

# **Rights of Way Improvement Plans**

## **Statutory Guidance to Local Highway Authorities in England**

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Authorities in England

**Department for Environment, Food and Rural Affairs**

**November 2002**

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## Statutory guidance to local highway authorities in England

22 November 2002

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### Countryside and Rights of Way Act 2002: Sections 60 - 62

#### Rights of Way Improvement Plans

1. I am directed by the Secretary of State for Environment, Food and Rural Affairs to draw your attention to the entry into force of the rights of way improvement plan provisions in sections 60 to 62 of the Countryside and Rights of Way Act 2000 from 21 November 2002.
2. For this purpose the Secretary of State has made, The Countryside and Rights of Way Act 2000 (Commencement No. 2) Order 2002 (S.I. 2002/2833) (C.89).

#### Statutory Guidance

3. I am further directed by the Secretary of State for Environment, Food and Rural Affairs to say that she hereby issues the statutory guidance set out below. This guidance is issued under the power in section 61(4) of the Countryside and Rights of Way Act 2000 which states that "Local highway authorities shall, in carrying out their functions under section 60 and this section (section 61), have regard to such guidance as may from time to time be given them by the Secretary of State (as respects England) or the National Assembly for Wales (as respects Wales)."
4. This guidance only applies to England. It does not apply to the council of an inner London borough or the Common Council of the City of London unless by resolution they adopt sections 60 to 61 of the Act as respects their area, or any part of it which is specified in the resolution. The National Assembly for Wales is responsible for giving guidance to local highway authorities in Wales.

#### Purpose of this guidance

5. This document sets out the Government's guidance for local highway authorities on preparing, publishing, assessing and reviewing rights of way improvement plans. Section 60 of the Countryside and Rights of Way Act 2000 requires local authorities to prepare and publish rights of way improvement plans within 5 years of the commencement of this section, and to assess and review plans not more than 10 years after publication and at intervals of not less than 10 years thereafter.

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The guidance will also be available on the Department's internet site at:  
<http://www.defra.gov.uk/wildlife-countryside/index.htm>.

It can also be accessed via <http://www.ukonline.gov.uk>

**22 November 2002**

***Susan Carter, Head of Countryside Division,  
Department for Environment, Food and Rural Affairs.***

To:

The Chief Executive  
All local authorities in England

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# Section 1 - Introduction

## 1.1 The importance of the rights of way network

1.1.1 Local rights of way<sup>1</sup> are both a significant part of our heritage and a major recreational resource. They enable people to get away from roads used mainly by motor vehicles and enjoy the beauty and tranquillity of large parts of the countryside to which they would not otherwise have access. They are becoming more important as increases in the volume and speed of traffic are turning many once-quiet country roads into unpleasant and sometimes dangerous places for walkers, cyclists and equestrians.

1.1.2 In many areas, local rights of way help to boost tourism and contribute to rural economies. The closure of public ways as a tool in the containment of the 2001 outbreaks of foot and mouth disease demonstrated the link between the use of public rights of way and rural economies. Many businesses reported losses of income in part because of the reduced numbers of people using rights of way. The 1998 UK Day Visits Survey<sup>2</sup> recorded that in England 66 per cent of the population visited the countryside for a day trip at least once a year and more than 35 per cent of these visits involved walking, cycling or horse-riding. Each person spent, on average, £6.50 on each visit.

1.1.3 Local rights of way can also provide a convenient means of travelling, particularly for short journeys, in both rural and urban areas. They are important in the daily lives of many people who use them for fresh air and exercise on bicycle, foot or horse, to walk the dog, to improve their fitness, or to visit local shops and other facilities.

1.1.4 Research for the Countryside Agency on rights of way use and demand in 2000 revealed that just over 50 per cent of households had at least one member who had used local rights of way in the previous year. The most popular activities were walking and cycling. 30 per cent of households felt that there were not enough paths and tracks while 40 per cent felt that provision was adequate. 70 per cent of households (including a third of those where nobody had undertaken any activities in the countryside in the previous year) said that they would increase activity, particularly walking and cycling, if more paths and tracks were available. In the 44 per cent of households where no use was made of rights of way, 16 per cent cited health and 13 per cent their age as barriers to participation. Other reasons for making no use of rights of way included having no time. The research also revealed that many people believe that public rights of way are frequently obstructed or so poorly maintained as to be difficult to use.

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<sup>1</sup> "Local rights of way" are defined in section 60(5) of CROW Act 2000 as including footpaths, cycle tracks, bridleways and restricted byways within the authority's area and the ways within the authority's area which are shown in a definitive map and statement as restricted byways or byways open to all traffic.

<sup>2</sup> UK Day Visit Survey 1998, Countryside Agency, ref CAX 15

1.1.5 The third national rights of way condition survey undertaken by the Countryside Agency in 2000<sup>3</sup> indicated that no local highway authority had met the target for all rights of way to be properly maintained by the year 2000. It is clear that local highway authorities need to identify and sustain adequate investment to improve the maintenance of their local rights of way. By 2005 the Government aims to achieve a 10 per cent improvement in defining, maintaining and publicising the rights of way network<sup>4</sup>.

1.1.6 Improved management, combined with better information and the creation of new routes in carefully chosen locations would make a significant difference to people who use, or who would like to use, footpaths, bridleways and byways. In areas where rights of way are fragmented, new, short links between existing routes would provide a substantially wider local network than exists at present. In other areas, local highway authorities need to improve the management and maintenance of the existing network. In all areas, in order to meet the Government's aim of better provision for walkers, cyclists, equestrians and people with mobility problems, local highway authorities will need to understand the use and demand for rights of way. They will, thereby, be able to meet the spectrum of needs and expectations of people with all levels of interest and ability.

1.1.7 Rights of way improvement plans are intended to be the prime means by which local highway authorities will identify the changes to be made, in respect of the managements and improvements, to their local rights of way network in order to meet the Government's aim of better provision for walkers, cyclists, equestrians and people with mobility problems.

1.1.8 This guidance is for local highway authorities<sup>5</sup> in England. The National Assembly for Wales is responsible for issuing to guidance to Welsh local highway authorities.

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<sup>3</sup> Rights of Way Condition Survey 2000, Countryside Agency 2001

<sup>4</sup> Our countryside: the future A fair deal for England, DETR, November 2000

<sup>5</sup> As defined in s60 (5) of CROW Act 2000

## **Section 2 - The Statutory Guidance**

### **2.1 Context and scope of rights of way improvement plans**

#### **The duty to publish a rights of way improvement plan**

2.1.1 Each local highway authority is required to publish a rights of way improvement plan covering all of their area. In drawing up the plan, authorities are required to: assess 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 by footpaths, cycle tracks, bridleways and restricted byways) for exercise and other forms of open-air recreation and the enjoyment of their 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 (section 60(1)-(2)).

