

An Economic Appraisal  
of the Proposals:  
“Improving Rights of Way  
in England and Wales”



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## Introduction

1. This report has been produced by Entec UK Ltd for the project 'Economic Appraisal of Proposals for Rights of Way Legislation', for the Countryside Legislation Division of the Department of the Environment, Transport and the Regions (DETR). The project was commissioned to evaluate the costs and benefits of the government's proposals for new legislation on rights of way, as set out in the DETR consultation paper, 'Improving Rights of Way in England and Wales' (July 1999).
2. The economic costs and benefits of the proposals were evaluated in terms of their impact upon local government, central government, landowners and managers, users of rights of way, and the environment. Where possible, these impacts were quantified and expressed in monetary terms. Where this was not possible, a qualitative assessment was undertaken.
3. A main component of the work undertaken for this project was a questionnaire-based survey of local authorities responsible for the management of rights of way in England and Wales. This survey collected information on authorities' current functions relating to rights of way, and the potential impacts of the proposals. Questionnaires were also distributed to user and land manager groups. The response rate for authorities was 41 per cent, and that of others 75 per cent, although in the latter case, responses tended to be incomplete or not follow the questionnaire.

## Classification of existing local authority functions

4. For the purposes of the evaluation, the existing rights of way functions of local authorities were classified under three headings: Definitive map functions; Public path functions; and Maintenance and enforcement functions.

### **DEFINITIVE MAP FUNCTIONS**

5. Surveying Authorities are under a duty to keep definitive maps and statements under continuous review. This includes the following activities:
  - Surveying and historical research into the existence and status of rights of way, so that they can be correctly recorded on the definitive map and statement;
  - Consideration of claims submitted by members of the public about the existence of rights of way, whether on the basis of historical research or of evidence of continuous use of a way for a period of 20 years;
  - Researching the rights existing on individual Roads Used as Public Paths (RUPPs), consideration of claims from the public in relation to the same, and making definitive map modification orders to reclassify RUPPs once satisfactory evidence of those rights has been compiled;

- Recording public rights of way on the definitive map and statement by making 'modification orders' (for changes to the status of rights of way as a result of the activities outlined above) and 'legal event orders' (relating to the updating of the legal record) following a legal event such as a public path order;
- Preparation of definitive maps for any areas not previously surveyed; and
- Keeping of definitive maps and making them available for public inspection.

### **PUBLIC PATH FUNCTIONS**

6. Highway Authorities, some district authorities (where there are two tiers of local government), and other authorities, such as National Park Authorities, can have a number of functions relating to public path orders:
  - Creation of new rights of way, whether by order (in which case compensation may be payable to the landowner) or by agreement. Members of the public can submit requests to local authorities for creations;
  - Making orders for diversion and closure of rights of way, in relation to development of their own land, or in response to requests from land managers, members of the public, developers etc.

### **MAINTENANCE AND ENFORCEMENT FUNCTIONS**

7. Highway Authorities also have a range of duties in relation to the maintenance and management of publicly maintainable rights of way, and the enforcement of relevant legislation:
  - Keeping rights of way free from obstructions (and seeking the removal of obstructions), in good repair (and responding to notices from the public when they are submitted in respect of a way which is out of repair), and properly sign-posted and way-marked;
  - Management of conflict and mitigation of any damage through agreements or traffic regulation orders;
  - Dealing with applications to erect gates, fences etc. along footpaths and bridleways;
  - Enforcement of the restoration of rights of way which have been ploughed or otherwise disturbed, including obstructed by crops and other vegetation.

## **Proposals for legislation on rights of way**

8. The proposals for rights of way legislation outlined in the DETR consultation paper can similarly be grouped under the three headings given in Paragraph 4.

