

Natural England Board



Meeting: 9
Date: 13 February 2008

Paper No: **NEB PU09 10**

Title: **Discovering Lost Ways**

Sponsor: **Adrian Belton, Executive Director Operations**

1. Purpose

- 1.1. To advise the Board of the findings of the Discovering Lost Ways (DLW) project and set out our proposed approach.

2. Background

- 2.1. Natural England has reviewed the effectiveness of the DLW project to date and concluded that researching lost ways is extremely resource intensive. Even if Natural England were to adopt a policy of focusing on pursuing 'high quality' routes, it would still require exhaustive and costly research. But it is important that those who wish to pursue such cases should have a process to do so. Natural England has an important role to play in offering support and guidance to those that wish to carry out that research. That guidance could focus on the research standards that Local Authorities are required to achieve to pursue a case. Natural England might also offer guidance on what constitutes a 'quality route' (i.e. those which deliver greatest public benefit, e.g. provide a missing link in a network, make an unsafe route safe, connect access land to existing well used routes but not on a definitive map) although local knowledge is probably better placed to make that interpretation.
- 2.2. Natural England needs a more holistic approach to rights of way generally and should champion changes to legislation and procedures relating to the definitive map.
- 2.3. In light of this, we are proposing a fundamental review of the legislation and process relating to access provisions and would involve the entire stakeholder community in this. Natural England would facilitate, with the group itself being independently chaired. It is possible that the Rights of Way Review Committee (ROWRC), to whom we already provide support, is the most suitable body, or at least a sub-group of it. The ROWRC is a non-statutory body that brings together representatives of the main national stakeholders in public rights of way (users, land managers and local authorities). It has been in existence for twenty years and is chaired by an MP, and discusses a wide range of issues. Observers are sent from Defra, DfT, and DCMS. The Chair writes direct to Ministers if it is felt action needs to be taken by Government. Its aims are:
 - to work through consensus to help resolve conflict;

- for legislation and procedures affecting public rights of way, to be effective and efficiently applied; and
 - to agree proposals for action.
- 2.4. This would also require the involvement of the Countryside Council for Wales (CCW) as the legislation is relevant to both countries. It would report back to Government and the Welsh Assembly via the ROWRC.
- 2.5. This approach is entirely consistent with the advocacy priorities outlined in a separate Board paper. Through this review of rights of way, we have the opportunity to influence decisions on enhancing the rights of way network, its use, and its underpinning legislation.
- 2.6. In summary, the proposed way forward would see Natural England:
- progressing from its current role of researching and claiming individual lost ways to providing advice and guidance to those that wish to do so at their own initiative;
 - facilitating a fundamental review of the legislation and current processes that underpin the provision of access;
 - working with stakeholders on the review;
 - building on and encouraging further progress with the Rights of Way Improvement Plans (ROWIPs) prepared by local Highway Authorities; and
 - seeking to invest the money saved on the current DLW project approach to deliver this work.

3. Next steps

- 3.1. The proposed approach has been developed in liaison with Defra officials, who have indicated that they are broadly comfortable with it. We are currently notifying Defra Ministers of our proposed way forward and anticipate that Ministers will respond by mid-February.
- 3.2. In anticipation of a favourable response, by the end of March we will have drafted the guidance on research standards and on quality routes. We will also have drafted the terms of reference and a timetable for the fundamental review and agreed with Defra and CCW whether the Rights of Way Review Committee should be asked to oversee that review.