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**ADOPTION OF DARLINGTON'S RIGHTS OF WAY IMPROVEMENT PLAN**

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**Responsible Cabinet Members - Councillor David Lyonette, Transport Portfolio**  
**Councillor Nick Wallis, Health and Leisure Portfolio**

**Responsible Director - John Buxton, Director of Development and Environment**

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**Purpose of Report**

1. To seek Cabinet agreement to adopt Darlington Borough Council's first Rights of Way Improvement Plan (ROWIP), due to be published in accordance with requirement made on all Highway Authorities by the Countryside and Rights of Way Act 2000 (CROW).

**Information and Analysis**

***A Statutory Duty***

2. The publication of Darlington's ROWIP is scheduled for November 2007 which meets the requirements laid out by the CROW Act for this process to take place before 21 November 2007 whereby the ROWIP will be fully integrated into the Local Transport Plan (LTP). It is a statutory document, a requirement from Central Government for Local Authorities to make their ROW networks more appropriate for the needs of the 21<sup>st</sup> Century.

***What the ROWIP is***

3. The ROWIP sets out how the Council can encourage access to the countryside for the benefit of all, including those who live in rural areas. The rights of way (ROW) network has existed for many years and came about through historical use. Since 1950, the pattern of use has changed beyond recognition from one of utility walking for access for work to one of walking for leisure. Increased car use and opportunities for other leisure pursuits have also proved more attractive, so reducing levels of use. Yet there is great potential for making better use of the ROW network to benefit the health of local people and the environment. The proposed ROWIP is very much concerned with examining how people actually use the existing network, and then setting out how it could be improved to meet their wishes for the future.
4. The production of a ROWIP allows the opportunity for the Council to review the contribution that its ROW network makes to the transport and leisure facilities of the Borough. In Darlington's case, the current quality of the ROW network is variable. The best routes are an extremely valuable facility, used daily to access schools and shops. They are also used as the only means possible to get to areas of attractive local countryside close to where people live. The worst routes are seldom used and travel through uninteresting monoculture landscapes with fragmented hedges and little biodiversity and are often used very little. They also fail to connect up with other highways or means of transport and so

fail to provide sensible links.

## **Proposed Vision and Objectives**

5. **The vision** for Darlington's Rights of Way network is to create a facility that allows all of the public to have sustainable access to quality countryside. Countryside where they may experience the full richness of an unpolluted and biodiverse environment, as well as one that encourages healthy and safe travel.
6. The main **objectives** for the Darlington Rights of Way Improvement Plan are to:
  - (a) Increase the level of use of the element of semi-natural green infrastructure of Darlington, so that a majority of the Borough's population can enjoy this facility.
  - (b) Understand the reasons why the majority of people do not use the Rights of Way network on a regular basis.
  - (c) Provide much-improved access for all people, to semi-natural areas and the countryside.
  - (d) Provide an infrastructure that helps achieve the above by improving the Rights of Way network in a targeted way, addressing issues that have been raised by the public in the production of this plan, in particular:
    - (i) Provide good quality, accessible routes near to where people live.
    - (ii) Provide more permissive access linking up Rights of Way with new Open Access areas such as community woodlands and local nature reserves.
    - (iii) Achieve better access across physical barriers such as the road network.
    - (iv) Implement a joined-up management approach that identifies opportunities presented by changes in land management.
    - (v) Encourage a stronger sense of identity brought about by an improved understanding of the uniqueness of Darlington through greater contact with the countryside.
    - (vi) Provide better information on how to use the provision of countryside access opportunities.
    - (vii) Help to address the major issues of climate change by improving the public's willingness to adopt more sustainable lifestyles through the provision of a quality environment on their doorsteps.
7. Table 1 below sets out the current types of ROW path in the Borough. From this, it is clear that the most used paths are a fraction of the total network distance. Typically, the lower used paths serve more remote rural areas. This raises two very important questions:
  - (a) One is that if people like to walk and explore semi-natural areas close to their home when they are of a high quality, would we see a dramatic increase in usage if there

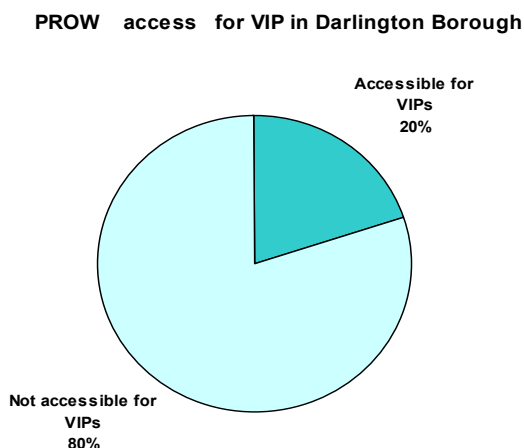
were more of these high quality routes near to where people live?