## **PROPOSALS RELATING TO DEFINITIVE MAP FUNCTIONS**

9. The consultation paper contained eight formal proposals and informal 'issues' about authorities' duties and powers in respect of definitive maps. These can be summarised as follows:
- The statutory reclassification of all remaining RUPPs as bridleways (Proposal 2);
  - The principle of including unclassified roads on the definitive map ('Issue' 2);
  - The introduction of an end date after, say, 10 years, for claims for the existence of rights of way based solely on historical documentary evidence (Proposal 3);
  - Applications to add rights of way to the definitive maps on the basis of 20 years' continuous use to be made within, say, 5 years of the right of use being brought into question. (Proposal 4);
  - Local authorities to be responsible for determining definitive map and certain public path orders, even where objections have been received (Proposal 5);
  - Local authorities to be able to make joint public path and definitive map orders (Proposal 7);
  - Local authorities to be able to produce a single consolidated definitive map for their area eg. where boundary changes have cut across definitive maps of former areas. (Proposal 20);
  - The practicability of including cycle tracks on definitive maps ('Issue' 6).

The fifth and sixth of these proposals relate also to public path order functions, but have been grouped under the definitive map heading for simplicity.

## **PROPOSALS RELATING TO PUBLIC PATH FUNCTIONS**

10. The consultation paper contained 10 formal proposals and informal 'issues' about authorities' public path order duties and powers. These can be summarised as follows:
- Local authorities to review the adequacy of their rights of way network and publish plans for using their powers to meet the needs of the public (Proposal 1);
  - A national scale of compensation for the creation of rights of way by order ('Issue' 1);
  - The scope for use of mediation for the resolution of objections to public path orders ('Issue' 3);
  - Provision for temporary diversions of rights of way for land management purposes ('Issue' 4);
  - Land managers and the public to have a statutory right to apply for certain public path orders to divert or extinguish rights of way (Proposal 6);

- Local authorities to comply with EC procedures in cases likely to have significant impact in relation to the Habitats and/or Birds Directives (Proposal 9);
- Local authorities to be able to make orders for diversion or closure of rights of way where necessary to meet the requirements of the EC Habitats Directive or to avoid significant damage to Sites of Special Scientific Interest (Proposal 10);
- Local authorities to take account of the needs of nature conservation when creating rights of way by order or agreement (Proposal 11);
- Local highway authorities to be able to make orders to divert or close rights of way when necessary to protect the safety of the public, following consultation with the police (Proposal 15);
- Power for local highway authorities to make orders to divert or close Byways Open to All Traffic (BOATs) and removal of such powers from magistrates' courts (Proposal 16).

## **PROPOSALS RELATING TO MAINTENANCE AND ENFORCEMENT ACTIVITIES**

11. The consultation paper contained seven formal proposals and informal 'issues' about authorities' maintenance and enforcement activities. These can be summarised as follows:
  - Extending the power of traffic authorities to make traffic regulation orders for nature conservation and recreation purposes (Proposal 8);
  - Power to make traffic regulation orders on the basis of police advice for the purposes of crime prevention (Proposals 13 and 14);
  - Public to be able to serve notice on highway authorities for the removal of obstructions from highways (Proposal 12);
  - Increased penalties and powers for dealing with those who wilfully obstruct rights of way ('Issue' 5);
  - Definition of 'motor vehicle' to be extended to all motor vehicles, including those not intended for road use (Proposal 17);
  - New duty on local highway authorities to improve access for disabled people (Proposal 18);
  - Local highway authorities to publish reports on activities to improve access for disabled people (Proposal 19).

## **Methods employed in the appraisal**

12. A simple model was developed of the costs and benefits of local authorities' existing rights of way activities, and of the impacts of the proposals. This model was used to identify the types of information that would be required to undertake the appraisal. It was anticipated at the start that assessing the cost implications for local and central government would be a major focus of the work.



## **MODELLING THE COST OF EXISTING ACTIVITIES**

13. Adoption of such a model gave rise to the expectation that information would be required about existing activities of the following type:
- The expected number of 'cases' of an activity per year;
  - The outstanding number of 'cases' per year;
  - The cost per 'case'; and,
  - Current annual expenditure.

From this information could be estimated: the expenditure required to prevent any existing backlog of activity from increasing; the cost to clear any existing backlog; the time taken to clear any existing backlog (where the backlog is currently declining), and any annual addition to the backlog.