2.1.2 Rights of way improvement plans should also include a statement of the action local highway authorities propose 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 and such other material as the Secretary of State may direct (section 60(1)).

2.1.3 The work leading up to the published plan must be conducted to a timetable that enables authorities to have published their improvement plans within five years from the date on which section 60 of the Countryside and Rights of Way Act ("CROW Act 2000") comes into force (section 60(1)). Thereafter, local highway authorities are required to make a new assessment and review their plans, and decide whether to amend them, not more than ten years after first publishing their plans, and subsequently at intervals of not more than ten years (section 60(3)). On such reviews, local highway authorities should, if they decide to amend the plan, publish it as amended and if they decide to make no amendments to it, publish a report of their decision and their reasons for it.

2.1.4 Local highway authorities must, in exercising their functions under sections 60 and 61, have regard to such guidance as may from time to time be given to them by the Secretary of State. After the first plans are published, the Secretary of State intends to review this guidance in consultation with the Countryside Agency and other interested bodies (section 61(4)). She will issue further guidance if she considers that there is a need to do so.

#### **Funding and existing duties**

2.1.5 Local Highway Authorities already have duties under the Wildlife and Countryside Act 1981 and the Highways Act 1980 to maintain and keep the definitive map and statement of public rights of way and to ensure that ways are adequately signposted, maintained and free from obstruction. Rights of way improvement plans should build upon this work and not conflict with these existing duties or reduce the effectiveness with which they are carried out.

2.1.6 The duty to prepare improvement plans is a new duty. Funding is being provided in recognition of this. The additional funding should ensure that there is no need for a reduction in the execution by local highway authorities of their existing duties in relation to public rights of way, although the preparation of improvement plans may highlight the need to strengthen the resources allocated by authorities to these duties.

## **Joint working with district councils and National Park authorities**

2.1.7 Local highway authorities may make arrangements with any district council within their area, or the National Park authority (in cases where there is a National Park in the local authority's area) for the functions of the local highway authority relating to rights of way improvement plans (61(5)), to be discharged jointly).

## **Relation to other plans**

2.1.8 Local authorities (including national park authorities) may be in the process of developing or have in place other plans and strategies for related areas of work. These related areas include healthy living, leisure, recreation, sport, tourism, transport, and community strategies. Rights of way improvement plans should be developed within the context of these and other relevant plans and strategies. Improvement plans should, in turn, influence these areas of local authorities' responsibilities – in particular, they may be relevant to the economic, social and well-being aspect of community strategies.

2.1.9 Many local highway authorities have developed business plans, such as milestones statements, to help them to identify the work needed to fulfil their statutory duties and responsibilities towards rights of way. These will be helpful to authorities as they prepare their improvement plan, and will also provide a mechanism for planning the implementation of the improvement plans. Authorities should be prepared to adapt or develop existing plans in accordance with proposals in their improvement plans.

## **Other statutory duties and responsibilities**

2.1.10 Local highway authorities should also bear in mind that they must make arrangements to secure continuous improvement in the way in which their functions are exercised, having regard to a combination of economy, efficiency and effectiveness. In doing so, authorities must consult, among others, representatives of persons who use or are likely to use services provided by the authority<sup>6</sup>. The preparation and implementation of rights of way improvement plans is one element by which local highway authorities can meet this requirement.

2.1.11 Once plans are published, local highway authorities must have regard to any material provision of a rights of way improvement plan (prepared by any local highway authority whose area includes land over which the order would have effect) in determining whether to confirm orders as unopposed orders made under sections 26 (creation), section 118 (stopping up) or section 119 (diversion) of the Highways Act 1980. Also, the Secretary of State must have regard to any material provisions of

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<sup>6</sup> Local Government Act 1999, section 3

rights of way improvement plans in determining whether to confirm orders made under these sections or to make orders under section 26.<sup>7</sup>

2.1.12 Local highway authorities are reminded of their general duties in exercising or performing any functions in relation to, or so as to affect, land in an area of outstanding natural beauty, that they must have regard to the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty.<sup>8</sup>

2.1.13 Local highway authorities are also reminded of the requirements of European Directive 2001/42/EC of 27 June 2001 on the assessment of the effects of certain plans and programmes on the environment (known as the “Strategic Environment Assessment” or SEA Directive). The preparation and review of rights of way improvement plans may come within the scope of the Directive. Strategic Environment Assessment (SEA) of ROWIPs is not likely to be required in many cases, but authorities will need to decide this for themselves on a case-by-case basis.

The full text of Directive 2001/42/EC can be found on the internet at [www.europa.eu.int](http://www.europa.eu.int).

## **Monitoring**

2.1.14 Local highway authorities should put in place arrangements for monitoring progress on preparing and implementing their rights of way improvement plans. In this respect it should be noted that in section 71 of CROW Act 2000, the Secretary of State may make regulations requiring local highway authorities to publish reports on the performance of any of their functions so far as relating to local rights of way. This would enable the Secretary of State to require local highway authorities to report on progress in preparing and implementing their rights of way improvement plans.

## **2.2 Assessing the needs of different classes of user**

### **Introduction**

2.2.1 Local rights of way are the footpaths, cycle tracks, bridleways and restricted byways and the ways shown in definitive maps and statements as restricted byways and byways open to all traffic within each highway authority’s area. (Until the commencement of section 47 of CROW Act 2000 references to restricted byways and to ways shown in definitive maps and statements as restricted byways should be read as ways shown in definitive maps and statements as roads used as public paths). Cycle tracks with or without a right of way on foot other than those in or by the side of a highway consisting of or comprising a made-up carriageway come within the scope of rights of way improvement plans<sup>9</sup>.

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<sup>7</sup> CROW Act 2000, Schedule 6, paras 1, 6 and 9

<sup>8</sup> CROW Act 2000, section 85.

