

## Encouraging town and parish councils to play a greater role in countryside access

*A Countryside Access Forum for West Sussex (CAFWS) Workshop  
Wednesday 8<sup>th</sup> April 2009*

### **Introduction**

*Peter Brown, CAFWS Chairman*

The CAFWS Chairman, Peter Brown, opened the afternoon workshop by welcoming representatives from town and parish councils across West Sussex. Peter also explained the purpose and role of CAFWS, which was established in 2003, as a result of the Countryside and Rights of Way (CROW) Act 2000. CAFWS exists to give advice to all three tiers of local government, as well as organisations such as Natural England and the Forestry Commission, on all issues of countryside access. One of CAFWS's main objectives is the preservation and, where possible, the enhancement of the rights of way (RoW) network.

### **The Rights of Way Improvement Plan**

*Jane Noble, Senior Access Officer, West Sussex County Council*

- In West Sussex there are 4,035km of RoW, including 2,742km of footpaths and 1,151km of bridleways. West Sussex County Council, as Highways Authority, has a statutory duty to ensure these routes are protected and maintained (landowners have some responsibilities towards RoW). In the West Sussex part of the Sussex Downs Area of Outstanding Natural Beauty, day to day management of the RoW network is delegated to the South Downs Joint Committee.
- The CROW Act 2000 required every highway authority to produce a Rights of Way Improvement Plan (RoWIP), which would include a statement of action identifying a list of actions that were needed to improve access to the countryside for residents and visitors to West Sussex
- The RoWIP identifies the following areas of work as important to ensure the access network meets users requirements:
  - Maintain the existing rights of way network to a high standard (seeking constant improvement)
  - Improve path links so that the countryside is accessible directly from city, town, village and tourist attractions, to provide circular routes, and to link between communities
  - Improve links to create safe routes by minimising the need to cross and use busy roads, for both leisure and utility journeys
  - Provide a path network that enables appropriate access without barriers for as many people and different types of users as possible
  - Promote countryside access opportunities to all sections of the community to enable people to confidently use and enjoy the countryside responsibly

- Some work is already being carried out, for example bridleway and bridge refurbishment, replacing stiles with gaps or gates and the production of publicity material such as a Wheelchair Walks booklet

### **The legal powers of town and parish councils regarding access and rights of way**

*Christine Luff, Rights of Way Team Leader, Legal Services, West Sussex County Council*

These include:

- To hold for public inspection a copy of the definitive map for the parish, and copies of the orders made to modify it as supplied by the County Council
- To undertake maintenance of any footpath, bridleway or restricted bridleway (although it is advised that any parish wishing to do so contacts the County Council first to ensure that work is undertaken to an acceptable standard – if not, parishes could find themselves liable in the event of an accident)
- To erect lighting on any footpath or bridleway or seats or shelters (again, the advice is to consult WSCC beforehand to ensure safety and proper siting, and to discuss any possible need for a licence)
- To erect signs warning of local dangers (WSCC can advise on the correct wording of such signs to avoid any suggestion that the sign appears to unlawfully deter use of a right of way)
- To make an application to the registration authority (WSCC) for the creation of a new town or village green
- To prosecute anyone who wilfully obstructs the passage along any highway, and to prosecute an occupier who fails to ensure that growing crops do not inconvenience path users. The power also exists to prosecute a landowner who does not restore a lawfully ploughed path within the period allowed or who has ploughed unlawfully- (the CC would probably have greater resources to deal with such problems so again would be pleased to discuss before any action is considered by PCs)
- To insist that the highway authority signposts a particular footpath, bridleway, restricted bridleway or BOAT (byway open to all traffic) where it meets a metalled road. Parishes also have the power to signpost FPs, BWs, RBs and BOATs on behalf of, and with the consent of, the highway authority (WSCC and SDJC have a very good record for signposting and it would be helpful if PCs could report any missing road end signs. (In the event that PCs did wish to apply to do signposting work themselves, WSCC would be happy to discuss and, if appropriate, for consistency, supply the signs for erection)
- To create new highways by agreement with the landowner over land in their own and adjoining communities (again the County Council would encourage PCs to discuss first, partly because highways created under agreements with PCs would not automatically be maintained at the public expense (unlike CC agreements) and so owners may be reluctant to enter into PC agreements if future liability could fall to them, and also the CC is

likely to have more resources/experience in dealing with this sort of work)

These are not all of the legal powers that a town or parish council has. If a council had a particular concern, then officers at the County Council are available to give guidance.