## **MODELLING THE IMPACT OF THE PROPOSALS**

14. The consultation paper proposals were expected to result in some or all of the following: changes in the type of "cases" (eg. new powers or duties); changes in the numbers of cases per year; and changes in the unit cost per case. Estimates of those impacts were used to calculate the expenditure change as a result of increases or decreases in those activities.
15. A similar approach could have been used to consider the costs and benefits of the proposals for users of rights of way, landowners and managers, and the general public. However, it was anticipated that difficulties would be encountered in obtaining quantitative estimates and, therefore, much of these parts of the evaluation would have to be qualitative.

## **DATA COLLECTION**

16. The primary approach to data collection was the administration by post of a series of questionnaires to identified organisations. The questionnaires covered the following topics: Local authorities' existing functions as classified in paragraphs 5 – 7 above, and the expected impacts of the proposals on those functions; Impact of the proposals on landowners and land management; Impact of the proposals on use and users.
17. Between October and December 1999 questionnaires were submitted to 37 local authorities, five landowner organisations, and four user organisations. 39 authority questionnaires were sent, breaking down as 13 public path questionnaires, 14 definitive map questionnaires, and 12 maintenance and enforcement questionnaires (one authority received all three). Initially, it had been expected that responses would be required within a one- or two-week period, to permit analysis of the results in time for the project deadline. This deadline was extended, but the response rate and quality of responses were nevertheless constrained by a lack of time available to complete the questionnaires.

## **RESULTS OF THE DATA COLLECTION PROCESS**

18. In total, 17 authorities returned questionnaires. Nine of the questionnaires returned related to definitive maps, four to public paths, and four to maintenance and enforcement. Together, those 17 authorities were responsible for rights of way networks totalling just over 36,000 kms in length, or approximately 22 per cent of the total network in England and Wales. Only three authorities had a significant length of RUPPs in their domain, and the sample as a result significantly under-represented the total length of RUPPs in England (only 9 per cent of the total).
19. Many authorities reported that the questionnaires were some of the most challenging they had ever encountered. It appeared that their organisations were not set up to provide such detailed information, particularly on costs allocated to different activities. No authority answered all the questions in the questionnaire sent to them. All the authorities that responded suggested that their responses were extremely uncertain and should be treated as 'first pass' estimates only, although it was evident that some authorities had attempted to estimate costs and other quantities in a structured fashion. On the other hand, it was evident that the structured format of the questionnaires served to expose internal inconsistencies in some authorities' responses. As a result, responses should be seen as highly speculative and indicative of possible likely values only. However, this exercise represents the first attempt of its kind to estimate the unit costs of authority activities in the field of rights of way and no alternative data were available for comparison. Few authorities, in their formal response to the consultation paper, offered information on the resource implications of the proposals.
20. Two questionnaires were returned by land managers, and an informal response was received from one land management organisation. One user group returned a questionnaire and two others provided informal responses. Two reasons explain this lack of response. The first was the lack of time given to respondents for completing the questionnaire (see Paragraph 17). The second was the general lack of information on use and land management impacts suitable for incorporation in the model.

## **AGGREGATION OF RESULTS TO THE NATIONAL LEVEL**

21. In order to generalise the responses obtained from the sampled authorities into estimates for the whole of England and Wales, assumptions were made about the information that had been collected and the particular characteristics of the authorities that supplied it. On the information available, the variability of length of rights of way network appeared to be the factor most likely to explain variations in answers across different authorities. Thus, translating authorities' responses into a "value per unit of network length" was adopted as the basic approach to generalising results to all authorities. These values could then be applied overall, using information about the national networks. However, it was considered likely that the responses of authorities having large networks in their area would be more representative of England and Wales than the responses from those with smaller networks. Therefore, responses from the former type of authority were given greater weight when the information was translated into unit values.

