

TO: EXECUTIVE
19TH DECEMBER 2017

RIGHTS OF WAY IMPROVEMENT PLAN
Director of Environment, Culture and Communities

1 PURPOSE OF REPORT

- 1.1 To seek approval for the new Rights of Way Improvement Plan 2017-2026 (RoWIP2), which is the second version of the plan prepared for Bracknell Forest Borough. The requirement to produce this statutory plan arose from the Countryside and Rights of Way (CROW) Act 2000 and with it there is a duty to review the plan every 10 years. RoWIPs are intended to be a mechanism for improving the local network of public rights of way for all users – walkers, cyclists, horse-riders, horse and carriage drivers, vehicular users and those with mobility problems.

2 EXECUTIVE SUMMARY

- 2.1 The Council has a requirement to prepare a RoWIP. A review of the existing plan and consultation on the draft plan has taken place to prepare a plan which reflects current requirements and guidance and updates the plan in the light of changes over the past ten years. Consultation has taken place with key user groups, statutory agencies and other public bodies such as Parish Councils. Where appropriate the document has been updated to reflect the comments made by these bodies.

3 RECOMMENDATION(S)

- 3.1 **To approve the new Rights of Way Improvement Plan 2017 / 2026 (RoWIP2).**

4 REASONS FOR RECOMMENDATION(S)

- 4.1 As a unitary authority, Bracknell Forest is responsible for public rights of way in the borough, and has a duty to produce, review and re-publish a RoWIP.
- 4.2 Approval and publication of RoWIP2 will support Council Strategic themes:-
'A clean, green, growing and sustainable place' and 'People live active and healthy lifestyles'
- 4.3 There are direct links with the current Local Transport Plan (LTP3) and the RoWIP needs to be kept up to date with current legislation and policies in order for this link to be effective

5 ALTERNATIVE OPTIONS CONSIDERED

- 5.1 None.
- 5.2 Production of a RoWIP is a legal duty for Local Authorities under the Countryside and Rights of Way (CROW) Act 2000. This has to be reviewed on a 10 yearly basis. Government guidance states: "After making a new assessment you must review your existing plan and decide whether to amend it." It goes on to state "If you decide to amend the plan you must publish the new version. If you decide not to amend it you must re-publish the existing plan and a report explaining the reasons that it hasn't changed."
- 5.3 Accordingly the option was considered whether to re-publish the existing RoWIP for a further ten year period, without making significant alteration to the content. This was not considered viable when considering the level of local, regional, national policy and legislative changes that had occurred over the last 10 years.

6 SUPPORTING INFORMATION

- 6.1 There is a duty on every local highway authority to produce a Rights of Way Improvement Plan (RoWIP) and to review and republish the RoWIP every ten years. The first RoWIP for Bracknell Forest was published in 2006 and is due for replacement this year. Parks & Countryside service has reviewed the first RoWIP and evaluated progress towards achieving actions and targets in the plan. There have also been significant changes in policy in the intervening years, at a national, regional and local level, as well as changes in rights of way legislation which have been incorporated.
- 6.2 A survey of rights of way users has been carried out to gather up to date information about current use, needs and demands. The draft RoWIP was then updated with statistical data gathered and then sent out to public consultation, as well as to all prescribed bodies and organisations, stakeholders, parish councils and major landowners.
- 6.3 Feedback from this consultation has been incorporated where appropriate, and reasons provided if suggestions could not be included in the final draft. From a range of feedback, there were particularly significant contributions from Binfield Parish Council, the Hampshire Countryside Access Forum, and the Blackwater Valley Countryside Partnership. The Bracknell Forest Local Countryside Access Forum (LCAF) was consulted from the very earliest stages in the process in 2016 starting with the structure, vision and policies.
- 6.4 RoWIP2 initially introduces improvement plans and explains why we need them. Chapter 2 looks at the process of producing and consulting on the RoWIP. The policy context in chapter 3 has been completely re-written compared with the first RoWIP. Chapter 4 provides a description and assessment of the existing network, condition, land ownership, cross-boundary opportunities, designated and promoted routes, information and marketing.
- 6.5 Chapter 5 focuses on the results of the user survey, providing up to date information on how rights of way are used, why people use them, where they use them and if not, why they are not using them. National and local survey results are referenced. Chapter 6 is an evaluation and assessment of the network, looking at distribution across the borough, how to further improve access for disabled users, the need to improve linkages, and summarises inconsistencies in rights of way that need to be dealt with, for example rights of way leading to a dead-end.
- 6.6 Chapter 7 lists the RoWIP policies numbered 1 to 10, with sub-sections providing more details. These are cross-referenced in the action plan table in chapter 8. The Action Plan lists proposed actions, relates these to policy numbers, shows a simple key for level of resource requirement, shows the key organisation/lead partners, and lists performance measures and timescales. There are 51 actions listed.
- 6.7 The plan is followed by appendices, references and a glossary, providing supporting information; a consultee list; a copy of the user-survey form and analysis of results; a table of feedback from the public consultation stage, listing how this has been incorporated - or giving reasons if it has not been included; rights of way maps on a parish basis, a copy of the Best Value Performance Indicator 178 (BVPI) form; the Countryside Code; a copy of the LCAF recruitment leaflet; followed by links to useful references and a glossary of abbreviations used.
- 6.8 There is online guidance on the Gov.uk website and the Natural England website:
<https://www.gov.uk/guidance/local-authority-rights-of-way-improvement-plans#contents>
- 6.9 Legislation: The Countryside and Rights of Way Act 2000, sections 60, 61 & 62
<https://www.legislation.gov.uk/ukpga/2000/37/part/II/crossheading/rights-of-way-improvement-plans>

