

'Protecting Our Public Rights of Way: Policy Update and Good Practice'

ADEPT

The Association of Directors of Environment, Economy, Planning & Transport

ADEPT Rights of Way Managers Group



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- National Group represents whole of the Country
- Defra and Natural England representatives also attend meetings
- Different pressures across the regions
- Raise profile of Public Rights of Way
- Ensures members are kept up to date with legislative changes and case law
- Work with other organisations to ensure best practice
- Opportunity to raise key issues and potential solutions
- Training opportunities

Simplifying and speeding-up the process for determining whether unrecorded rights of way exist

- Well trained experienced officers
- Clear policy on how applications will be dealt with
- Ensure applications are completed properly, reject any that do not comply
- Proactive or reactive?
- Ensure sufficient resource to deal with applications
- Foster good relations with your local records office (limited opening hours)
- Support proactive user groups to ensure applications are compliant and documents clearly referenced
- Clear guidance notes, application forms
- Decision Making – Committee/Delegation

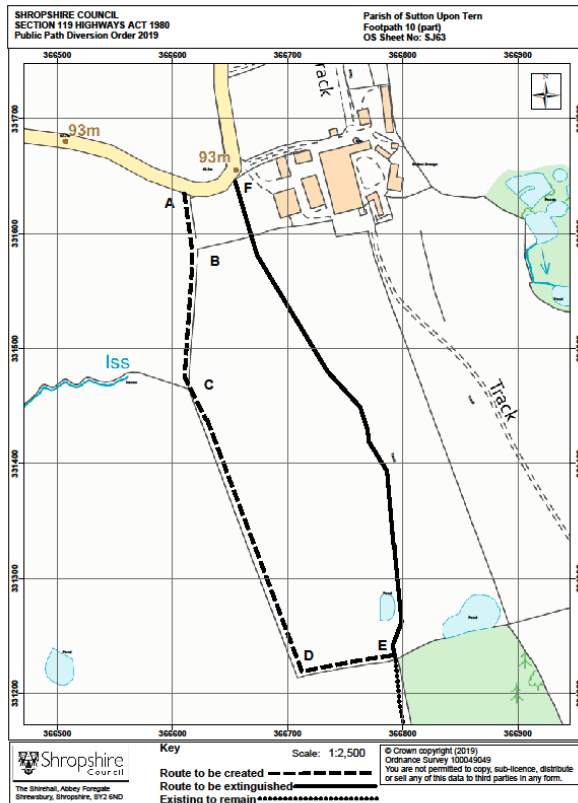


Simplifying and speeding-up the process for determining whether unrecorded rights of way exist

- Thorough examination of user evidence
- Standard evidence of use forms
- Proformas to analyse the evidence, timelines
- Interview witnesses
- Question the evidence
- Check key documents – Landowner/Highways Statements



Meeting the administrative and legal costs of processing public path orders



Section 23 of the Deregulation Act 2015 will give owners, lessees or occupiers the right to apply for a public path diversion or extinguishment order under the Highways Act 1980.

Most authorities do undertake Public Path Orders but not all.



Meeting the administrative and legal costs of processing public path orders

- Ensure you have clear processes and guidance in place
- Comprehensive cost schedules or scale of charges
- Review these annually
- Signed application completed prior to commencement
- Local Authorities cannot charge more than the costs incurred



Meeting the administrative and legal costs of processing public path orders

- Keep comprehensive records of actions taken
- Invoice at pertinent stages within the process
- These orders are often used to resolve other public rights of way matters
- Time constraints to be introduced under Deregulation Act.
- If possible undertake legal process within your team

Finding evidence to prove or disprove the existence of a right of way

- Coordinate efforts
- User and/or historic evidence is key
- Research history thoroughly – internal records
- Use standard evidence of use forms
- Completed by the individual user
- Attach annotated plans
- Undertake a thorough research of historic evidence
- Key historic evidence



Finding evidence to prove or disprove the existence of a right of way

- If possible engage the Parish or Local Council
- A site visit is essential
- Landowner evidence
- Intention not to dedicate
- Notices
- Declarations
- Challenge



Shona Butter Vice-Chair, ADEPT's Rights of Way Managers Group

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