

Public Rights of Way

Annual Report 2009-2010





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1.0 Introduction

Exmoor National Park Authority, through formal delegated agreements with Devon and Somerset County Councils, is responsible for maintaining the public rights of way network within the National Park boundary.

This report is split in to three sections:

- **Maintenance**
- **Improvements**
- **Project management**

2.0 Background

The definitive network extends to almost **1,000km** (footpaths 438km, bridleways 464km and Restricted Byways and Byways Open to All Traffic 64km).

The rights of way network provides the key access asset for enjoying the National Park's special qualities. Allied to the 18,000ha of access land, this offers unrivalled access to Exmoor's environment on foot, horseback and bicycle.

The Visit Exmoor visitor survey (2005) revealed the following:

- 59% of visitors cite outdoor activities as a reason for visiting the area.
- 76% of visitors undertake a short walk
- 47.5% a long walk.

The network and access land should be seen as key drivers for the tourism economy.

3.0 Maintenance – legal requirements and condition standards

The statutory requirement is for the Highway Authority to maintain the surface of the right of way in a condition suitable for its intended use and to assert the rights of the public. Users should be able to pass and re-pass without let or hindrance.

In addition, condition standards have been adopted for 'ease of use', known as BVPI 178, using a nationally recognised methodology. Annual surveys are undertaken for a 5% sample of PROW in the National Park and the proportion of the PROWs in Exmoor National Park that met the '**ease of use**' indicator standard in 2009/10 was **93%**.

Previous year's results were:

2006/07	43%
2007/08	88%
2008/09	87%

The Exmoor National Park Management Plan target is to have **95%** of the network '**easy to use**' by the **end 2010/2011**.

Devon County Council target for 2009/10 was 96%.

Somerset County Council target for 2009/10 was 81%.

There is also a statutory requirement to signpost a right of way where it leaves a metalled highway unless there is an agreement with the local parish council that it is not necessary to do so.

3.1 Paring (cutting of overhanging vegetation and undergrowth)

Under Highways legislation, it is the landowner's responsibility to cut/remove overhanging vegetation across or beside a public right of way. The Authority should ensure this is done as part of its duty to protect and assert the rights of the public and has the power to serve notice on the landowner.

It is the responsibility of the Highway Authority (and Exmoor National Park Authority as their agent) to manage vegetation growing up from the surface of the public right of way (undergrowth).

In many locations the Authority exercises its power to cut overhanging vegetation in recognition of the promotion of access to and enjoyment of Exmoor's countryside. This is an activity above and beyond the requirements of the delegation agreements and is funded from the National Park Authority's own resources. Enforcement of non-compliance would require additional resources/changes in staffing were we to take this approach instead.

280 km of routes are **pared annually** by the Authority.

3.2 Drains

Removing water from a public right of way is critical to its long term sustainability. With increasing numbers and severity of extreme weather events, serious erosion issues are occurring and increasingly, footpath and

bridleway surfaces are eroded to bedrock. This is likely to increase and become a significant and increasing draw on resources.

Through the delegation agreement, the Authority has the power to install drains. Routine maintenance of these drains is required to keep the surface of the right of way in a condition suitable for its intended use as part of the Authority's duty to maintain the way.

1,700 drains are **maintained** per annum

3.3 Obstructions

Obstruction of a public right of way without lawful authority or excuse is a criminal offence. Highway Authorities have the duty to prevent obstructions as far as possible and to ensure removal of obstructions and the powers to serve notice on the landowner to this end.

However, the Authority routinely exercises its powers to remove obstructions (such as fallen trees) from the network in recognition of the importance of promoting access to the National Park. This is an activity above and beyond the requirements of the delegation agreements. Enforcement of non-compliance in such instances would require additional resources/changes in staffing were we to take this approach instead.

108 obstructions have been removed in 2009/10.

3.4 Rights of Way Furniture: Gates, stiles and signposts

Highways legislation only requires a 25% contribution from the Highway Authority towards access furniture (gates and stiles) with the rest being provided by the landowner. However, the National Park Authority chooses to supply and install access furniture to ensure high standards and consistency across the National Park network. The following items have been constructed for use on the network.