## Limitations of the methods employed in this study

22. The limitations of the methods employed in this study are significant and should be recognised:
- The survey sample was small and the responses may not have been representative (although wide coverage – in terms of length – of the national rights of way networks was achieved);
  - The survey responses were highly uncertain and may well have been significantly inaccurate. Some answers showed internal inconsistencies, and some respondents reported that they had not considered costs outside their own immediate departments, or had simply guessed their answers;
  - No data were available for a wide range of impacts, precluding a full cost-benefit analysis. This was a basic problem and one which could only be overcome via an extended and intensive data collection exercise over a period of years;
  - Some proposals and questionnaires lacked detail, so that responses may have been based on different assumptions. Time and resources precluded more thorough design and testing of the questionnaires. However, few respondents complained that the questionnaires were confusing or ambiguous;
  - The aggregation methodology is untested and it is not certain that it produces results which are representative of England and Wales as a whole (although where comparisons could be made, significant errors in the aggregated results were not apparent).

## Reliability of the results

23. This was largely the first study of its type which has attempted to estimate unit costs associated with individual rights of way functions, so there was little alternative data against which to validate the results. One of the major conclusions of the study must be that local highway authorities appear to have little information about how much it costs to undertake their statutory functions.
24. Where the aggregation methodology employed could be tested against independent data, it seemed to perform better in some cases (e.g. when predicting the number of RUPPs remaining to be classified), than in others. Where other data sources were available and considered reliable, these were used in place of our model predictions.
25. We would expect our results to be towards the lower boundary of the true number in each case. This is because we anticipate that authorities would be more likely to omit items from their estimates of the cost of activities (eg. where respondents were not aware of costs incurred outside their own department) rather than to include too many items. In addition, in no case do we consider that our estimates are wrong by an order of magnitude. However, we would not feel confident in saying that the true figures could not be

considerably higher than the values we estimate in this study. Unfortunately, no information exists which would enable us to estimate upper and lower limits to the results.

## Results – Costs of authorities' existing activities

26. Table 1 reports our estimates of the costs to authorities of undertaking their existing activities. The column headings can be explained as follows:
- The 'Cost to complete' column covers activities relating to statutory finite 'tasks' (e.g. the reclassification of RUPPs), and shows the amount of expenditure required to complete the task. It also shows the expenditure required to clear any backlog existing on 'day-to-day' activities;
  - The 'Annual cost' column covers activities which are recurring day-to-day (e.g. receipt and consideration of claims), and shows the amount of expenditure required to undertake the amount of work arising on each activity each year;
  - The 'Annual expenditure' column shows the actual expenditure each year on an activity, whether to cover current obligations, to complete 'tasks', or to clear backlogs;
  - The 'Extra annual expenditure' column shows the increase in annual expenditure on a day-to-day activity which is required to cover the annual cost of that activity.
27. A number of general points can be made. First, authorities currently spend around £45m on rights of way activities, the major portion of this going on maintenance. The total cost of authorities' day-to-day activities alone were estimated at just over £90m per year. The cost to complete authorities' tasks and to clear backlogs on day-to-day activities was estimated at over £55m. Finally, expenditure on day-to-day activities would have to rise by an estimated £50m per year to prevent backlogs from increasing.
28. By far the greatest proportion of current annual costs arose from maintenance of rights of way, estimated at almost £59m per year. Annual expenditure on this function was estimated at only £15.5m (including grant aid), giving a predicted annual deficit of £43m. It was unclear to what extent this figure might include an amount to bring networks up to standard, after which required annual expenditure would fall. However, our derived estimate tallied closely with an estimate obtained from authorities' own assessment of the extra annual expenditure required (£45m).