<sup>9</sup> CROW Act 2000, section 60(5) – (6)

## Assessing users' needs

2.2.2 In making their assessments under section 60(1)(a) and 60(3)(a), local highway authorities should consider the needs and circumstances of people with a range of expectations, interests and levels of ability. They should take account of the needs of both local people and visitors to the area. For example, local highway authorities should consider the adequacy of:

- access to and within attractive areas of countryside which might currently have few rights of way such as watersides, coast and woodlands, or access to a particular viewpoint, feature or other attraction;
- attractive routes in order to support local tourism, economic regeneration or community-led initiatives;
- opportunities for cycling, harness-horse driving, horse riding and walking other than on roads used mainly by motor vehicles; and links in the network which enable people to avoid having to use such roads;
- routes from centres of population, or routes which can be used in conjunction with public transport, which allow people to gain easy access to countryside from where they live;
- links which create circular routes and better facilities for walkers, including dog walkers, runners, cyclists, horse riders and harness-horse drivers for leisure and health;
- routes near waterside or coastal paths which may suffer from natural erosion;
- routes to help ameliorate the effect on people's enjoyment of the countryside of a motorway or other major road or development;
- convenient and safe crossings over roads, railways, rivers and canals;
- the current rights of way network such as ways ending in cul-de-sacs or routes carrying different rights along their lengths;
- routes for local journeys, such as walking to work, to the shops, railway stations, doctors surgeries and other local amenities; and
- routes through or around heavily developed areas, to ensure that such development does not prevent or disrupt the continuity of the network.

2.2.3 Authorities should consult widely about the needs of all users and potential users of the rights of way in their areas in order to identify what improvements they should make to their network. Consultations should include both local people and visitors to the area.

2.2.4 The Government expects local highway authorities to make improvements to their networks that will benefit different types and classes of users, making full use of

the powers available to them to do so. (With regard to byways open to all traffic (BOATs), local authorities' powers are limited compared to those for bridleways, cycle tracks, footpaths and restricted byways. Nevertheless, ways shown on the definitive map as BOATs should be included in local highway authorities' rights of way improvement plans. Local authorities should take account of how these routes contribute to the whole network and provide access for all users).

## **Walkers**

2.2.5 A recent Countryside Agency use and demand study<sup>2</sup> showed that in 48 per cent of households, at least one member had walked in the countryside during the previous year. 47 per cent of households said they would walk more if there were better provision.

2.2.6 Despite walkers' entitlement to use all classes of local rights of way, there is scope for local highway authorities to improve provision for them. Local highway authorities should assess the need to provide safe routes, away from busy roads wherever possible, to allow better access to attractions and facilities and in particular to consider the case for more circular routes. They should also examine the means by which the network of footpaths near to where people live can be improved particularly where this would provide better opportunities for exercise or safe routes to school, work, dog walking or other facilities.

2.2.7 Local highway authorities should also consider the extent to which rights of way provide adequate access to land to which a right of access on foot is to be given under Part I of CROW Act 2000. This land will be identified as access land on maps prepared by the Countryside Agency. Local highway authorities should assess the need for additional paths to enable the public to reach access land to which it is currently difficult or impossible to get.

## **Equestrians**

2.2.8 Consideration of the needs of equestrians should include horse riders and carriage drivers (harness horse drivers). The Countryside Agency's rights of way use and demand survey<sup>2</sup> showed that 5 per cent of households have at least one member who participates in horse riding. (The survey did not collect data on carriage drivers.)

2.2.9 Bridleway and higher rights networks tend to be fragmented. Equestrians are frequently forced to use sealed roads. In some areas there may be quiet lanes that they can use but more usually they are forced on to busy roads that are unsuitable for horses. Even allowing for the network of lightly trafficked minor highways in some areas, it is generally more difficult for equestrians to find attractive, convenient and safe networks of routes. It should also be remembered that people who would otherwise have difficulty could achieve access to rights of way on horseback. Many such users require nothing more than gates that can be opened while mounted, and somewhere they can mount and dismount. Local highway authorities are encouraged to consider whether local Riding for Disabled Centres would benefit from improved links to the local rights of way network.

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2.2.10 As an additional tool available to them, local highway authorities should bear in mind their duty to provide adequate grass verges or other margins beside a highway where they consider them necessary or desirable for the safety or accommodation of ridden horses and driven livestock<sup>10</sup>. Although provision of such verges is not a substitute for off-road connections between paths, it can be useful where no other solution is available – but only where it is safe for horse and rider.

2.2.11 Local highway authorities should assess the case for additional provision for equestrians through the creation of bridleways and restricted byways. Harness horse drivers are entitled to use restricted byways and byways open to all traffic but access to these does not solve the problem of fragmentation and, in some areas, the lack of sufficient routes to enable them to enjoy safe, sufficiently long routes away from busy roads.

## **Cyclists**

2.2.12 The Countryside Agency's rights of way use and demand survey showed that 23 per cent of households had at least one member who participated in cycling in the countryside in the previous year. 32 per cent of households said they would increase cycling as an activity if more provision was available.

2.2.13 Availability of local rights of way for cyclists is very different in different parts of the country but most cyclists experience difficulty in finding safe, attractive, and sufficiently long routes away from busy roads, for which there is increasing demand, both in urban and rural areas. Local highway authorities should assess the case for additional provision for the full range of cyclists, from those on family outings to experienced mountain bikers, through the creation of bridleways, cycle tracks and (when the necessary powers are exercised under section 52), restricted byways.

## **Motorised users**

2.2.14 The rights of way improvement plan process may identify demand for recreational motoring in the countryside. In so far as motor vehicles are lawfully able to use local public rights of way, local highway authorities will need to consider how to respond to this and whether there are ways to manage demand.

## **People with mobility problems**

2.2.15 The Act requires local highway authorities to assess the accessibility of local rights of way to blind or partially sighted persons and others with mobility problems. Those with mobility problems can include those with children and pushchairs. Family and friends who accompany people with mobility problems are also affected by the accessibility of the network.

2.2.16 The nature of the working countryside and characteristics of the rights of way network itself means that there will always be barriers to some users on many rights of way. Routes in remote or hilly areas may be accessible by only the fittest. But

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<sup>10</sup> Highways Act 1980, section 71

local highway authorities should be aware of the scope for improvements that will open up the network to a wider range of people.

2.2.17 Relatively few rights of way are suitable for use by those with mobility problems. A major limitation on use is the number of stiles, steps, heavy farm gates and narrow bridges on rights of way. Even those rights of way which are free from such barriers, and which could be part of an easy-to-use circular route or a local network of paths, are not generally managed, promoted or maintained with the needs of people with mobility problems in mind. In many cases, it would be relatively easy and inexpensive to open such ways to everybody. The development of accessible, sturdy and stock-proof gates designed for paths to British Standard 5709, and of well-designed robust powered wheelchairs now enables many more people with mobility problems the potential of better access to the open countryside<sup>11</sup>.

2.2.18 Local highway authorities should assess the need for works to existing ways and the need for new ways to enable people with mobility problems, including disabled riders, to enjoy a higher proportion of the network than is currently the case. In making these assessments, local highway authorities should work on the principle that the needs of people with mobility problems should always be taken into account in the management, maintenance and improvement of local rights of way. Authorities should also bear in the mind that needs will differ between individuals with varying degrees of mobility. They should also recognise the importance of publicity and information about access to the network so that people with mobility problems are encouraged to make use of public rights of way and can make decisions about which are suitable for their degree of mobility. Further information about understanding the needs of people with mobility problems is contained in Section 3.