Item	2007/08	2008/09	2009/10
Gates	185	107	120
Signposts	1150	1469	1338
Stiles	8	0	5

185 bridges are maintained by the Authority through its delegation arrangements - 138 in Somerset and 47 in Devon.

Timber used in the fabrication of rights of way furniture on the network is predominantly sourced as a by-product of the Authority's sustainable management of its woodland estate. This timber is FSC certified.

The design of the furniture adds to the local distinctiveness and recreational experience on Exmoor. Every gate, stile and signpost is bespoke and the vast majority are installed by the Field Services Team.

3.5 Legal events

The Authority has its own powers concurrent with those of the Highway Authorities to undertake legal work to create new, or divert existing, public rights of way. These are powers rather than duties. In the last twelve months, processing of one diversion order has been completed (at Fellingscott, Devon) and twelve other applications are awaiting attention.

3.6 Routes off the definitive line

Legal work will also be used to address a number of off definitive line issues, of which initial discussions have been started on at least 19 cases and diversion orders are expected to be made within the financial year 2010/11 for a further 4 issues on Authority land.

Within the National Park 245 locations have been identified through a combination of survey and record analysis undertaken since 2008/09 where the path on the ground did not coincide with the legal definitive line. Some issues have been relatively straight forward to resolve, others will require negotiation and potentially legal processes as outlined above.

51 issues have been **resolved** and routes returned to the definitive line with a further 55 in progress.

3.7 Major works

Major works are defined as those projects which are beyond routine maintenance and require significant additional resource input in terms of labour and /or materials (typically requiring more than 15 person work days per project).

During the past year **10 major works** projects have been completed.

- Wier Water
- Digland Lane
- Windypost
- Bratton to Wydon
- Broford Byway
- Southhill Stepping Stones
- Great Birchcleeve
- Pittcombe Head
- South Stock Common
- Burr ridge Woods

Images indicating the scale of some of the remedial works required are shown below with images of completed projects where available.

- Digland Lane (6 days + plant hire £450)

Before



After



- Windy post (4 days + materials £375)

Before



- Bratton to Wydon Path (8 days)

Before



- Broford Byway (10 days + plant hire & materials £1500)

Before



After



- Southhill Stepping Stones (2 days)

Before



- Pittcombe Head (16 days + £1500)

Before



After



- South Stock Common (10 days + plant hire £250)

Before



Burrige Woods (Contractor £2500)

Before



After



With increasing extreme weather events and increases in rainfall and subsequent rainwater run off, there will be an increasing demand to undertake such works.

4.0 Improvements and the Rights of Way Improvement Plan (ROWIP)

The Exmoor ROWIP is detailed as a 'chapter' in each of the County Councils ROWIPs. This document frames the areas and priorities for improvements to the network above and beyond the delegated statutory functions. A summary of progress against the ROWIP is attached **at appendix 1**.

4.1 Permitted Access

The Authority also negotiates and helps to maintain **117 kms of permitted access** enabling strategic links to be made in the definitive network.

4.2 HLS and agri-environment scheme*

The Authority plays an important role liaising and advising both landowners and Natural England relating to additional access arrangements through agri-environment schemes. Currently, this access includes:

- Permissive footpath access:
12 agreements 19,383 metres
- Permissive bridleway / cycle path access:
5 agreements 19,028 metres
- Upgrading access for cyclists/horses:
4 agreements 15,029 metres

A total of **53.6km** of additional access have been added to the network as a result of agri-environment schemes.

(* Figures from Natural England)

5.0 Project management and support for wider access management

Physical maintenance works are undertaken by the Field Services Team with project management, landowner liaison and conflict resolution resting with the Ranger Team.

5.1 Response times

In the financial year 2009/10 74% of the 2180 logged faults were resolved within 3 months.

5.2 Rights of Way surveys (Parish working days)

The whole network is surveyed on a two year cycle to maintain information as up to date as possible and to keep maintenance to a high standard in a proactive manner. Surveys are primarily undertaken by the Ranger Service.

5.3 Local Access Forum

As the Access Authority, the National Park Authority supports the functioning of the Local Access Forum (a statutory panel set up as a result of the Countryside and Rights of Way Act 2000). The Forum is independent of the Authority and advises on issues affecting access and recreation on Exmoor.