7 ADVICE RECEIVED FROM STATUTORY AND OTHER OFFICERS

Borough Solicitor

- 7.1 The statutory requirements are contained within the body of the report.

Borough Treasurer

- 7.2 The Council has a formal inspection programme which ensures that any defects identified are dealt with appropriately. The current revenue budget should be sufficient to deal with low cost improvements. Where any proposed improvements have a significant cost implication alternative funding sources such as developer contributions will be explored.

Equalities Impact Assessment

- 7.3 The RoWIP will positively impact on equality. There is an emphasis in the RoWIP on increasing access to Rights of Way for all users, including mobility and sensory disabled users. Much practical work has been carried out to remove climb-over stiles, squeeze stiles poor surface condition and steps that can reduce accessibility, and the Action Plan proposes continuing this process over the next ten years.
- 7.4 Section 5.1.6 of the document looks at requirements of the CROW Act 2000 and the Equality Act 2010. As well as physical improvements, this section also considers accessibility of information about rights of way, including signage, leaflets, and web pages. Section 6.6 deals with inclusive access and design. The plan also considers why various non-users are less likely to use rights of way in section 6.7, and how the situation could be improved. An example is perceived personal safety, which can be influenced by factors such as overhanging vegetation. These themes are carried forward into the Action Plan specifically in sections 2, 25, 27, 33 & 36.

Strategic Risk Management Issues

- 7.5 Public Rights of Way, their management and maintenance, are a statutory duty for County and Unitary Authorities. The Highway Act 1980 and other more recent legislation define legal requirements, regulations and minimum standards that have to be achieved. There is therefore a level of service provision that has to be achieved, and this applies both to the physical network and to the legal / regulatory functions.
- 7.6 RoWIP2 builds on the provisions of the first RoWIP 2006, and does not create any strategic risks. It incorporates more up to date and reliable data about current use, as well as results of a wide consultation process. There is a greater strategic risk in not having an up to date RoWIP.

Chief Officer Planning Transport and Countryside

- 7.7 The Comments of the Chief Officer Planning Transport and Countryside have been built into the body of the report.

8 CONSULTATION

Principal Groups Consulted

- 8.1 Bracknell Forest Local Countryside Access Forum

Rights of way users survey.

Public consultation advertised in local paper, on council website and social media.

Town and Parish Councils.

Section 94(4) bodies, residents, visitors, local/national user groups, landowners, land managers, conservation organisations, LCAF and neighbouring LAFs / highway authorities.

Natural England.

Other Departments / service areas in Bracknell Forest Council

Method of Consultation

- 8.2 Consultation took place with rights of way users between 5th May-25th June 2017 using both a paper and online survey form. 328 completed survey forms were received.

