

NATIONAL RIGHTS OF WAY GROUP MINUTES

24th January 2024

SECRETARY ROTA		
Date	Secretary	Completed
January 2024	East Midlands	Yes
April 2024	West Midlands	
July 2024	Eastern	
October 2024	Northern	
January 2025	Wales	
April 2025	MAG	
July 2025	IPROW	
October 2025	South East	

Present:

Shona Butter (SB) Shropshire – W Mids (Chair)
 Pete Hobley (PH) SW Group (Vice Chair)
 Adrian Walls (AW) Wales Group
 Mike Ogden (MO) N Group
 Edwin McWilliam (EW) E Mids Group (Minute taker)
 Andrew Le Gresley(ALG) SE Group
 Paul Davison (PD) DEFRA
 Richard Cuthbert (RC) IPROW
 Andy Mackintosh (AM) Natural England
 Hannah Bartram (HaB) Chief Operating Officer ADEPT
 Adam Maciejewski (AM) EasternGroup

Apologies: Harry Wood (PINS), Graham Rusling (SE Group) Andrew representing.

ACTIONS:

26 July 2023	
2	Bridges Group – Need someone to lead from PROW. PH to chase K Harwood to clarify lead contact, concern regarding balance of membership and request an update for this mtg.
3	DEFRA - PD to circulate final drafts of SIs once signed off.
25 October 2023	
3	ADEPT / IPROW – Need to work together on producing Dereg guidance to help practitioners.
24 January 2024	
3	PD to circulate links to commencement and extension legislation
9	SB to respond to Janet Davis re HSE and cows
9	PH to follow up with HSE re KillerCows / data collection. Potential invite to HSE
10	PH to raise with OS policies around incorrect/ inconsistent mapping re bodies of water

1. Previous Minutes

25th October 2023 meeting minutes agreed and arising matters on Agenda.

2. Election of New Chair & Vice Chair of Group

Shona confirmed that she was standing down as Chair of the group and welcomed any nominations for a new Chair. Pete Hobley (Somerset) was agreed as the new Chair. Edwin McWilliam offered to be the Vice Chair; this was agreed.

Following a query, it was confirmed that members of the group will continue to take the minutes in turn. This included the Vice Chair but not the Chair.

3. DEFRA Rights Of Way Reforms Update

Paul Davison from DEFRA went through developments on the reforms. The Cut Off Date had now been enacted albeit with an extended date to 01/01/2031.

Commencement order [The Countryside and Rights of Way Act 2000 \(Commencement No. 16\) Order 2023 \(legislation.gov.uk\)](#)

Cut-off date extension [The Countryside and Rights of Way Act 2000 \(Substitution of Cut-off Date Relating to Rights of Way\) \(England\) Regulations 2023 \(legislation.gov.uk\)](#)

There was a further new junior minister covering this area. Rebecca Pow is the new Minister for Nature ([Blog link](#)) Paul intimated that the Minister may be more interested in Access issues.

The issue of exceptions to the Cut Off provision was under consideration. It was pointed out by several members that this was intrinsically linked to the amount of work generated by the cut off provision. Paul also confirmed that the concerns over routes currently in use was part of that equation.

A specific timetable for the other provisions was not available and it was pointed out that this may be an election year that may fog the situation further.

It was stated that the Guidance was going to be delayed until later in the process. The ongoing work was in relation to the Right to apply for changes to routes. The Statutory Instruments would include regulations for the application forms, amendments to a register of applications, and the recovery of costs by parties.

The DMMO changes were coming later so there was still little to update the group on. The plan was to deal with the easier issues in the first instance.

Shona, Edwin and Andrew asked for clarity on publication dates and a possible timetable. Paul indicated that this would be more apparent later in the year. Pete asked if the new items recognized an increased burden placed on the Surveying authorities. There was no further clarity on this but assumed that all provisions would not recognize this. This is partly on the basis that while it is recognized that the provision will result in an increase in work for a period, a lesser burden

is expected after the closure of the map to pre 1949 claims.

4. Natural England Update – Andrew Mackintosh

Andrew updated the group on Environmental Land Management schemes (Elms). In particular he focused on the fact that access options were back on the table again, albeit as an optional item. Details are in the Transitional Plan. ([Elms Actions](#)) This includes possible payment rates for periods up to 5 years.

Andrew pointed out that up to half of the access from expired agreements under the old Stewardship were still available to the public. He also indicated that the Guidance and Training was to include access.

Further discussions had involved educational linear access including access improvements. Pete Hobley enquired was interested to find out if there would be funding which would broaden access on existing paths.

Indicative funding may be between £77 and £158 per 100m which be more flexible than the previous regime. As ever, concern over time limited access including capital work. Also a broader request to keep LAs in the loop including what schemes are being created.

5. Highway Resilience and Response Conference

This was held in November. Notes are to be circulated in due course. Some initial thoughts were around the need to make sure PROW were considered as part of resilience planning. Also, the clear links between LTP and ROWIP process and policy.

6. National Protective Security Authority NPSA www.npsa.gov.uk

Hannah Bartram introduced the body, the Governments National Technical Authority for Physical and Personal Protective Security. Further details at the link.

7. Level Crossings MOU – Network Rail

The memorandum of understanding between the group and Network Rail was raised as it is due for review. This triggered a range of examples being given. Overall the memorandum was seen as a positive move and could only help.

The process with Network Rail and PROW was clearly not just Level crossing but extended to bridges, old and new and Adrian gave a good example on the North Wales line and the challenges of simply moving paths to new structures which are challenged by local communities. Edwin also raised electrification and the wider range of issues this brought to the table.

Essex is seeking counsel advice in relation to Level crossings to provide legal clarity to the process. This will be discussed at the next meeting, and it was agreed that any amendments if required to the MOU would await the advice.

8. Character Definition of BOATs

The Finch Lane decision was challenged, although officers pointed out that

decisions do vary and probably not worth putting too much precedent. Any given interpretation be the inspectorate looking at a single route is just that.

9. **Cows and PROW - <https://killercows.co.uk/>**

This followed the attention given to the 'Killer Cows' site. Although there was some concern regarding the quality of data on the site, however, it was accepted that data capture was lacking elsewhere. Natural England were thought to hold between 40 and 50 reports. This had an overlap with agri-environmental grazing agreements.

It was accepted that further guidance and record reporting is needed. Andrew pointed out that it wasn't clear who near miss data should be reported to. Richard underlined the need to engage with the HSE. This is something the group would like to take forward. In the first instance was the identification of a suitable contact in the HSE. The other possible avenue was to also engage with the website representative.

10. **OS Mapping and Water**

Mike Ogden demonstrated that the OS has started to remove path lines where they cross larger areas of water or housing on 1:25,000 mapping. This is to be raised with the OS/Geoplace.

11. **AOB – Active Travel England group representation**

Edwin volunteered

12. **Next Meeting – 17th April 2024**

Item request Digital Traffic Orders

Post meeting item: review of counsel advice received re Network Rail