## **Other duties with respect to people with mobility problems**

2.2.19 Section 69 of CROW Act 2000 places (when commenced) a duty on local highway authorities to have regard to the needs of people with mobility problems when authorising the erection of barriers on footpaths or bridleways under section 147 of the Highways Act 1980. New section 147ZA will empower them to make agreements with owners, lessees and occupiers of land for works to replace or improve structures (such as gates or stiles) to make them safer or more convenient for people with mobility problems.

2.2.20 Section 69 applies also to non-metropolitan district councils where they are responsible for maintaining footpaths or bridleways under section 42 or 50 of the Highways Act 1980. Because of this, the Secretary of State may issue separate guidance in relation to the exercise of these powers. Nevertheless, local highway authorities should take account of the requirements of section 69 when preparing their rights of way improvement plans.

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<sup>11</sup> Restrictions on mechanically propelled vehicles on footpaths do not generally apply to invalid carriages – section 20 Chronically Sick and Disabled Persons Act 1970

## **Minimising conflicts between different classes of users**

2.2.21 There is potential for conflict on ways carrying higher rights between different classes and types of users. Wherever possible proposals for improving rights of way should not unduly benefit one class of user at the expense of another. Improvements that are intended to benefit cyclists, harness-horse drivers, horse riders or walkers should not unduly restrict lawful motorised use of public vehicular rights of way. Proactive management to deal with the issues of proper recording of rights, maintenance and shared use, can bring benefits to all users. The management principles set out in *Making the Best of Byways*<sup>12</sup> may be used to avoid conflict over the use of byways that are regularly used by vehicles, and a revised edition is to be issued shortly to assist local authorities in their work.

## **Accommodating other interests - land managers; heritage and nature conservation**

2.2.22 While rights of way improvement plans are concerned with improving rights of way for the benefit of the public, it is nevertheless important that the interests of land managers including those engaged in agriculture and forestry be taken into account, together with those of heritage and nature conservation. Representatives of land management interests should be consulted at an early stage so as to increase understanding of the process, reduce potential conflict and secure a co-operative approach to improving the network. Early consultation may help to identify where there are mutual benefits. A co-operative approach developed at the start of the process will also help in the implementation of the Plan. The new Local Access Forums established under section 94 and 95 of CROW Act 2000 will provide an important means to consult representatives of these interests, in so far as the matters which local access forums need to have regard to in the carrying out of their functions (s 94(6)).

## **2.3 Making the assessment**

### **The process**

2.3.1 To assess the extent to which local rights of way meet the present and likely future needs of the public (s 60(2)(a)), local highway authorities should:

- (a) study the definitive map and statement of rights of way;
- (b) collate and consider data on applications for modifications to the map and statement;
- (c) collate and consider data on requests for improvements to the network;
- (d) collate and consider data on the condition of the network;

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<sup>12</sup> Making the Best of Byways, DETR 1997

- (e) undertake a survey to assess the nature and scale of the present and likely future needs of the public (both local people and visitors to the area) in relation to the rights of way network; and
- (f) identify any other relevant information, including other plans and strategies for the area.

Local highway authorities should arrange for the studies and surveys to be given sufficient publicity to ensure that members of the public in the area are aware that the assessment is taking place and that they have the opportunity to contribute to it.

## **Assessment based on the definitive map and statement and related documents**

2.3.2 Scrutiny of the definitive map and statement together with information about any unrecorded rights of way, including any outstanding applications for definitive map modification orders and public path orders, and past requests for improvements to the network, should allow a preliminary assessment to be made of:

- the extent to which routes and networks are available to different groups of users;
- areas which are deficient in rights of way for all or particular groups;
- obvious inconsistencies or anomalies in relation to individual rights of way; and
- other opportunities to improve the network, including the restoration of severed rights of way due to road building.

2.3.3 A similar assessment should be made in respect of any areas that currently do not have a definitive map. In these areas, local highway authorities will have to rely on such information as is available about the ways that are thought to be rights of way. Consideration should also be given to any unmapped 'islands' that occur in otherwise mapped areas

2.3.4 Local highway authorities should look at the definitive map in conjunction with the wider highway network, cycle tracks and permissive routes including towpaths and routes through woodlands and forests. This overall assessment should help to highlight those rights of way that might be used in combination with unclassified roads and other lightly trafficked minor highways. It should also assist in identifying those rights of way which may effectively be unusable or which put users at risk because they can be reached only along heavily trafficked roads without an adequate verge or footway.

## Other documents and sources of information

2.3.5 Local highway authorities should consider what plans, documents and other sources of information will need to be scrutinised as part of the assessment. These should include:

- structure plans, local plans, unitary development plans and waste and minerals local plans;
- any areas of outstanding natural beauty management plans;
- community strategies and the regional sustainable development framework, regional cultural strategies and regional tourism plans;
- ordnance survey maps and the list of streets;
- assessments that have been made of the utilitarian role of the path network or its potential for development as part of a sustainable local transport infrastructure (e.g. as part of a safe routes to schools strategy or the contribution of rights of way to any local journeys, walking or cycling strategies, including healthy living initiatives);
- plans or proposals for the development of greenways or quiet roads, including research on shared use routes;
- other tourism, economic regeneration, community safety, community development or rural challenge proposals or studies that have been undertaken in the area and which have a bearing on rights of way or the use of the countryside for recreation;
- information about National Trails, the national cycle network, national bridle-route network, regional routes and other nationally or locally promoted walks and rides (including information about the popularity of these routes and the contribution they make to the local economy);
- information about national and local landscape, planning, nature conservation, bio-diversity, archaeological and other types of land with special attributes, together with any strategies, policies or plans associated with those designations. Information about the amenity value, vulnerability, use and management of these areas and sites in so far as it is relevant to rights of way;
- the location, scale and popularity of the main recreational attractions. These might include recreation sites and facilities such as country parks, forest parks and picnic sites, land open to the public owned by bodies such as the National Trust, Forestry Commission, the Woodland Trust, British Waterways, the Environment Agency or water companies;
- land to which there is a public right of access as a result of Part I of CROW Act 2000;

- other open country land to which there is a right of access including Crown land, MOD land, and land owned by other Government departments to which the public are permitted to have access;
- other main features or attractions in the areas (e.g. popular beaches, lakes, river valleys, attractive villages, viewpoints); and
- areas that are open to the public under grant schemes such as Countryside Stewardship, as a condition of exemption from inheritance tax or as part of other programmes.

