

Peak District Local Access Forum

Date: Thursday 6 June 2019

Item: 7

Title: Derbyshire's Rights of Way Improvement Plan – Update

Author: Gill Millward, Countryside Access Improvement Officer,
Derbyshire County Council

Purpose of Report

To present Forum members with an update on progress towards delivery of Derbyshire's Rights of Way Improvement Plan.

Progress to June 2019

Below is a summary of the main work in progress in relation to each of the five RoWIP aims:-

Aim 1: Existing Public Rights of Way network

- **Path condition surveys** to assess the ease of use of the network are still continuing, with results from May's survey currently being collated. The steady decline in the overall pass rate since 2013/14 was reversed slightly in 2018/19 when the result increased to 61.7% (up from 61.2% in 2017/18). The target for this year remains at 72.5% and we will continue to analyse why paths are failing the assessment
- **Surface improvements:** Repairs to Hurstclough Lane, near Bamford are still due to commence in July 2019 and expected to run for 6-7 weeks. Discussions are continuing with regard to the solution for Bamford Clough and further work on Chapel Gate
- **Route Management:** A report on the County Council's proposal to make a Traffic Regulation Order prohibiting mechanically propelled vehicles from using Stoney Middleton Byway Open to All Traffic No.15, known as Jacobs Ladder, is due to be presented to the next meeting of the Cabinet Member for Highways, Transport and Infrastructure

Aim 2: Definitive Map and Statement

- In terms of dealing with the **backlog of legal orders**, since the beginning of March 2019, an agreement has been brought into effect creating a 264m public bridleway between Mag Lane and Poulter Country Park, near Whaley Thorns, as part of the Archaeological Way
- The joint Peak District/DADLAF Sub Group, concerned with issues surrounding **Unrecorded Ways** and the 2026 cut-off date, met on 17 May 2019. The main purpose of the meeting was to consider the outcomes of the

meeting with the British Horse Society on 24 April, along with the next steps to be taken. The minutes of the meeting of the Unrecorded Ways Sub Group are attached to the end of this report.

Aim 3: An improved network

- **Greenway/ Cycle Route Development and Maintenance in 2018/19:** A total of 9.25km of new Greenways/ Cycle Routes was achieved in 2018/19, exceeding the 8km target for the year and bringing the total length of the off-road network to 411km. In addition to this, maintenance projects have provided new surfaces/ drainage on parts of the Pennine Bridleway National Trail and High Peak Trail. The recent completion of repairs to Hopton tunnel and several sections of retaining wall, along with the installation of a temporary bridge to replace the one at Longcliffe damaged by a lorry strike back in April, enabled the High Peak Trail to be reopened just in time for the Spring Bank Holiday
- **Investment:** a total of £1,978,953 of Local Transport Plan (LTP3) funds have been allocated in 2019/20 to be spent directly on public rights of way or RoWIP related projects. This will enable further work to be carried out on several Key Cycle Network/ Greenway schemes, including Clowne Branch Line, Hipper Valley Phase 3, Little Eaton Branch Line, Avenue site in NE Derbyshire, White Peak Loop and the Archaeological Way in Bolsover. However, progress on these schemes will be very much dependent on the availability of Project Officer time. The LTP funding will also pay for repairs on sections of the Pennine Bridleway, Trans Pennine Trail, Five Pits Trail, Skegby Trail, Stockley Trail and Peak Forest Tramway, as well as accessibility improvements on the Trans Pennine Trail (between Inkersall and Staveley) and safety improvements for horse riders on the Batley Lane crossing of the Skegby Trail, near Pleasley
- **Other external funding:** The County Council has recently accepted two grant offers from the Pennine National Trails Partnership on behalf of Natural England (totalling £36,707) towards the costs of employing a Pennine Bridleway Maintenance Officer and for carrying out works on the Trail in 2019/20. We have also received confirmation of the grant award of £584,730 from the European Regional Development Fund (ERDF) towards the costs of delivering the Clowne Branch Line Greenway Project which is currently underway. All three grants will be supported with match funding from Derbyshire County Council
- **Local Cycling and Walking Infrastructure Plan (LCWIP):** A workshop was held at County Hall in West Bridgford, Nottingham on 18 April with partners and key stakeholders, including a representative from DADLAF, to provide an update on the on-going technical work to develop the LCWIP for the Derby, Derbyshire, Nottingham, Nottinghamshire (D2N2) area. The focus for the day was to discuss the emerging priority cycling schemes by theme (eg tourism, congestion) for each of the three sub-areas, as well as progress with the walking element of the LCWIP. The deadline for the draft Plan to be presented to the Department for Transport is November 2019

Aim 4: Improve the promotion, understanding and use of the network

- A programme of **countryside events** and festivals is underway at our destination sites across the county, with many aimed at encouraging people to get out and about and become more active. As well as promoting the County Council's countryside destinations and visitor centres, the brochure also contains information about volunteering opportunities, public transport and the network of Public Rights of Way and Greenways across the county for people of all ages and abilities to enjoy. Printed copies of the brochure are now available, with the downloadable version live on our website at: www.derbyshire.gov.uk/countrysideevents
- **The Derbyshire Cycling Plan:** Work is nearing completion with regard to the appraisal of all sections of the emerging Key Cycle Network (KCN) for the County. It is anticipated that a report will be presented to Cabinet over the summer in order to put in place a strategic network serving commuter travel, leisure and tourism needs, and to establish priorities for investment by identifying the most important routes to be developed or improved