A publicly advertised consultation for the public / stakeholders on the draft plan was held between 9th August - 4th October 2017. Specific user groups, landowners, neighbouring highway authorities, conservation organisations, town and parish councils and Natural England were sent individual emails about the consultation and reminders two weeks before the deadline date.

Representations Received

- 8.3 Responses to the public / stakeholder consultation are listed fully in **Appendix C** of the plan.

There were 43 comments received. Key representations were from the Local Countryside Access forum and also the Hampshire Countryside Access Forum, the Blackwater Valley Countryside Partnership and Binfield Parish Council.

- 8.4 These have all resulted in amendments and/or additions to the plan text and the action plan table. Some individual comments from members of the public were not appropriate for inclusion, but specific comments were forwarded on to Transport Development Team to consider.

9.0 Background Papers

- 9.1 Bracknell Forest Parks & Open Spaces Strategy, Action A10. "Implement priority actions as set out within the Rights of Way Improvement Plan (co-ordinated through the Local Countryside Access Forum)"

- 9.2 Bracknell Forest LTP3 (Local Transport Plan 3 2011-2026) particularly sections 17 and 18:

18.5 The Council's approach to Public Right of Way will be implemented through the Rights of Way Improvement Plan: LTP Objectives Supported:

- 1. Reduce delays associated with traffic congestion and improve reliability of journey times.*
- 2. Maintain and improve, where feasible, the local transport network.*
- 3. Secure necessary transport infrastructure and services to support sustainable development.*
- 4. Encourage and promote accessibility by sustainable modes of transport.*

- 9.3 Bracknell Forest Rights of Way Improvement Plan 2006-2016

- 9.4 Natural England: LTP and RoWIP Integration. Good Practice Note. Published 2000
<http://publications.naturalengland.org.uk/publication/660067>

Contact for further information:

Stephen Chown, Head of Parks & Countryside - 01344 351226

stephen.chown@bracknell-forest.gov.uk

Annexe - Equality Impact Assessment Scoping

Initial Equalities Screening Record Form

Date of Screening: 2/11/2017	Directorate: Environment, Culture and Communities		Section: Parks and Countryside
1. Activity to be assessed	Please give full details of the activity Production of Rights of Way Improvement Plan (RoWIP2) to be approved and made publicly available in print and online.		
2. What is the activity?	<input checked="" type="checkbox"/> Policy/strategy <input type="checkbox"/> Function/procedure <input checked="" type="checkbox"/> Project <input type="checkbox"/> Review <input type="checkbox"/> Service <input type="checkbox"/> Organisational change		
3. Is it a new or existing activity?	<input type="checkbox"/> New <input checked="" type="checkbox"/> Existing		
4. Officer responsible for the screening	Graham Pockett		
5. Who are the members of the screening team?	Graham Pockett and Rose Wicks		
6. What is the purpose of the activity?	Please describe briefly its aims, objectives and main activities as relevant. Through the Countryside and Rights of Way Act (2000) the Government recognises the value of Public Rights of Way (PRoW) and requires that each highway authority produces a Rights of Way Improvement Plan (RoWIP). These plans, which have a 10-year life span, are intended to be a mechanism for improving the local PRoW network for all users i.e. walkers, cyclists, horse-riders, horse and carriage drivers, vehicular users and those with mobility problems.		
7. Who is the activity designed to benefit/target?	Users of rights of way on foot, bicycle, horse riders, carriage drivers, wheelchair users and those in motorised vehicles.		
Protected Characteristics	Please tick yes or no	Is there an impact? What kind of equality impact may there be? Is the impact positive or adverse or is there a potential for both? If the impact is neutral please give a reason.	What evidence do you have to support this? E.g. equality monitoring data, consultation results, customer satisfaction information etc. Please add a narrative to justify your claims around impacts and describe the analysis and interpretation of evidence to support your conclusion as this will inform members decision making, include consultation results/satisfaction information/equality monitoring data
8. Disability Equality – this can include physical, mental health, learning or sensory disabilities including conditions such as dementia.	Y ✓	N Positive: Increasing the proportion of rights of way that are accessible to all users. Actions to remove obstacles such as stiles, steps, narrow gaps and uneven surfaces. Action Plan specifically in sections 2, 25, 27, 33 & 36.	- BS5709:2006 Gates, Gaps & Stiles. - Sensory Trust guidance for improving Access. - Natural England guidance for highway authorities on applying Equality Act 2010 requirements to public rights of way. - The CROW Act 2000 requires local highway authorities to assess the accessibility of local Rights of Way to blind or partially sighted persons and others with mobility problems.

