required.

**1b Changes to legal rights**

Public bodies own significant areas of land over which permissive rights may exist. The form and function of these permissive routes has often been for leisure purposes and designed to open up recreational opportunities in the countryside. The existence of these routes comes to be known to users through local knowledge, word of mouth and leaflets and other information material supplied by the agencies responsible for their creation or maintenance. In some instances, where these routes complete connections between separate communities, or connect communities to facilities or attractions, it could be argued that there is benefit in converting to rights of way.
The creation of rights of way that connect separate communities is likely to improve the use of the rights of way network for utilitarian journeys and help promote sustainable travel. The presence of an existing permissive route could be used as an argument against creating a right of way, the balance in the argument lies in the additional benefit obtained through connecting communities by ways that have rights rather than being permissive. These advantages include the inalienable right of use, the 24 hour availability of the route and the inclusion of the route in a regular inspection and maintenance regime.

The benefit of the designation as a right of way would create literally what is suggested by the name, a right. This may conflict with good countryside stewardship in some instances, where for reasons of protection of the natural environment it may be desirable to close paths at certain times of the day or year to prevent public access that may otherwise destroy the habitat that is being, or has been created.

It is suggested that permissive routes are converted to rights of way where such a conversion creates links in the rights of way network between communities and facilities that do not presently exist by other reasonable routes using foot, cycle or horse.

A further area of right of way conversion may be from rights of way on foot to include other user rights, such as rights of use by horse and bicycle. Evidence to support a change will include historic documents concerning the provenance of the route and user evidence. If there is sufficient evidence to support redesignation of the route, a Definitive Map Modification Order will be required, with its attendant legal
processes\(^1\). If such evidence does not exist, but there is a strong case to demonstrate the public benefit of such a route, a Public Path Creation Order could be made, with the proviso that sufficient funds need to be available to cover any landowner claims for compensation.

\(1c\) Connection formation to public transport and other rights of way

The historical development of the rights of way network has led to many paths being connected via short, or indeed fairly long, sections of surfaced vehicular highway. (It should be noted that both the rights of way network and the road network constitute the public highway network in total.) These highways may have been, over a century ago, no more than country lanes with unbound surfaces not dissimilar in character to the paths to which they connect. Most highways now have bound surfaces and may carry significant volumes of traffic, or at least traffic at significant speed. A link between public rights of way along a highway may no longer be fit for purpose.

The majority of the rights of way network became established before the present day pattern of public transport came into effect. While the provision of public transport is more liable to change in pattern and scale with time, particularly due to the significant

\(^1\) Rights may be acquired by twenty years’ use, but this is an unlikely mechanism for demonstration of demand in this circumstance. A landowner may have granted permissive rights for higher use along the line of an existing public footpath, or have granted permissive rights along any route over his or her land. Existence of such permissive rights is not a reason in itself to consider conversion of these permissions to rights.
costs of operation and the necessary subsidy for some of the routes within the network, there is merit in considering appropriate links to public transport nodes that are unlikely to change in location.

1d Creation of circular routes

The most regular user response from surveys about the adequacy of the structure of the network is in relation to the ability to make a circular walk out of the network available. The creation of circular routes may be feasible by either fairly short new rights of way links in the network to connect existing rights of way together. Alternatively, it may require a longer right of way in an area where the network density is not that great.

1e Extension of networks in an area

Some areas of the country have a very dense network of public footpaths and these may be present because they were once heavily used to access buildings or land uses that no longer exist. Examples occur frequently in the Pennine Hills in locations where either mills or farm buildings were once extant that have now become redundant. The density of the network is evidenced by multiple paths that connect, by slightly different routes, the same origins and destinations. On the other hand there are areas, for example areas in Mid-Cheshire between Crewe and Macclesfield, which are relatively devoid of public rights of way. A question that may readily be asked, but to which there is no obvious answer is: what is the appropriate density for a public Rights of Way network?
The answer to the question lies in the consideration of the demand for use from user surveys, from the mapping, based on the connection of population densities and from discussion with representative bodies and officers, described above. None of these enquiries directly leads to a resolution of the appropriate density for the network.

2a Surface improvements

A route is physically constituted in the surface on which progress is made. The surface of the route therefore becomes an obvious focus of attention for an improvement plan. A rolling programme of inspection and maintenance is undertaken for the Audit Commission and results reported against the best value indicator for the percentage of total length of footpath and other rights of way which are “easy to use” by members of the public. The measure is fairly subjective and calculated from a random sample of paths. “Easy to use” is further defined as being: signposted or way-marked where the path leaves the highway and to the extent necessary to allow users to follow the path, free from unlawful obstructions and the surface and lawful barriers (stiles, gates etc.) to a good standard and in good repair. A full systematic survey of the whole network has recently been instituted.

2b Safety and security enhancements

Users of public rights of way are potentially at risk in a number of situations including being adjacent to traffic (road safety issues), particularly if it is fast moving or of high volume, and being in remote locations alone (personal security issues). Often the
perception of risk is greater than an objective measure of the risk may suggest. Notwithstanding, in order to make public rights of way more attractive, the perceptions of risk should be managed so that there is more incentive amongst users and potential users to make use of rights of way more frequently.