Aim 5: Greater community involvement

- **Volunteer contribution:** volunteers working with the Countryside Service in 2018/19 have contributed 2,463 days to rights of way/access work, estimated to be worth around £512,423. These figures are down on previous years
- The Service Level Agreement/Accord with the **Peak District National Park Authority** continued in 2018/19 with £20k funding from Derbyshire County Council. National Park Rangers and volunteers carried out work on a number of routes, involving signposting/ waymarking, path furniture, drainage and vegetation clearance, bringing welcome improvements to the network
- The Service Level Agreement with **Groundwork Greater Nottingham** (formerly Groundwork Creswell, Ashfield and Mansfield) is being extended for a further 12 months. 365 volunteer days were delivered in 2018/19 and 23 new volunteers recruited. Dedicated groups of volunteers worked on rights of way in South Derbyshire and the High Peak, as well as on the Pennine Bridleway, Clowne Branch Line and White Peak Loop (with a new group being set up for the Matlock to Rowsley section), carrying out much needed maintenance and improvements. Action days with local residents in Little Eaton also delivered some very valuable rights of way and conservation tasks
- The Rights of Way team continues to operate its **minor maintenance scheme** with around 82 parish/town councils actively participating and bringing added value to the work of the County Council
- A press release/ guidance note is being produced on the issue of **Livestock and Rights of Way** in conjunction with the Derby and Derbyshire Local Access Forum and National Farmers Union to provide people with advice about how to react when they encounter farm animals in fields or on open access land

Ten Year Review of Derbyshire's Rights of Way Improvement Plan

Work is continuing towards the review of Derbyshire's Rights of Way

Improvement Plan. As part of the review process, the County Council is required to make a new assessment of the extent to which local rights of way meet the present and likely future needs of the public, including those with a disability or limited mobility.

It is our intention to work closely with both Local Access Forums during the review process, mainly through the joint RoWIP Sub Group, so we can draw on members' invaluable knowledge and expertise. The LAFs' input will be used to inform any public/stakeholder consultation which is undertaken.

A joint RoWIP Sub Group meeting with members of both Local Access Forums was held on 26 April 2019 will also help to inform the new assessment. This focused on the current condition and extent of the local rights of way network. A verbal update will be provided at the LAF meetings in June and notes will be circulated in due course.

Recommendations:

- 1) That Forum Members note this progress report for delivering Derbyshire's Rights of Way Improvement Plan.
- 2) That Forum members note the minutes of the meeting of the Unrecorded Ways Sub-Group held on 17 May 2019 and endorse the action taken.

Joint DADLAF/ Peak District LAF Unrecorded Ways Sub Group Meeting held on Friday 17 May 2019 at 10.00am - Shand House, Darley Dale

Sub Group's Aim - to explore what the LAFs can do to facilitate the registration of unrecorded rights of way based on historic (pre-1949) evidence. Raise public awareness and guide the work of others - bring interested parties together and encourage collaborative working, as well as identifying where assistance is needed, how it might be provided and managing people's expectations.

1) Present: DADLAF: Claire Brooks, Geof Cole, Ian Else, John Morrissey and Brian Nickolds. Peak District LAF: Charlotte Gilbert, DCC: Gill Millward, Others: KH, LH and BT

2) Apologies: RB, KB, FE and CM

3) Notes from Unrecorded Ways Meeting with the British Horse Society (BHS) - Wednesday 24 April 2019 at 10.00am - Shand House, Darley Dale

Present: BHS: Will Steel (2026 Project Manager), DADLAF: Geof Cole, Claire Brooks and John Morrissey, Peak District LAF: Charlotte Gilbert, DCC: Gill Millward, Others: RB, KB, LH and FE.

BHS Project 2026: Will explained that with support from Sport England, matched by its own funding, the BHS is able to offer a £100 grant towards the costs involved in researching and submitting a Definitive Map Modification Order (DMMO) application. Certain criteria have to be met and further details can be found on the BHS website. There is a target to submit 2,700 applications based on historic evidence for at least bridleway status by March 2021, along with an aim to get as many documents on-line as possible using Cloud storage. These include Enclosure Awards, Tithe Maps, 1910 Finance Act records/ land valuation maps, Quarter Sessions, Public Path Orders/ Side Road Orders, railway and canal plans, turnpike trust records, handing over schedules, parish claims, original definitive maps etc. This will have the added benefit of protecting the documents by reducing the number of times they are handled. Increased accessibility to this information will also speed up the process of submitting DMMO applications. **ACTION: GM and WS to meet and discuss with staff at Derbyshire Record Office**

This was a key part of the process for the Group and it was crucial to get claims accepted as valid applications by providing as much evidence as possible as soon as possible (will need to be sufficient to pass the basic "7 stars" evidence test). The BHS would be willing to arrange and fund the photographing of Derbyshire's 1910 Finance Act information which is kept at the National Archive in Kew. **ACTION: WS to pursue this**

Other documents (parish claims, definitive maps, handing over schedules and public path orders) have already been scanned/digitised by DCC. Several people at the meeting were already carrying out a considerable amount of research and gathering lots of information. FE is systematically going through

Enclosure Awards and producing transcriptions. This was thought to be a good approach and the BHS already relies on local transcripts of Enclosure Awards. It was noted that the meaning of “private carriage road” was being challenged in Lincolnshire and it was pointed out that it is necessary to look at the wording of the Enclosure Act under which the Award is made.