- (b) Secondly, is it possible or are there mechanisms available for the Local Authority and its partners to facilitate this improvement in quality and so address a whole cross section of Council policy areas from health and well being to education and quality of life.
8. 80% of the ROW network was surveyed for condition and accessibility as part of the preparation of the Plan.

<b>Table 1 Classification of path usage</b>	<b>% of ROW by number</b>
<b>Very highly used “honeypot” paths</b> (places people are attracted to for family based green exercise where the venue has ‘an attraction’ eg Broken Scar or Low Coniscliffe to High Coniscliffe as well as having a degree of open access - this includes high quality high use)	6%
<b>Highly used recreational paths</b> (includes paths used for dog walking and exercise without the added attraction of quality countryside - often urban or village fringe)  (not urban utility routes)	26%
<b>Lightly used paths</b>	26%
<b>Rarely used paths</b>	41%
<b>High quality, high use paths</b>  Those which are easy to follow, are inviting to the uninitiated and allow for enjoyable walking in a landscape which is moderately high to very high quality	9%
<b>Paths used in Promoted Routes</b>  (100 separate paths)	29%

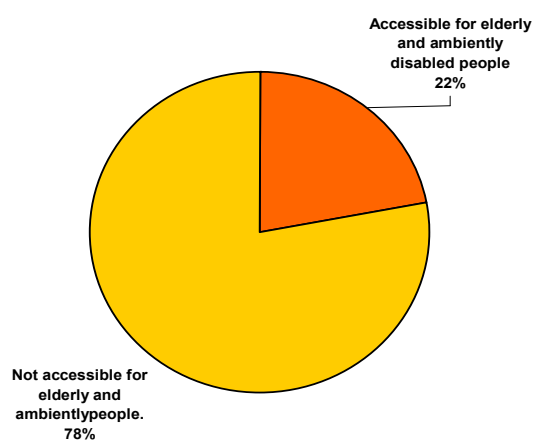
9. Figures 2a & 2b overleaf further serves to illustrate the network’s limited ability to address some specific local needs such as the needs of those who are visually impaired (VIP) or ambient disabled

**Figure 2a**



**Figure 2b**

**Access to PROW for Elderly and Ambiently Disabled.  
Darlington Borough**



10. The Darlington ROW network scores above average in terms of ‘ease of use’ when compared with Rights of Way in neighbouring boroughs, using the national indicator BVPI178. However, it is still below the level necessary for meeting the needs of people with a whole range of leisure options at their disposal, with many user groups saying that the ROW network fails to provide them with an opportunity to enjoy their local countryside. In response to this issue over usefulness, the ROWIP proposes actions to improve the current situation to one where paths are both easy to use and useful.

11. As well as a place for walking for walking's sake, the ROW network also fulfils a need for space to exercise dogs (or horses) and recreational space for young people. This contrasts with the increasing success, revealed via the Focus Groups, of Darlington's Local Nature Reserves, that offer a whole range of activities. Created in the last seven years, these reserves provide the opportunity for local people to bird watch, fish and learn about nature within a short distance from where they live.

### **Outcome of Consultation**

12. An extensive consultation process was followed in preparing the ROWIP. Members of the public and the following types of group were consulted:
  - (a) The Citizens' Panel
  - (b) Landowners
  - (c) Interest Groups
  - (d) Residents, via a targeted telephone survey
13. The Darlington Citizen's Panel survey showed that nearly half (45%) of the population use the network either never or very occasionally. A further 20% say they use the network approximately once per month. This leaves just 35% who say they use the network weekly. This has to be seen in the context of the Condition Survey, which identified the proportion of the network that was being used as very low, mostly urban utility routes or just a few select paths. Many of the 35% 'regular users' only visit just a few popular paths or areas of open space, often for quite long periods. A significant proportion of these are people walking their dogs.
14. This implies that the percentage of the population using the Darlington countryside as a place for quality walking, cycling or riding, where the activity provides the measures of quality discussed in detail in the ROWIP, can be shown to be very low; significantly less than 5% of the population. The choice that these people have for using the Darlington countryside in order to fulfil this need is also limited to just a few paths. (Only 20km of path are judged to be of a very high quality and have a high level of usage, as reported in the Condition Survey.) These include the river walks along the Tees and Skerne.
15. People in the Focus Groups repeatedly said that they looked for opportunities for relaxation and enjoyment of the countryside. They also mentioned, as high in importance, feeling safe, improving personal fitness, educational value for their children and awareness of where they could go, as being the major factors. These factors influenced their perception of outdoor activities as a realistic choice available to them.
16. Further detail on the consultation responses may be found on page 54 in **Appendix 1**.