2.3.6 Local highway authorities will also wish to refer to current guidance on rights of way and planning issues. In particular:

- . Rights of Way Review Committee Practice Guidance Note 5: Investigating the existence and status of public rights of way, published in January 2000; and
- Policy Planning Guidance Note17 (PPG17): Planning for Open Space, Sport and Recreation, published in July 2002.

2.3.7 This should give a preliminary indication of the extent to which local rights of way meet the present and likely future needs of the public. By looking at the local network in relation to the types of landscape and other significant physical or geographical characteristics of the area, the most attractive areas of countryside, the predominant patterns of land use and the main visitor attractions, local highway authorities can begin the task of identifying the opportunities the network affords for exercise and other forms of open-air recreation and enjoyment.

2.3.8 The assessment should also help to set potential use and demand in the context of other relevant plans and initiatives for the area. There may, for example, be initiatives to encourage people to walk as part of a healthy living promotion or to encourage people to cycle to work or school. It should also be possible to draw conclusions about the choice of opportunities to walk, ride, cycle and drive horse drawn vehicles available close to where people live or stable their horses. Other relevant sources of information (such as the planning, economic development and transport policies for the area and social, demographic or other factors) may have a bearing on the recreational use of the area or the current or future demands made on rights of way, whether for recreational or other purposes.

## **Involving the public**

2.3.9 Local authorities have wide experience of using market research and other techniques to test whether, and to what extent, the services that they provide are valued and meet the public demands and expectations. This may involve targeted consultations with specific user groups, for example, disabled people. Local highway authorities might also undertake more general surveys of the public's expectations of local rights of way. These might also help to assess the extent to which visitors are attracted from further afield, their spending patterns and their contribution to the local economy.

2.3.10 Local highway authorities should be aware that the Countryside Agency is considering publishing further guidance on assessing the use and demand for rights of way.

### **Working with other local authority departments, neighbouring authorities and others**

2.3.11 There will be a need for close co-operation between different local authority departments as plans are prepared. It will be important to ensure that rights of way improvement plans take into account the proposals made in structure and local plans, local transport plans and other strategic plans or proposals for the area. In turn, authorities should ensure that proposals contained in rights of way improvement plans are supported by the policies and proposals in structure and local plans, local transport plans and other plans and strategies as appropriate.

2.3.12 Where rights of way in one local highway authority's area are used mainly by the population living within a neighbouring authority's area, the two authorities should liaise closely with each other in making their assessments and in preparing other material for plans. In any event, local highway authorities should also be aware that, before preparing their rights of way improvement plans and in particular in making any assessment under section 61, they are under a duty to consult:

- (a) each highway authority whose area adjoins their area;
- (b) each district council, and each parish council, whose area is within their area;
- (c) the National Park authority for a National Park any part of which is within their area;
- (d) where any part of the Broads is within their area, the Broads Authority;
- (e) any local access forum established for their area or any part of it;
- (f) the Countryside Agency;
- (g) such persons as the Secretary of State may by regulations prescribe in relation to the local highway authority's area; and
- (h) such other persons as the local highway authority may consider appropriate.

2.3.13 The Secretary of State does not propose to exercise her power under section 61(1)(g) for the time being. However, local highway authorities should also consider consulting:

- (a) those bodies that they would normally consult over changes to the rights of way network; the British Horse Society, Byways and Bridleways Trust, Cyclists Touring Club, Open Spaces Society and Ramblers Association. Where relevant also the Chiltern Society, Peak and Northern Footpath Society, Auto Cycle Union and British Driving Society.

(b) Regional Development Agencies (such as English Nature), the Environment Agency, governing sports bodies and groups (such as Sustrans) to identify what plans or strategies might be relevant. The Environment Agency, for example, has a number of plans such as Catchment Flood Management Plans, Shoreline Management Plans and Regional Recreation Strategies that local highway authorities will wish to consider when developing their rights of way improvement plans.

(c) Conservation boards<sup>13</sup> for areas of outstanding natural beauty.

## **The role of local access forums**

2.3.14 Local highway authorities and National Park authorities (“appointing authorities”) are required to establish advisory bodies known as local access forums for their areas. The Local Access Forums (England) Regulations (SI 2002 No. 1836), which came into force on 7 August 2002, give these authorities one year from that date to establish local access forums. Where some of a local highway authority’s area lies in a National Park, the National Park authority will be responsible for establishing a local access forum that covers that part. It is the function of the local access forum, as respects the area for which it is established, to advise on the improvement of public access to land in that area for the purposes of open-air recreation and the enjoyment of the area, and as to other such matters as prescribed in legislation.<sup>14</sup> Before preparing or reviewing a rights of way improvement plan, or in making assessments related to a rights of way improvement plan, each local highway authority must consult any local access forum established for its area or any part of it (section 61(1)(e) of CROW Act 2000 as above). Local highway authorities are among the bodies that must have regard to the advice given to them by local access forums.

2.3.15 Local highway authorities must, therefore, involve local access forums before preparing or reviewing their plans and in particular in making assessments under section 60(1)(a) and 60(3)(a). It would be helpful if the local highway authority also prepared progress reports for local access forums as plans are prepared, published, implemented and reviewed.

2.3.16 The role of local access forums in relation to rights of way improvement plans may include, for example:

- commenting on opportunities for access to open countryside especially where new linear routes may be desirable;
- assisting local highway authorities in setting priorities for implementing their plans; and
- commenting on published draft plans.

The Department issued a circular letter on 26 July 2002 to appointing authorities providing guidance on the establishment and functions of local access forums. It also

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<sup>13</sup> CROW Act 2000, section 86

<sup>14</sup> CROW Act 2000, section 94

plans to issue separate guidance to forums themselves covering their roles and responsibilities, and on the working arrangements of forums.

## **Reporting at this stage**

2.3.17 Before finalising the assessment, it may be helpful to seek views on the information so far gathered. This could be useful in identifying any omissions or addressing any problems at an early stage, which could be beneficial in the long term. If they decide to seek views on the assessment and public surveys, local highway authorities should:

- make clear the purpose of the assessment, the area covered and the timetable being followed;
- provide a summary of the initial assessment;
- summarise what appear to be the main issues to be addressed in their rights of way improvement plans;
- invite representations, particularly to help more accurately identify or quantify the likely future needs of the public; and
- encourage consultees to put forward outline proposals as to how the path network might be improved.

2.3.18 As well as making them available to relevant local authorities, local highway authorities should consider making such reports more widely available to encourage contributions from the general public. Local highway authorities could, for example, publish reports on their web sites and give notice in local newspapers as to where copies are on display, for example at the authority's main offices, public libraries, and information centres.

