



Association of Directors of  
Environment, Economy, Planning & Transport

## STRATEGIC TRANSPORT COMMITTEE RIGHTS OF WAY MANAGERS' GROUP

**Date:** 25<sup>th</sup> March 2021

**Location:** MS TEAMS

### **Present:**

Shona Butter	(SB)	Shropshire – West Midlands Region <b>(Chairman)</b>
Mike Ogden	(MO)	Durham – Northern Region
Marion Borman	(MB)	Warwickshire – West Midlands Region
Edwin McWilliam	(EM)	Leicestershire– East Midlands Region
Richard Cuthbert	(RC)	Hertfordshire – Eastern Region
Jonathan Woods	(HW)	Hampshire – South East Region
Peter Hobley	(PH)	Somerset – South West Region
Adrian Walls	(AW)	Denbighshire – Wales
Chris Miller	(CM)	IPROW <b>(Minutes)</b>
Andy Mackintosh	(AM)	Natural England
Claire Horton	(CH)	DEFRA
Claire Craven-Griffiths	(CC-G)	DEFRA
Hannah Bartram	(HB)	Chief Operating Officer ADEPT

### **Apologies:**

Adam Maciejewski	(AM)	Central Bedfordshire – Eastern Region
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### **Absent:**

Paul Newark	(PN)	Birmingham – Metropolitan Authorities Group
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<b>TABLE OF ACTIONS</b>	
	<b>In Our Footsteps Project</b>
<b>3b</b>	<b>HB</b> - to invite the research academic to present to the group at the next opportunity.
	<b>ADEPT / IPROW Survey</b>
<b>4</b>	<b>HB</b> - to have a press release prepared alongside further analysis.
	<b>Orders Work During Lockdown(s)</b>
<b>6</b>	<b>Defra (CC-G)</b> - to continue assess what opportunities there may be.
	<b>Level Crossing Standards Group - Questions &amp; New Bridge Design Opportunity</b>
<b>7</b>	<b>All</b> - provide comments to RC post circulation of the bridge design <b>RC</b> - to report back to the Level Crossing Group
	<b>Natural England Update – Countryside Code</b>
<b>8</b>	<b>AM</b> - to advise NE colleagues that ADEPT would wish to see the negative symbols removed.
	<b>Natural England Update – Environmental Land Management Schemes (ELMS)</b>
<b>8</b>	<b>AM</b> - to contact SB and CM to progress discussions
	<b>AOB - Secretariat</b>
<b>11</b>	<b>CM</b> - to prepare rota for Regions to volunteer a member to attend alongside the Chairman to take minutes.
	<b>Future Meetings</b>
<b>12</b>	

1) **Welcome, Introductions, Apologies and housekeeping arrangements**

SB welcomed the group and introductions made for new attendees. Apologies noted above.

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2) **Minutes of ROWMG Meeting of 4 February 2021**

The minutes of the last meeting were reviewed for accuracy.

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3) **Matters & Actions arising (not already on the agenda)**

a) Access Advisory Group

CH explained the purpose of the proposed new group was to review wider issues than just PROW and to include equalities concerns, Glover Review of National Landscapes and other elements of general access and outdoor recreation

Rights of Way Review Committee & Stakeholder Working Group

CM raised what the outlook was for these two groups and CH responded that there was no clear projection as to how the groups might operate in the future however there was only likely to be one group. AW outlined the difficulties the RWRC faced in the absence of a dedicated secretariat to service it and the chairman.

b) The "In our Footsteps" Project

HB had been in touch and had a response from the academic concerned that the research was to be started after 1<sup>st</sup> April. He is to be invited to make a presentation to the next meeting **ACTION HB – To invite the academic to present at the next opportunity**

c) Covid 19 Catch up Meeting

SB had attended the call and felt the discussions were very similar in terms of the issues being encountered such as cycling on paths, damage to furniture, ASB, width abuse and wandering, dogs (mess and livestock attacks), parking and community expectations. With user groups having different issues (British Canoeing and Cycling UK)

NFU to continue looking at the proposals for temporary diversions where there are livestock concerns

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4) **ADEPT / IPROW Survey - HB**

HB had circulated the survey with c.50% response rate plus Welsh authorities and National Parks. Headline results included significant increases ranging from 20% to 400% although usage was less following winter and inclement weather.