One of the biggest challenges is how to make the research more coordinated and systematic across the county, as well as finding a way of linking up with other organisations, such as local history societies who may have expertise in interpreting old documents, but not necessarily about public rights of way themselves. It was suggested that there needs to be a way of dividing up the county so there is full geographical coverage. **ACTION: LH offered to look at this if GM can provide a list of Districts and Parishes in a simple excel spreadsheet.**

There also needs to be enough people to take on each of the areas - the BHS has found that there are lots of people willing to get involved, but quite often only for their own little patch. There would also need to be a clear remit on what people are being asked to do, along with some sort of mentoring system and vetting of applications (RB does this already for PNFS). Or could a small team of people working together in a co-ordinated way achieve this – if all the information was available on-line then there could be a trained up team set on to go through it all. **ACTION: CB agreed to draw up a structure of what could work and pull this together in a single document.**

It was pointed out that once all the details have been entered onto the Dobbin 2026 database, it automatically fills in the DMMO application form. The database is continually being improved and it was agreed that it would be useful to have a further training session which Will Steel offered to run in conjunction with DCC. **ACTION: WS & GM to organise for September 2019.**

There was also a need to share information between different user groups, for example, if horse riders find evidence for footpath or walkers find evidence for bridleway. Greater interaction can be encouraged via facebook, by messaging people in the private group (Derbyshire 2026) which currently has 40 members or the email discussion group. LH has left his contact details with the Derbyshire Record Office staff to pass on to anyone who is interested in getting involved in researching Lost Ways. **ACTION: GM to ask if the Group can put some information on a noticeboard at the Record Office.**

It was agreed that there needed to be an on-line library set up for Derbyshire providing a central reference point to store historic documents and other evidence, including photographs which people have taken of documents. Cloud storage would be good for this and BHS Derbyshire has offered to fund this (there is a one-off cost of £320 for life time storage on pCloud). Someone would also need to manage and catalogue the information. It would also make sense for people to photograph an entire document at the Record Office whilst they have it and make that available. **ACTION: WS agreed to organise**

pCloud. CB and LH offered to help with the managing and cataloguing of information.

It was mentioned that data storage in a cloud needs careful consideration and there is a recommendation in the Second Edition of the “Restoring the Record” book. It is crucial to have an accessible web presence eg Ramblers – Don’t Lose Your Way Project has provided a comprehensive on-line index. Also National Library of Scotland – old OS maps which can be overlain by aerial photographs. ***ACTION: LH offered to upload the google screenshots for everyone.***

There was some discussion about the difficulties in identifying landowners. Is an application considered to be “duly made” if landowners aren’t notified and would the Authority be willing to include it on its register of applications. The Institute of Public Rights of Way Officers is currently seeking Counsel’s opinion on this and it was felt important to also have DCC’s view in writing. ***ACTION: GM to raise with Legal Services***

It was pointed out that the requirement for an Authority to determine an application within 12 months was only triggered if landowners had been notified. The right of appeal will be lost post Deregulation Act.

4) Next Steps:

- It was recommended that this seemed to be the right time to form a small separate group (dividing the county up between them) to concentrate on the research and submission of DMMO applications, with the joint LAF Sub Group continuing to offer advice and support, as appropriate
- GM and WS had a very productive meeting with staff at the Record Office about making as much historical information available on-line as possible, including the parish claims and handing-over schedules. There was also a need to find out where the parish tribunals are kept. A poster/flyer can be displayed in the break out room if the Sub Group wants to put something together. It was confirmed that a Group photographic licence is due to increase to £100 per annum around May time, but that it was possible to add new members to the group. A copy of the 2nd Edition of Rights of Way: Restoring the Record by Sarah Bucks and Phil Wadey is available at the Record Office
- A date of Monday 9 September 2019 has been set for the next training workshop which is to be held in the Record Office in Matlock between 10am and 4pm. It was noted that there was a limit on numbers of 15, but agreed that everyone who attended the workshop back in November 2018 should be invited. The morning will be devoted to learning how to use the Dobbin database and the afternoon spent looking at historic documents

- There was concern about the need to know what evidence is required for a valid DMMO application. It was agreed that a letter be sent on behalf of the Group to the Head of Legal Services at the County Council
- Claire Brooks will contact Will Steel to discuss the pCloud storage and file structure. Continue to work with WS to get information for the on-line library

5) Date of Next Meeting: To be arranged