The Forum is actively involved in developing and monitoring the ROWIP.

5.4 Volunteers

Volunteers are actively involved in supporting the efforts of the Ranger and Field Services Teams. For example, 43 volunteer days have been coordinated surveying and path checking on the Coleridge Way.

5.5 Liaison with users

The Authority is in regular contact with individuals and representatives of users within and beyond the National Park boundary. These include Ramblers' Association, British Horse Society, and West Somerset and Exmoor Bridleways Association.

5.6 Liaison with landowners and land managers

The Authority is in regular contact with landowners and land managers and the staff teams are uniquely positioned to be able to assist, advise and support management arrangements that reconcile potential conflicts between and benefit all parties.

5.7 Strategic planning

The Access and Recreation Team works in partnership with Devon County Council and Somerset County Council rights of way teams to ensure consistency of approach for users and landowners. Advice and guidance is shared with regard to approaches on prioritising work, agreeing standards and sharing best practice.

Staff teams also liaise closely on regional route development (Two Moors Way, Coleridge Way, Tarka Trail, Exe Valley Way) and with the South West Coast Path Team.

5.8 Costs

The Authority allocates 2558 staff days to manage, maintain and enhance the rights of way network. The associated costs (including overheads, vehicles, plant, materials, equipment, salaries etc) are estimated to be in excess of £500 000. In addition, there is a 'projects budget' of £41000.

The contribution from the highways Authorities towards these costs for 2009/10 was £117,000. (£21,000 DCC, £96,000 from SCC).

Key references (and for definitions)

National Parks and Access to the Countryside Act 1949
Countryside Act 1968
Highways Act 1980
Wildlife and Countryside Act 1981
Road Traffic Regulation Act 1984
Road Traffic Act 1988
Public Rights of Way Act 1990
Town and Country Planning Act 1990
Environment Act 1995
Countryside and Rights of Way Act 2000
Natural Environment and Rural Communities Act 2006

Appendix1

PROGRESS SUMMARY FOR THE EXMOOR NATIONAL PARK AUTHORITY'S RIGHTS OF WAY IMPROVEMENT PLAN ACTIONS.

Current ROWIP Action	Progress notes
D1. The National Park Authority will work with landowners to dedicate as definitive public rights of way those sections of the South West Coast Path which are not public rights of way at present	Progress on this action includes dedication of the coast path route at x and Crock Pitts. Further effort has been put on hold following the enactment of the Marine and Coastal Access Act 2009 which includes the creation of legal route around the entire coast of England.
D2. The National Park Authority will produce an annual action plan to implement improvements.	Actions from the ROWIP are integrated into the National Park Authority annual business plan.
D3. When considering suggestions for the creation of new routes, priority will generally be given to multi-user routes where these are appropriate – i.e. creation of restricted byways or bridleways and routes suitable for those with restricted mobility.	Policy adopted. This approach has been integrated into our ROWIP field scoring methodology.
D4. The National Park Authority will adopt a formal policy to ensure that least restrictive path furniture is used when considering changes to the network and when existing furniture needs replacing. The priority should be gap, then gate then stile if absolutely essential. Latches should also be easy to operate.	Policy adopted.
D5. The National Park Authority will only provide furniture that is the least restrictive option (whilst having due regard to the needs of livestock control). Where a gap or gate is considered adequate but a landowner requests a stile then only 25% contribution will be made by the National Park Authority. Where it is agreed that a stile is only option then the National Park Authority will undertake all works.	Policy adopted.
D6. The National Park Authority will investigate and develop an Exmoor Parish Paths Partnership scheme.	The Exmoor National Park Authority dedicated volunteer support officer and Rangers support a number of Exmoor Path Watchers and volunteers from the Highway Authority Parish Path Partnership Scheme
D7. The National Park Authority will adopt a route classification scheme for maintenance purposes based on variables such as surface type location	A route classification and work prioritisation scheme has been devised and adopted in consultation with the Exmoor Local Access Forum