### **Access Rangers and parish contact**

*Mary-Ann Edwards, Low Weald Countryside Ranger (Access), WSCC*

- There are the equivalent of five full-time Access Rangers, each responsible for inspecting the RoW in an allocated area of the county, (excluding the South Downs) every nine months.
- The inspections lead to a list of work for the County Council's contractors, ISS Waterers, who then follow behind the Access Ranger to carry out any necessary routine maintenance work (in particular signing, vegetation clearance, small bridge repairs).
- Before the Access Ranger carries out an inspection, parish councils are notified. Ideally, communication takes place between the Ranger and the council so that any issues of concern are shared.
- The parish council is then provided with a summary of maintenance works carried out; in some instances this then gets published in the parish newsletter
- Non routine maintenance work is recorded (such as paths off line, major obstructions, unauthorised gates/stiles, major surface/drainage issues) and reported to the Office RoW staff, who investigate them on a priority basis. Access Rangers assist with this work where time allows
- Access Rangers welcome the opportunity to work closely with their parishes on specific projects, for example developing links that make the network safer, create circuits, or increase the ease of use of routes
- Access Rangers can be available to attend occasional parish meetings
- On the South Downs, there is a different arrangement as the rights of way are maintained by the South Downs Joint Committee (SDJC)
- The SDJC operate annual inspections, sometimes using their volunteer ranger service

### **The Parish Council perspective**

*Phillip Hill, Clerk, Henfield Parish Council*

- Many residents felt that as footpaths were more than just a recreational facility, often being used to access services, it was the parish councils responsibility to help maintain them
- Henfield Parish Councillors all had a responsibility to monitor footpaths and rights of way
- They also work closely with their local Access Ranger: they collate non-urgent public complaints into a list to be given to the Access Ranger each time he visits to inspect
- For urgent issues they approach the Access Ranger directly

- Henfield also employ a part time works officer to do tasks such as grass cutting and clearing of undergrowth
- Henfield felt that a lot of what could be done to improve the local rights of way could be done at little or no cost

*Mark McTaggart, Action in Rural Sussex (AiRS)*

- Rights of way and access is extremely important in rural areas as they often act as vital links for communities. For example, a footpath is often the safest route for children to walk to school or for residents to get to shops.
- The role of local knowledge was vital
- Community Action Plans/Parish Action Plans could be a useful way of promoting walking
- Volunteer conservation groups could also play a significant role, for example with litter clearance
- AiRS can help to develop any ideas or projects for the parish council, and can also help to secure funding

**Useful contacts:**

- Websites:  
West Sussex County Council: [www.westsussex.gov.uk](http://www.westsussex.gov.uk)  
WSCC Rights of Way pages: [www.westsussex.gov.uk/prow](http://www.westsussex.gov.uk/prow)  
CAFWS pages: [www.westsussex.gov.uk/cafws](http://www.westsussex.gov.uk/cafws)
- To report a problem on the RoW network, or for general RoW information, contact us on 01243 777620 or [prowplanning@westsussex.gov.uk](mailto:prowplanning@westsussex.gov.uk)
- For RoWIP queries, contact Jane Noble on 01243 7568863 or [jane.noble@westsussex.gov.uk](mailto:jane.noble@westsussex.gov.uk)
- For queries over legal powers contact Christine Luff on 01243 777579 or [christine.luff@westsussex.gov.uk](mailto:christine.luff@westsussex.gov.uk)
- For further information and agendas for CAFWS contact Craig Bowdery on 01243 753520 or [craig.bowdery@westsussex.gov.uk](mailto:craig.bowdery@westsussex.gov.uk)
- For information on Action in Rural Sussex (AiRS) and the Sussex Association of Local Councils (SALC) contact Mark McTaggart on 01273 405448 or [Mark.McTaggart@ruralsussex.org.uk](mailto:Mark.McTaggart@ruralsussex.org.uk)