### ***Financial Implications and Funding***

17. The maintenance of the Rights of Way network is a statutory function and, therefore, some of the ROWIP is already covered by the Council's current commitment. Other aspects of the Plan seek to increase people's access to Darlington's Countryside, and this will lead to more projects if funding can be found. As shown in the Action Plan (**Appendix 1**), much of

this additional expenditure uses existing funding commitments such as those in the Second Local Transport Plan.

18. Funding will also be sought from external sources, such as developers and Government agencies such as the Countryside Agency. Recent examples of this type of multi-agency funding are the resurfacing of the River Skerne path and the surfacing of the Baydale Beck path. Funding was secured from the Countryside Agency, a developer and Cycling England.
19. Despite a track record of success in assembling funding for schemes, there is a risk that some schemes may not be implemented due to a lack of financial resource. Achievement of the outcomes set out in the ROWIP will be measured via indicators such as BVPI178 and will feed into future assessments of the Second Local Transport Plan, since this document will encompass the “daughter” ROWIP document. However, it is felt that a reasonable level of performance can be achieved within the existing total resources allocated to compatible service areas to ROW.

### **Legal Implications**

20. Producing a ROWIP is a statutory requirement. There are no additional legal implications other than the publication and review of the document.
21. This report has been considered by the Borough Solicitor for legal implications in accordance with the Council's approved procedures. There are no issues which the Borough Solicitor considers need to be brought to the specific attention of Members, other than those highlighted in the report.

### **Section 17 of the Crime and Disorder Act 1998**

22. The contents of this report have been considered in the context of the requirements placed on the Council by Section 17 of the Crime and Disorder Act 1998, namely, the duty on the Council to exercise its functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area.
23. There is strong evidence from considerable amounts of research carried out into the effects of improved countryside access that having a quality provision helps reduce crime and disorder by providing alternative areas, away from the built environment where the young in particular can explore more adventurous activities without causing disruption or annoyance to people in specific locations.

### **Council Policy Framework**

24. The proposed ROWIP is a development of previous Council Policies, especially its Strategy for the Green Environment titled “People and Nature in Darlington” (1995). This has provided the basis to date for the delivery of the Countryside Service in general, and improvements to countryside access in particular. Statutory guidance on administering the Definitive ROW Network is also of relevance. In the near future it is intended to produce a new Countryside Strategy for the Council, as well as seeing additional policy guidance on improving access to the countryside through the local development framework, the local

Area Agreement and other associated plans and strategies.

25. The proposed plan also facilitates policy agendas for personal health, climate change, social inclusion and green infrastructure.

### **Conclusion**

26. The ROWIP process is a statutory requirement that seeks to improve the quality and use of rights of way networks in England and Wales. The proposed ROWIP for Darlington has been produced as a result of an extensive consultation process, where the people of Darlington have given their views and expressed their desires. It has identified a clear set of actions that would achieve an impressive set of objectives if funded can be achieved. These objectives fit with the new “green agenda” and would help local people realise the full benefits of access to local countryside.

### **Decision Deadline**

For the purpose of the ‘call-in’ procedure this does not represent an urgent matter.

### **Key Decisions**

27. This is a key decision because it affects all the residents of Darlington.

### **Recommendation**

28. It is recommended that Cabinet adopt the Darlington Rights of Way Improvement Plan.

### **Reasons**

29. The recommendations are supported by the following reasons :-
- (a) In order to provide Darlington with its own ROWIP as required by the Rights of Way Act 2000 by the required date.
  - (b) To provide a plan for the implementation of the ROWIP.
  - (c) To improve Darlington’s ROW network, in order to contribute to health, quality of life, social inclusions and sustainability objectives.

**John Buxton**  
**Director of Development and Environment**

### **Background Papers**

- (i) Rights of Way Improvement Plan, Statutory Guidance
- (ii) Rural White Paper ‘The Countryside around Towns’

(iii) North East Regional Strategy

(iv) Defra Rural White Paper etc, see section on Strategic Context

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