Damage to footpath due to increased use was highlighted and had been reported nationally. Lockdown had frustrated Local Authorities' attempt to keep on top of network management.

Local Authorities were coming under significant strain and budgetary concerns were highlighted albeit that budget levels seemed to be remaining consistent from the previous year generally.

CM highlighted that the question on budgets was more to do with the erosion of finance since 2011 and that now there is a greater emphasis on outdoor access and health and well-being

EMcW – Was impressed by the number of returns and highlighted that Leicestershire had noted a number of "improvement opportunities" as opposed to general PROW work – Also felt the cut off needs implementing as authorities were experiencing "weariness" – Also felt that there was greater scope for DfT involvement as there appears to be funding in that area. CH emphasised that Defra do speak to DfT with regards to Walking & Cycling Strategy Work

AW – Highlighted that Welsh authorities had suffered budgetary constraints also although Welsh Government was investing again ROWIPs and Green Infrastructure programmes. Unfortunately there isn't enough staff and day to day revenue maintenance has also suffered – WG are to be asked when they are going to progress the withdrawing of the 2026 cut of date provisions, but because of ongoing work on access review in advance of possible legislation as an alternative to the Deregulation Act that in most areas will not apply in Wales, they are working to a differing timescale to English legislation.

RC – Echoed AW and CM comments and that project funding (capital) had drawbacks from a staffing point of view. With legislative reform there is much in the changes for streamlining which would be a reason why many authorities may have desired earlier cut off implementation

MB – Reiterated previous comments concerning budgets and current levels are

insufficient for current demand – Also felt that politicians at a local level are not properly aware of the strains on the system to enable local investment.

CH – Corrected RC in that the legislation can be brought in even if the cut of date was some years away

MO - Agreed that it needs full implementation but felt that user groups were campaigning only on the cut off concerns. MO felt that ADEPT could hopefully influence senior officer level ADEPT members to ensure the messages we have concerning being under resourced as a working group are properly recognised.

JW – c. one year ago the SW group preferred the current deadline being implemented otherwise greater numbers of Lost Ways (potentially with less value than cherry picked cases) will be received. Felt that capital schemes required greater levels of programme investment and that funding is shifting from revenue.

PH – Wanted to see the survey used to inform the rural travel and transport paper being prepared by DfT and hopefully to receive dedicated and long term funding and investment. HB mentioned that DfT had put out a call for evidence which ADEPT had already responded to but can feed in further. MO felt that previous had not reflected well on walking and/or cycling or that these were valid travel opportunities.

MB – Responded that cycling projects have been recipients of high levels of funding but that doesn't seem to get aligned to PROW work. Also that officers had been too good at papering over the cracks and managing a poor situation.

HB suggested that a press release regarding the survey was required and will have further analysis done on the survey before submitting findings to DEFRA and DfT

**ACTION HB – Have a press release prepared alongside further analysis.**

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## 5) Survey of ORPA's in the SW region - PH



ORPA SW ADEPT  
questionnaire answer

A spreadsheet is to be circulated so that regional discussion can be had. PH

had analysed the number of DMMO applications for ORPA routes as they are concerned about losing them by being only on UUCR network as they may not be saved in the regulations.

Feels it needs addressing before the cut-off date is announced.

CM felt that user groups are concerned that the regulations may not "save" rights on these routes.

MO outlined that Durham has worked with BHS and is seeking to assure volunteers that routes will not simply be removed from the List of Streets but there is a lack of trust of authorities by user groups.

RC echoed Peters comments that there are significant applications being received in Hertfordshire although they are often low priority until a direction to determine are made. Certainly a growth area of work – "we are the inheritors of 75 years of bad practice in managing the List of Streets.

PH & SB – Asked whether Defra would be able to support reviewing this issue

EMcW – Similar situations found across Leicestershire.

MB – Agrees concerning ORPAs and would not want to see any form of declaration that they are vehicular as that is unproven and is certainly not the case.

CM – Protection from the regulations is what is required

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## 6) Orders work during Lockdown PH

### **PH had met with HB, CM, CH and CC-G and Sion McGeever (Deputy Director Defra)**

Discussion concerning how orders were advertised during lockdown and where documents need to be on deposit

CC-G is talking to other departments as to what is safe and appropriate but has struggled to find an appropriate individual.