## **Conclusions of the assessment**

2.3.19 By this stage, local highway authorities should be in a position to make an informed assessment of the matters set out in section 60(2) of the Act. They should be able to reach conclusions about the strengths and weaknesses of the local rights of way network and to identify where action is needed. This assessment should form the basis of the statements of action that are an integral part of local highway authorities' improvement plans. They should, at a minimum:

- describe the existing and likely future needs of different classes of users of local rights of way and the accessibility of local rights of way to blind or partially sighted people and others with mobility problems;
- identify areas where provision for one or more class of user is considered to be deficient or is likely to be deficient in the future and indicate the scale of those deficiencies; and
- specify other shortcomings that have been shown by the review to exist.

## 2.4 Preparing the statement of action

### What is a statement of action?

2.4.1 The Act requires local highway authorities to prepare a statement of the action they propose 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<sup>15</sup>.

2.4.2 Statements of action should follow from local highway authorities' assessments. These should make proposals for taking the required action and state, in broad terms, how these proposals are to be realised. They should set out objectives and targets for managing and improving local rights of way in respect of each type of user. For each conclusion, local highway authorities should establish:

- their proposed action;
- the estimated costs;
- the key organisations that they intend to involve in the proposed action; and
- the timescale within which they propose to complete the action.

2.4.3 The following table indicates the sorts of issues that might be covered in the action plan. The work that the Countryside Agency are doing on preparing exemplar plans – see section 2.4.11 - should also help authorities to prepare their statement of action.

<b>Conclusion from assessment</b>	<b>Recommended action</b>	<b>Estimated costs</b>	<b>Completion date</b>	<b>Key organisations</b>
Tourism could benefit from more rights of way.	Promote rights of way	£5,000	May 2007	Work with Regional Tourist Board and RDA to promote tourism based on rights of way.
Need to develop health walks near to urban areas.	Develop and promote two health walks in north and east of county.	£20,000	November 2007	Work with Countryside Agency and National Lottery scheme to raise funds.

<sup>15</sup> CROW Act 2000, section 60(1)(b)

<b>Conclusion from assessment</b>	<b>Recommended action</b>	<b>Estimated costs</b>	<b>Completion date</b>	<b>Key organisations</b>
Island access land sites require public access.	Seek to negotiate new footpaths for all island access land.	£20,000	April 2008	Approach landowners to seek a creation agreement.
People with mobility problems encounter too many obstructions on rights of way.	Remove obstructions and maintain 12 identified routes to a standard fit for use by wheel chairs	£15,000	April 2009	Identify priority routes with local disabled user groups.
Not enough off-road routes for horse riders longer than 15 km.	Seek to upgrade footpaths or create ten new bridleways in south and east of county.	£30,000	April 2010	Work with local BHS, Bridleway Groups and equestrian businesses to identify potential routes greater than 15km.
Too few links between urban and rural open space.	Create six off-road links between urban areas and countryside attractions.	£50,000	April 2010	Work with transport planners, user groups, Sustrans and Regional Development Agency to identify scope for new green routes and to raise capital.

## **Small-scale improvements**

2.4.4 In developing their statements of action, local highway authorities should have regard to small-scale improvements that may be identified in the course of assessments and which may be capable of being implemented at an early stage. Small-scale improvements might include creating short sections of footpath, cycle routes, bridleway or restricted byway to link with others to form more useful routes (for example circular routes) or securing the removal or replacement of barriers, such as stiles and gates, on footpaths or bridleways which would otherwise be capable of use by people with mobility problems.

## **Detailed plans and targets**

2.4.5 Assessments and statements of action form the basis for the rights of way improvement plan. The improvement plan should specify where detailed plans will be set out and how progress will be monitored. Local highway authorities should set out more detailed plans and targets on individual schemes in annual business plans or milestones statements. These should include detailed costed and timetabled targets to deliver the improvement plans. Business plans will need to be flexible, working documents and regularly updated. Copies should be made available for inspection under arrangements similar to those for rights of way improvement plans.

## **Securing improvements to the network**

2.4.6 Local highway authorities will be responsible for the implementation of rights of way improvement plans. They are encouraged to achieve this in partnership with others such as district councils, National Park Authorities or the Broads Authority, parish councils, private and state land owners and managers including Government departments, National Trust, Forest Enterprise and British Waterways.

2.4.7 Both capital and revenue funding will be required to put the improvements into practice and to ensure long-term maintenance. Highway authorities are encouraged to be innovative in sourcing funds to support the improvements. Highway authorities should consider seeking funds from lottery bodies, local transport plans, European schemes, agri-environment schemes and some charitable trusts. To be successful the right funding partnerships will normally need to demonstrate that they are making improvements to the public rights of way network for reasons which link into broader policy objectives, such as health, reducing dependence on motor cars, tourism, safe routes to schools/work and accessibility for those with limited or restricted mobility or for those who socially excluded. Further information on sources of funding will be provided by the Countryside Agency, the LGA, CSS and IPROW in the Public Rights of Way Good Practice Guide.

2.4.8 Local highway authorities are encouraged to use voluntary means to secure improvements to their rights of way networks wherever possible. Thus they would seek to negotiate the creation of routes or the addition of higher rights to existing routes by agreement with landowners using their powers under section 25 of the Highways Act 1980. Local highway authorities should approach such negotiations constructively and be prepared to consider changes to the network that landowners might seek as corollaries to agreements, provided they meet the criteria set out in sections 118 and 119 of the Highways Act 1980. They should, however, set a reasonable time limit within which agreement should be reached.

2.4.9 If it becomes clear that there is little prospect in reaching agreement within a reasonable time, authorities should be prepared to make use of their powers under section 26 of the 1980 Act to create public rights of way. Section 26 can be used to create new routes or to add higher rights to existing highways.

2.4.10 Highway authorities would normally take the lead in working-up and implementing proposals for action in their improvement plans though this does not have to be the case. A variety of partnership arrangements are possible, including partnerships with district or parish councils, National Park authorities or the Broads Authority or with other local liaison groups. Local highway authorities are reminded of

the powers available to district councils, National Park authorities and the Broads Authority to agree new footpaths and bridleways and to make public path orders under sections 25, 26, 118 and 119 of the Highways Act 1980. Parish councils also have the power (under section 30 of the 1980 Act) to dedicate footpaths and bridleways by agreement with landowners in their own and adjoining parishes and to carry out or contribute towards any works that are incidental to those agreements. There is, however, no power to pay compensation.