and type of use.	
D9. The National Park Authority will ensure that way-marking is consistent throughout the National Park using best practice from Devon County Council Public Service Agreement.	The National Park Authority has achieved a consistent approach to way-marking on public rights of way throughout the National Park.
D10. The National Park Authority will address problems where used routes are not on the definitive public right of way and remove obstructions.	245 off-line issues have been identified on the public rights of way network. To date 52 issues have been resolved.
D11. The National Park Authority will ensure its policy on public transport, cycling, horse riding and walking will include enhancement of and links to the existing rights of way network when considering applications for new developments.	Rights of way issues are negotiated when they are relevant to a planning application. Recent examples of new routes negotiated as part of a planning application include the new link paths near Tarr Farm and at the Cutcombe Market site. All planning applications that affect public rights of way are reviewed by the Authority's Public Rights of Way and Access Officer
D12. The National Park Authority will, when revising the Local Development Framework, include open access land in policy to protect the interest of users.	As public access rights are not protected through the planning system this action is unlikely to add anything to the planning process.
D13. The National Park Authority will seek to encourage formal areas where motorized recreation can be managed on private land by landowners. There is the potential for private landowners to make a business catering for 4x4s and motorcycles on suitable land, removing pressure from more sensitive areas.	A number of formal areas exist on private land within and near to the National Park catering for 4x4s and off road motorcycle recreation.

Partnership Working:

Current ROWIP Action	Progress notes
PW1. The National Park Authority will work with Parish Councils to promote circular routes around settlements and improve accessibility.	Circular routes have been developed at Parracombe and Nettlecombe
PW2. The National Park Authority will work with accommodation providers to create 'cyclist-friendly' accommodation.	No specifically relevant action undertaken to date, however schemes such as the Exmoor Cycle route and Exmoor mountain bike map have helped support/encourage more cyclist visitors.
PW3. The National Park Authority will encourage the development of one or more sites on Exmoor suitable for the sectors of off-tarmac cycling which cause real conflict.	Downhill mountain bike facilities were developed at Combe Sydenham Country Park and off road cycling has been promoted on Crown and Forestry Commission Land around the Dunster area.
PW4. The National Park Authority will work with County Councils, Parish	This has not been achieved as the Field Fair Trust report that we commissioned

Councils and people with disabilities to progress the creation of all ability routes with an aim to improve and promote at least one per parish.	advised a different approach (see ROWIP action PW11)
PW5. The National Park Authority will develop partnership working with other interested organisations to address issues of social exclusion.	This action has been pursued via the Heritage Ambassadors and Green Ambassadors Schemes, the MOSAIC project, support for the Calvert Trust as well dedicated core staff roles for outreach work and volunteer support
PW6. The National Park Authority will negotiate a memorandum of understanding with English Nature regarding maintenance of public rights of way which cross SSSIs.	Complete
PW7. The National Park Authority will look at formally adopting a contingency planning policy in line with neighbouring authorities.	The Authority has a Business Continuity/Disaster Recovery Plan and a risk management strategy which covers all its activities and is updated annually.
PW8. The National Park Authority will work with landowners to look at ways of integrating public access benefits with environmental benefits and help facilitate access funding through DEFRA environmental schemes.	Policy adopted. We continue to liaise and provide advice to landowners and others in relation to any agri-environment schemes that offer access payments.
PW9. The National Park Authority will develop partnership working with tourism organisations to look at improving information and physical links for visitors.	Exmoor Tourism Partnership (which includes Exmoor National Park Authority) has been established to improve information and promotion to encourage National Park visitors.
PW10. The National Park Authority will work with landowners to attain funding for priority routes on their land.	Policy adopted. We continue to liaise and provide advice to landowners and others in relation to any agri-environment schemes that offer access payments. (see PW8 above)
PW11. The National Park Authority will work with groups representing people with disabilities to produce route descriptions (gates/slopes etc) to enable people with disabilities to make their own choices as to what is suitable for their particular needs.	The Exmoor for All report was completed on our behalf by the Field Fair Trust. The recommendations of this report are being pursued via improved information and further consultation. We have met with the Somerset Access and Inclusion Network and Living Options Devon.