Methods of reducing risk, and the perception of risk, will also generally create a more pleasant environment for users. For example, a route away from a highway may not only be less intimidating than a route close to a highway, but also less noisy and the air will be cleaner. Methods for improving safety could therefore involve a change in alignment or an in-line improvement. Alignment changes would involve relocation of a route while improvements on the present alignment could include physical measures such as barriers and lighting.

2c User awareness raising of journey possibilities

Different users and potential users will develop knowledge about rights of way in different ways. Some will naturally acquire and use Ordnance Survey mapping, for others map-reading is a skill that is never learnt. Others may use walking and rambling books as guides, while others may use public body produced literature about trails and routes. Yet others may use none of these and rely on word of mouth, or even simply an innate adventurous spirit and a good sense of direction.

So far as the improvements proposed in rights of way improvement plans are concerned, it is worth considering the publication of leaflets and guides for new or improved routes to assist in the promotion of the route. Such leaflets will help the
subsequent process of word of mouth dissemination. It may be worthwhile talking to authors of walking and rambling guides in order to ensure appropriate changes in potential future editions of their guides. Finally, particularly where the routes intersect with public transport nodes, it may be possible to piggy-back on the publication of public transport leaflets to assist in promoting new or improved routes.

A further way of improving the awareness of routes to the public is by good signing.

**Focus group comments on the improvements classification**

Focus groups in the rural and urban areas were asked, in amongst other more specific issues relating to the two study areas in question, to consider the proposed improvement classification. Generally their views were supportive of the proposed classification but noted the following issues:

1b Changes to legal rights – The rural respondents were particularly concerned that there was a fine balance between making footpaths more suitable for more classes of users and altering the character of the footpaths.

1c Connections – Respondents thought that making connections between the Rights of Way network and Public Transport was a good idea.

1d Creation of Circular Routes – All of the respondents thought that the creation of more circular routes would increase use of the network and in particular would encourage new users.
1e Extensions - Respondents in the semi-urban area were particularly supportive of this initiative, they felt that a complete network of footpaths from the surrounding areas into the town centre that was clearly signposted and communicated would have a strong influence on network usage.

2a Surface Improvements – Respondents felt that a balance between comfort, safety and character was needed.

2b Safety Improvements – Rural respondents were concerned with the use of barbed wire, the presence of animals and the surface of footpaths. In the semi-urban area, safety concerns were linked to improved lighting and maintaining overgrown footpaths. It was stated that people would need to have difficulty on only one walk for them to be put off trying again.

2c Raising User Awareness – This was seen by all respondents to be very important in increasing network usage and in particular attracting new users. Various initiatives were discussed including locally arranged led walks, improved signage, provision of walking routes at bus and train stations and bus stops and leaflet drops.

Overall Conclusions

The starting point for a public rights of way improvement is potential user demand and this has been assessed through user surveys and focus groups. Demand could arise from use of the network on its own or linked with, for example, public transport journeys. Demand could arise from utilitarian journeys and from leisure trips.
Examination of the data from the users surveys and walk over surveys may be used to identify potential opportunities and locations where improvements should be concentrated. When aiming to identify new or existing opportunities a significant factor is the distance people are willing to travel on foot or by bicycle. The distance people would be prepared to travel will vary, possibly quite significantly, depending on topography (hilliness), directness of route and surface condition. Each of these will affect the actual time and the real effort needed to make the journey.

Opportunities for utilitarian trips in deeply rural areas are more likely to be found from linking rights of way to public transport provision giving people the opportunity to travel further. Semi-urban areas are likely to offer more potential for increasing the use of the network for utilitarian trips than are rural areas. Opportunities for recreational trips are more likely to be found from creating circular routes to encourage use of the local network as opposed to use of the network further afield.

Once evidence of both demand (existing and potential) and improvements from site surveys have been identified, then targeted improvements can be suggested. The classification of improvements, developed from the process of the walk-over survey as part of this study, is useful as a guiding reference frame in developing ideas for improvements. It is recommended that practitioners consider adopting the classification in developing ROWIPs. Improvements may include increasing the length of route available at locations where it may have an effect on demand, improving the level of service offered by the routes and attempting to make knowledge of the network more widely available.
The study has concerned itself primarily with the development of specific improvements and a framework for developing those improvements. Other issues will flow from this planning phase including assessments of an appropriate programme of implementation for the improvements, and potentially an evaluation of the costs and the benefits of the proposed improvements.

Acknowledgement and Disclaimer

The research described in this paper arises out of a study (the national demonstration project into Rights of Way Improvement Plans) funded and managed by the Countryside Agency. The outcomes reported here do not constitute the formal policy of the Countryside Agency.

References


Bibliography
A full copy of the study report (along with research reports from the other wider benefits studies) can be downloaded from the Public Rights of Way Good Practice Guide website http://www.prowgpg.org.uk/

For further information please refer readers to the Countryside Agency or DEFRA websites