9. Racial equality	Y	N ✓		
10. Gender equality	Y	N ✓		
11. Sexual orientation equality	Y	N ✓		
12. Gender re-assignment	Y	N ✓		
13. Age equality	Y ✓	N	Positive: Same reasons given as per no. 8. Removing obstacles to PRow should increase accessibility for all users, but particularly to those less mobile e.g. the elderly.	See evidence base listed above.
14. Religion and belief equality	Y	N ✓		
15. Pregnancy and maternity equality	Y	N ✓		
16. Marriage and civil partnership equality	Y	N ✓		
17. Please give details of any other potential impacts on any other group (e.g. those on lower incomes/carers/ex-offenders, armed forces communities) and on promoting good community relations.	Please explain The results of some actions in the plan could have positive impacts for those on lower incomes, particularly non car owners, by providing improved and more joined-up walking and cycling routes away from trafficked roads, making travelling safer and more pleasant.			
18. If an adverse/negative impact has been identified can it be justified on grounds of promoting equality of opportunity for one group or for any other reason?	Please explain			
19. If there is any difference in the impact of the activity when considered for each of the equality groups listed in 8 – 14 above; how significant is the difference in terms of its nature and the number of people likely to be affected?	Please explain The greatest positive impact resulting from implementation of actions in the plan will be for those with impaired mobility. This is due to the way Rights of Way have developed over time, often incorporating features that make access difficult or impossible for disabled users. Examples of obstacles on PRow includes climb-over stiles, narrow plank bridges with steps, squeeze stiles, small kissing-gates and uneven surfaces. By rectifying these features; such as replacing stiles with accessible gates or gaps, or providing wider bridges with ramps and handrails, access to the countryside for disabled users will be greatly improved.			
20. Could the impact constitute unlawful discrimination in relation to any of the Equality Duties?	Y	N ✓	Please explain for each equality group	
21. What further information or data is required to better understand the impact? Where and how can that information be obtained?	N/A			

22. On the basis of sections 7 – 17 above is a full impact assessment required?	Y	N ✓	<p>Please explain your decision. If you are not proceeding to a full equality impact assessment make sure you have the evidence to justify this decision should you be challenged.</p> <p>If you are proceeding to a full equality impact assessment please contact Abby Thomas.</p>
23. If a full impact assessment is not required; what actions will you take to reduce or remove any potential differential/adverse impact, to further promote equality of opportunity through this activity or to obtain further information or data? Please complete the action plan in full, adding more rows as needed.			
Action	Timescale	Persons Responsible	Milestone/Success Criteria
Ensure that the actions in the plan are implemented in accordance with requirements in the CROW Act 2000 and Equalities Act 2010 in accordance with Natural England Guidance on how these are applied to Public Rights of Way	By 2026 (life of plan)	BFC Parks and Countryside Landowners Other PRoW stakeholders such as user groups	Increased proportion of total network more accessible to all users. Signage and information more accessible to sensory impaired disabled users.
Carry out work in accordance with BS5709:2006 Gates, Gaps and Stiles	By 2026	BFC Parks & Countryside Landowners	Work completed to British Standard requirements.
24. Which service, business or work plan will these actions be included in?	Parks & Countryside service. Public rights of way responsibility delegated from the Highway Authority. Links to Transport Development and Planning.		
25. Please list the current actions undertaken to advance equality or examples of good practice identified as part of the screening?	<p>Please list</p> <ol style="list-style-type: none"> 1. Adhere to BFC Corporate Identity Standards and accessibility guidelines when designing new on-site interpretation. 2. Provide appropriate specifications to contractors, which include the need to adhere to equalities best practice guidelines. 3. Follow Natural England guidance re. signage and also 'Public Rights of Way: Local Highway Authority Responsibilities. 4. Follow Government guidance on implementation of RoWIPs. 5. Work already undertaken to remove obstacles by BFC, and also working in partnership with East Berkshire Ramblers. 		
26. Chief Officers signature.	Signature: Date:		

When complete please send to abby.thomas@bracknell-forest.gov.uk for publication on the Council's website.