Ongoing Action:

Current ROWIP Action	Progress notes
O1. The National Park Authority will seek opportunities to route the Coast Path as close to the coast as possible, whilst ensuring it is safe for all to use. Where erosion necessitates a diversion, signing and information in	Policy adopted. The coast path has been routed closer to the sea at Crock Pitts, Culbone Woods and Lynton. Further improvements in this area may be achieved by the implementation of the Marine and Coastal Access Act 2009.

accordance with national trail standards, will ensure that it is easy to follow.	
O2. Where the level of use of a route is causing or has caused such damage that it cannot be repaired without heavily changing the character of the track and the surrounding area, Government guidance will be followed looking at voluntary and statutory restrictions on its use.	Policy adopted.
O3. When ground conditions are extremely wet and vulnerable to damage, restrictions on use may be used in line with Government guidance to prevent excessive damage being caused.	Policy adopted.
O4. The National Park Authority will continue to seek dedication of permitted routes to public rights of way and new creations.	Policy adopted. This has been achieved on the following routes: Aville Farm, Withycombe Hill, Dean Lane, Crock Pits, Stock Common

Public Information:

Current ROWIP Action	Progress notes
P1. The National Park Authority will work with users to produce a graded cycle map of Exmoor allowing users to choose their own routes.	Action completed.
P2. Education should continue to be targeted at users and others as to what rights for mechanically propelled vehicles exist. Signing sites where illegal use is occurring should be followed up by prosecution of persistent illegal users by the Police.	Policy adopted. A leaflet campaign was carried out in Devon and additional information has been provided on site at all Restricted Byways as well as general information in the Exmoor Visitor publication and on the Exmoor National Park Authority website. Exmoor National Park Authority has also worked with the Police, Somerset County Council, and others to develop the Somerset Path Watch Scheme.
P3. The National Park Authority will make access information more readily available and easily accessible to all potential rights of way users. This will include the development of web based maps and guides and work with Parish Councils.	Simple gradient mapping of our public rights of way network is now available on the Exmoor National Park Authority website. Our access pages on the Exmoor National Park Authority website are regularly updated with path closure information and open access restrictions and this information is also available via our National Park Centres. A Google map facility has been made available on the National Park Authority

	website to indicate access information. Over 40% of permissive rights of way within the National Park are shown on the National Park Authority website.
P4. The National Park Authority will continue to inform Landowners and the public of their rights and responsibilities in relation to public rights of way.	This information is provided via our website, in the Exmoor Visitor publication, via the reviewed parish information boards, via National Park Centres and via our guided walk programme. We regularly work with landowners one-to-one and via other methods, providing advice, assistance and responding to their concerns, user concerns and network faults.
P5. The National Park Authority will record and make publicly available, information regarding permitted routes.	All permitted routes, where appropriate landowner permission has been received, are shown on the National Park Authority website. This figure currently stands at over 40% of the permitted routes of which we are aware.
P6. All future access information produced by the National Park Authority will provide information on car free transport options where available. This will include contact details of national transport information providers.	Public transport information is available in the Exmoor Visitor publication and for the National Park Authority guided walk programme. The Explore Moor website dedicated to public transport on Exmoor is due to go live in 2010/11

Research:

Current ROWIP Action	Progress notes
R1. The National Park Authority will undertake future research to gain further information on the specific needs of users on Exmoor for the first rights of way improvement plan review.	A public rights of way condition and satisfaction consultation was carried out in 2001 and 2004. Priority routes for improvement have been provided by the West Somerset and Exmoor Bridleway Association. Ongoing communication with the public and parish councils provides information on problems, needs and priorities.
R2. The National Park Authority will undertake further research with local carriage driving groups to ascertain local need for future provision of suitable routes and physical requirements.	No further research has been undertaken relevant to this action.
R3. The National Park Authority will undertake an audit of existing public transport services and work with Devon and Somerset County Councils to see how these can be improved.	An action plan has been drawn up by the Exmoor Transport Partnership (Public Transport) to better co-ordinate and promote public transport services within Exmoor. A new summer service (401) linking Dulverton with Lynmouth was piloted in 2008 and will be running for the third year in 2010, along with the Moor Rover which

	<p>was re-established in 2009 operating for 3 months in the high season providing demand responsive minibus travel in areas not otherwise covered by public transport. A new website, www.exploremoor.co.uk will be launched in the summer containing ideas for car free walks and activities as well as interactive mapping and links to timetables etc.</p>
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