## **Further guidance**

2.4.11 The Countryside Agency will work with a small group of authorities to prepare exemplar rights of way improvement plans between October 2002 and October 2003. The plans will help to develop good practice and the lessons learned will be disseminated to other authorities at regular intervals. It is intended that the exemplar plans will demonstrate the value of preparing plans to improve the network for people of all levels of interest, ability and experience.

## **2.5 Publicising and publishing the draft plan**

### **The draft plan**

2.5.1 Local highway authorities must publish a draft rights of way improvement plan and publish, in two or more local newspapers circulating in their area, notice of how a copy of the draft can be inspected or obtained and how representations on it can be made to them. Local highway authorities must also keep a copy available for inspection free of charge at all reasonable times at their principal offices; and supply a copy to any person who requests one, either free of charge or on payment of a reasonable charge determined by the authority<sup>16</sup>.

2.5.2 Local highway authorities should actively seek representations from neighbouring authorities, parish councils and parish meetings, National Park authorities (where appropriate), regional development agencies, cultural consortia, and national and local organisations representing users, land managers, conservation bodies, businesses, tourism and others as appropriate for their area.

2.5.3 Local highway authorities are encouraged to use such other means as are at their disposal to bring the draft plan to the attention of the public. These might include making summaries of the assessment and action plan more widely available to members of the public and publishing draft plans on their web sites.

### **Dealing with representations**

2.5.4 The draft plan and notices inviting representations should state clearly where comments should be sent and by when. Although no specific timescale is set out in legislation for making representations, it is considered that a minimum of 12 weeks should be allowed for representations. Local highway authorities must consider any representations made<sup>17</sup>. All representations should be acknowledged. The

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<sup>16</sup> CROW Act 2000, section 61 (3)

<sup>17</sup> CROW Act 2000, section 61(2)(c)

Government has set out a code of practice for its own public consultations and this is reproduced in Annex 1 to this guidance. It is suggested that local highway authorities consider applying the principles of the code of practice when consulting on their Rights of Way Improvement Plans.

2.5.5 Consultation on rights of way improvement plans will not replace the need for consultation and negotiation as and when specific proposals for action are taken forward. The publication of rights of way improvement plans does not affect people's right to make representations or objections to public path orders that may be made in the light of plans, nor the opportunity to have those representations or objections heard.

### **Publication of rights of way improvement plans**

2.5.6 When draft plans have been amended and plans agreed, they should be published<sup>18</sup>. Local highway authorities should inform those who contributed to their plans to inform them that they have been published. Local highway authorities are required to keep a copy available for inspection free of charge at all reasonable times at their principal offices; and supply a copy to any person who requests one, either free of charge or on payment of a reasonable charge determined by the authority.

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<sup>18</sup> CROW Act 2000, section 60(1)

# Section 3 - Understanding the needs of people with mobility problems

## 3.1 Establishing liaison and networking arrangements

3.1 It is important that local highway authorities have a clear understanding of the extent and type of demand in their areas by blind or partially sighted persons and others with mobility problems for rights of way, both to underpin their rights of way improvement plans and to inform the day-to-day management and maintenance of the path network.

3.2 Local highway authorities should have a broad idea of the proportion of the population that is likely to be affected by some form of mobility impairment and who might benefit from improvements in the accessibility of the local rights of way network. They should seek to establish where needs are concentrated and be aware of any specific local needs, such as in the vicinity of residential care homes.

3.3 As much local information and advice as possible should be sought from the outset, including information on:

(a) the local network and paths already used by those with mobility problems (if any);

(b) other facilities and features that are valued by those with restricted mobility;

(c) key features and attractions in the area which they may be excluded from, or have only limited access to, and what needs to be done to overcome these barriers;

(d) publicity and information about access opportunities currently available to those with restricted mobility; information that users will need to be able to judge the suitability and make use of opportunities to enjoy rights of way; existing arrangements for disseminating information among the groups who represent them;

(e) sources of practical help and advice available to assist the authority in opening up rights of way to people with mobility problems; identify which groups or individuals might need to provide help and advice. (This might include, for example, local access groups to help carry out access audits of particular rights of way, advise on the works necessary to open up local path networks, prepare or disseminate information, or monitor the condition of paths and provide regular feed-back); and

(f) existing local initiatives or partnerships in place to foster the use of the countryside by people with mobility problems that might be enhanced by improvements to the rights of way network. Such initiatives might have been taken by organisations such as user groups, local community or charity groups as well as by individual land managers or their representative groups.

## **Establishing liaison and networking arrangements**

3.4 A wide range of independent organisations represents people with mobility problems both nationally and locally. Local highway authorities should seek to establish a dialogue with such organisations as part of developing a clear understanding of local needs, circumstances and opportunities.

3.5 Local highway authorities should consult colleagues in their own authorities and other authorities and agencies for the area. For example, social services departments, disability information officers, disabled access advisors employed by many planning authorities, local disability information and advice line (DIAL), and Council for Voluntary Services, Health Promotion Agency and Library Service may be able to give advice and guidance. They will be aware of the established networking arrangements in the area and should be able to suggest the most appropriate local contacts for local highway authorities to approach.

3.6 In some areas, there may be existing countryside access initiatives for people with mobility problems. These include both site based initiatives, such as those attached to some of the larger country parks, and wider initiatives, such as those established in some national parks or by countryside services departments. They may also be able to provide advice and guidance and access to liaison and networking arrangements on which the local highway authority can build.

3.7 Significant issues remain on how to guide highways and rights of way staff into making a suitable balance of provision for the needs of people with mobility problems. For example, it would be possible to concentrate all resources available into providing a few very highly developed paths, very limited in length to enable virtually all to visit an attractive site. An alternative approach would be to concentrate on barrier modification and minor repair work to improve a much longer length of path to a rougher standard. In reality a mix of approaches is needed. The Countryside Agency has produced more detailed draft guidance, in a document called "Increasing Access to the Wider Countryside for Disabled People". This is currently being piloted in five areas and is due for release in 2003.

### **3.2 Further information**

*The BT Countryside for All Good Practice Guide to Disabled People's Access to the Countryside* available from the Fieldfare Trust, 67a The Wicker, Sheffield, South Yorkshire, S3 8HT, telephone 0114 270 1668. A summary of the Guide is also on the Fieldfare Trust's web site at <http://www.fieldfare.org.uk>.

*Sense and Accessibility: How to improve access on countryside paths, routes and trails for people with mobility impairments* (CAX 26) available free from Countryside Agency publications, PO Box 125, Wetherby, West Yorkshire LS23 7EP, telephone 0870 126 6466.

*Paths without Prejudice* (Countryside Agency publications).

*BS 5709:2001 - Gaps, gates and stiles* available from the British Standards Institution, Customer services 020 8996 9001 or from the BSI web site [www.bsi-global.com](http://www.bsi-global.com).