It had been raised that this now needs to be a forward looking piece as current lockdown will be passed.

AW pointed out that similar concerns had been raised in Wales but no joy had

been found there.

EMcW raised the issue of Pins backlogs and also how Planning Inspectors will treat orders where the letter of the Law wasn't adhered to even if there had been no prejudicial effect

MO – felt the risk was minimal and that authorities had pressed on but understands that in other areas there may still be risk.

CM – Requested that Defra considered a national approach to this as opposed to local authorities determining what actions they should individually take.

AW pointed out that similar concerns had been raised in Wales with Welsh Government for amendment of order publicity provisions in the Covid Regs but no joy had been found there.

**ACTION - Defra to continue to assess what opportunities there may be.**

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## 7) **LCSG Questions & New Bridge Design Opportunity RC**

RC introduced the piece from the Cross Industry Level Crossing Strategy Group and the three questions being posed

- What predictions do we have for usage of PROW post Covid?

General Discussion - Difficult to say but certainly the rise will be sustained to some extent as evidenced by local landowners. Logic suggests that this increase will decline to some extent but will not go back to pre-covid levels.

AM highlighted the Natural England People and Nature Surveys (formerly MENE) which may aid in studying this.

AW also mentioned a Bangor University joint study of Strava data to consider the level and distribution of footfall across the whole network by foot and cycles that may be of use when considering the impact of use and changes in numbers during 2020 as a result of the CoVid situation.

- Are we, as stakeholders in the wider level crossing system, aware of issues on all sides of the equation to reduce risk and help lead on safety at LCs? – Do we have that industry knowledge rather than relying on NR?

Cannot give a full response as it depend on the level of "investment" by individual local authorities but mutual training through IPROW will aid in

embedding the new principles alongside strengthened Road Rail Partnerships. This is already being discussed with Geri Coop – Training Officer at IPROW

- ADEPT Bridges Group & IPROW member awareness of the offer of a presentation on the new modular, FRP bridge design led by Andy Cross for NR

Design circulated for later comment – RC mentioned that other designs are being formulated (ramps etc) and that the price difference is quite stark (c.£300 from £1.5m)



FRP Prototype  
Footbridge Presentat

**ACTION – ALL – Provide comments to RC post circulation of the design (attached)**

**ACTION – RC to report back to the Level Crossing Group**

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## 8) Natural England Update - AM

Countryside Code

AM presented that the Code had been revised and can be found at

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/972348/countryside-code-leaflet.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/972348/countryside-code-leaflet.pdf)

Following discussion the group felt that some user groups may prefer to see a removal of the negative symbols and that the group supported that view.

**ACTION – AM to advise that ADEPT would wish to see the negative symbols removed.**

ELMS – Sustainable Farming Initiative is the broader lower tier and it is possible that access options may be located within this – Needs to be discussed with ADEPT and IPROW

**ACTION – AM to contact SB and CM to progress discussions**

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## 9) Reports from the Regions

West Midlands – Seeking training about Land Registry documents – IPROW are trying to put something together with the Land registry based on previous LR webinars

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## 10) Horizon Scanning

Knowledge that Extinction Rebellion are intending mass trespass events and it was asked whether anyone was aware of this (due on 24 April) AM said that the NFU had raised it with the Home Office but that there seemed to be limited interest on the Facebook pages and no discussion.

Also there was a concern that in the Police and Crime Bill that trespass was to be made a criminal offence.

HS2 – Green Environment Fund is now open for area phase 2A affected areas and may allow for access improvements.

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## 11) AoB

Respect the Range  
Secretarial Rota pending ADEPT assistance –

**ACTION – CM to prepare rota (below) for Regions to volunteer a member to attend alongside the Chairman to take minutes.**

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## 12) Future Meetings

- TBC before RC has to present to Level Crossing Strategy Group. SB to circulate appointment

Beyond that meeting we will revert to meeting every 3 months.

## SECRETARY ROTA FOR RWMG

<b>Date</b>	<b>Secretary</b>	<b>Completed</b>
March 2021	IPROW	Yes
TBC	West Midlands	
TBC	South West	
TBC	East Midlands	
TBC	Eastern	
TBC	Northern	
TBC	Wales	
TBC	MAG	
TBC	South East	