*The BT Increasing Access to the Wider Countryside for Disabled People: draft guidance for countryside managers* available from the Countryside Agency summer 2003.

# Annex 1

## Code of practice on written consultations

### The consultation criteria

Timing of consultation should be built into the planning process so that it has the best prospect of improving the proposals concerned, and so that sufficient time is left for it at each stage.

1. It should be clear who is being consulted, about what questions, in what timescale and for what purpose.
2. A consultation document should be as simple and concise as possible. It should include a summary, in two pages at most, of the main questions it seeks views on. It should make it as easy as possible for readers to respond, make contact or complain.
3. Documents should be made widely available, with the fullest use of electronic means (though not to the exclusion of others), and effectively drawn to the attention of all interested groups and individuals. Publication of material in alternative formats should also be considered (Braille, audio and large print).
4. Sufficient time should be allowed for considered responses from all groups with an interest. Twelve weeks should be the standard minimum period for a consultation.
5. Responses should be carefully and open-mindedly analysed, and the results made widely available, with an account of the views expressed, and reasons for decisions finally taken.
6. Authorities should monitor and evaluate consultations, designating a consultation coordinator who will ensure the lessons are disseminated.

## Annex 2

### Sections 60,61 and 62 of the Countryside and Rights of Way Act 2000

#### *Rights of way improvement plans*

Rights of way improvement plans.

**60.** - (1) Every local highway authority other than an inner London authority shall, within five years after the commencement of this section, prepare and publish a plan, to be known as a rights of way improvement plan, containing-

- (a) the authority's assessment of the matters specified in subsection (2);
- (b) a statement of the action they propose 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; and
- (c) such other material as the Secretary of State (as respects England) or the National Assembly for Wales (as respects Wales) may direct.

(2) The matters referred to in subsection (1)(a) are-

- (a) the extent to which local rights of way meet the present and likely future needs of the public,
- (b) the opportunities provided by local rights of way (and in particular by those within paragraph (a) of the definition in subsection (5)) for exercise and other forms of open-air recreation and the enjoyment of the authority's area,
- (c) the accessibility of local rights of way to blind or partially sighted persons and others with mobility problems, and
- (d) such other matters relating to local rights of way as the Secretary of State (as respects England) or the National Assembly for Wales (as respects Wales) may direct.

(3) An authority by whom a rights of way improvement plan is published shall, not more than ten years after first publishing it and subsequently at intervals of not more than ten years-

- (a) make a new assessment of the matters specified in subsection (2), and
- (b) review the plan and decide whether to amend it.

(4) On such a review the authority shall-

- (a) if they decide to amend the plan, publish it as amended; and
- (b) if they decide to make no amendments to it, publish a report of their decision and of their reasons for it.

(5) In this section-

"cycle track"-

(a) means a way over which the public have the following, but no other, rights of way, that is to say, a right of way on pedal cycles (other than pedal cycles which are motor vehicles within the meaning of the Road Traffic Act 1988) with or without a right of way on foot; but

(b) does not include a way in or by the side of a highway consisting of or comprising a made-up carriageway (within the meaning of the 1980 Act);

"inner London authority" means Transport for London, the council of an inner London borough or the Common Council of the City of London;

"local highway authority" has the same meaning as in the 1980 Act;

"local rights of way" in relation to a local highway authority, means-

(a) the footpaths, cycle tracks, bridleways and restricted byways within the authority's area, and

(b) the ways within the authority's area which are shown in a definitive map and statement as restricted byways or byways open to all traffic.

(6) In subsection (5) the definition of "local rights of way" has effect until the commencement of section 47 with the substitution for the references to restricted byways and to ways shown in a definitive map and statement as restricted byways of a reference to ways shown in a definitive map and statement as roads used as public paths.

Rights of way improvement plans: supplemental.

61. - (1) Before preparing or reviewing a rights of way improvement plan, and in particular in making any assessment under section 60(1)(a) or (3)(a), a local highway authority shall consult-

- (a) each local highway authority whose area adjoins their area;
- (b) each district council, and each parish or community council, whose area is within their area;
- (c) the National Park authority for a National Park any part of which is within their area;
- (d) where any part of the Broads is within their area, the Broads Authority;
- (e) any local access forum established for their area or any part of it;
- (f) the Countryside Agency or the Countryside Council for Wales (as appropriate);
- (g) such persons as the Secretary of State (as respects England) or the National Assembly for Wales (as respects Wales) may by regulations prescribe in relation to the local highway authority's area; and
- (h) such other persons as the local highway authority may consider appropriate.

(2) In preparing or amending a rights of way improvement plan, a local highway authority shall-

- (a) publish a draft of the plan or of the plan as amended,
- (b) publish, in two or more local newspapers circulating in their area, notice of how a copy of the draft can be inspected or obtained and how representations on it can be made to them, and
- (c) consider any representations made in accordance with the notice.

(3) As regards their rights of way improvement plan, any draft plan on which representations may be made and any report under section 60(4)(b), a local highway authority shall-

- (a) keep a copy available for inspection free of charge at all reasonable times at their principal offices, and
- (b) supply a copy to any person who requests one, either free of charge or on payment of a reasonable charge determined by the authority.

- (4) Local highway authorities shall, in carrying out their functions under section 60 and this section, have regard to such guidance as may from time to time be given to them by the Secretary of State (as respects England) or the National Assembly for Wales (as respects Wales).
- (5) A local highway authority may make arrangements with-
  - (a) any district council whose area is within their area, or
  - (b) the National Park authority for a National Park any part of which is within their area,
  - (c) for the functions of the local highway authority under section 60 and this section so far as relating to the area of that council or to the part of the Park within the local highway authority's area, to be discharged jointly by the local highway authority and by that council or National Park authority.
- (6) Regulations under subsection (1)(g) shall be made by statutory instrument, and a statutory instrument containing such regulations made by the Secretary of State shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (7) In this section-
  - "local highway authority" has the same meaning as in the 1980 Act;
  - "the Broads" has the same meaning as in the Norfolk and Suffolk Broads Act 1988.

Application of ss. 60 and 61 to inner London.

- 62.** - (1) The council of an inner London borough or the Common Council of the City of London may by resolution adopt sections 60 and 61 as respects their area or any part of it which is specified in the resolution.
- (2) On the passing by any authority of a resolution under subsection (1), sections 60 and 61 shall, as respects their area or the part of it specified in the resolution, apply in relation to that authority-
- (a) as they apply in relation to a local highway authority other than an inner London authority, but
  - (b) with the substitution for the reference in subsection (1) of section 60 to the commencement of that section of a reference to the date on which the resolution comes into operation.

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