Table 1: Local authorities' existing activities

<b>Definitive Maps</b>	<b>Annual cost</b>	<b>Annual expenditure</b>	<b>Cost to complete</b>	<b>Extra annual expenditure</b>
Surveys and research into the existence of rights of way		710 000	8 150 000	
Consideration of claims submitted by the public	3 000 000	3 300 000	9 900 000	
Modification of the definitive map	1 800 000	2 100 000	3 200 000	
Research into the reclassification of RUPPs		900 000	11 400 000	
Preparation of definitive maps for previously unsurveyed areas		96 000	2 900 000	
Maintenance and display of definitive maps	930 000	820 000		110 000
<b>TOTAL</b>	<b>5 730 000</b>	<b>7 926 000</b>	<b>41 600 000</b>	<b>110 000</b>
<b>Public Paths</b>				
Requests for creations by order and agreement	100 000	100 000	70 000	
Creation orders	320 000	330 000	370 000	
Requests for diversions and closures	4 530 000	3 500 000	2 900 000	1 025 000
Diversion orders	2 060 000	1 400 000	900 000	660 000
<b>TOTAL</b>	<b>7 000 000</b>	<b>5 330 000</b>	<b>4 240 000</b>	<b>1 685 000</b>
<b>Maintenance and Enforcement</b>				
Keeping rights of way free from obstructions	12 400 000	7 300 000	1 700 000	5 100 000
Maintenance and improvement of rights of way	58 600 000	15 500 000		43 200 000
Applications to erect gates, fences etc	320 000	100 000	300 000	220 000
Traffic regulation orders	2 800 000	2 800 000		
Sign-posting and way-marking		2 700 000	7 100 000	
Restoration of ploughed or disturbed rights of way	3 470 000	3 330 000	700 000	140 000
Notices received under Section 56	6 000	6 000		
<b>TOTAL</b>	<b>77 596 000</b>	<b>31 736 000</b>	<b>9 800 000</b>	<b>48 660 000</b>
<b>TOTAL COSTS OF ACTIVITIES</b>	<b>90 330 000</b>	<b>44 990 000</b>	<b>55 640 000</b>	<b>50 455 000</b>
All figures in pounds sterling. Totals may not compute due to rounding				

29. Keeping rights of way free from obstructions was a major activity and one which was significantly underfunded (£7.3m versus required expenditure of £12.4m). This was consistent with the results of the Countryside Commission's 1994 survey which estimated that 25 per cent of linking sections of the rights of way network in England were obstructed. Authorities also spend a significant sum on ensuring footpaths and bridleways are restored following ploughing.
30. Diversion and closure orders represented a significant proportion of the total expenditure. We estimated that £3.5m per year is spent on dealing with requests for diversions and closures, with £1.4m spent on diversion and closure orders themselves. There was probably some overlap in these two figures. It was also unclear to what extent the estimates took account of authorities' ability to charge for the costs associated with requests for diversions and closures which result in confirmed orders. It would appear on the face of it that this area is currently underfunded by authorities, but the extent of this underfunding seemed high compared with our estimate of the current backlogs. Our results here should therefore be regarded as particularly tentative.
31. Consideration of claims submitted by the public about the existence of rights of way appeared to be a major activity, costing £3m per year, with a significant backlog (almost £10m) of outstanding claims. Surveys and research into the existence of rights of way were not heavily funded. Indeed, some authorities reported that they currently undertook no research unless it was associated with a claim. No authority was prepared to estimate when its historical research might be completed, so the cost of £14.2m to complete it was based on an assumption that it might take 20 years. Finally, current expenditure of RUPP reclassification seemed low compared with the number of RUPPs still remaining. At current rates of expenditure, we estimated that reclassification would not be completed for over a decade.

## Effects of the proposals on the environment

32. The actual impacts of the proposals on the environment would be fundamentally proposal- and site-specific. However, some general indications could be given. The main impacts of rights of way use might be as follows.
33. Any direct physical impact of trampling and erosion from pedestrian traffic, horses and vehicles might lead to possible changes in vegetation cover, the physical character of soils and any associated micro fauna. The degree of any damage would depend on several factors, including geology, soil type, slope, aspect, species composition, past management regime and weather conditions. Any impact of large motor driven vehicles might also be significant. In general the more natural vegetation types (i.e. those least modified by man) would be the most vulnerable to recreational damage.
34. We might expect any such impacts to increase as a result of those proposals which would be expected to increase use of rights of way, for instance, 'Issue' 2 and 'Issue' 6, and to a lesser extent Proposal 12 and 'Issue' 5. Some proposals were likely to reduce use generally, and hence these impacts, for instance 'Issue' 4 and Proposals 13-15. Proposal 2 should have net benefits for the environment due to the restriction on motorised vehicle use.
35. Any inappropriate behaviour and use of rights of way by users could be unpredictable and might have unwelcome environmental effects. Increased use of rights of way might deter

anti-social activities in some cases. Proposal 17 was designed to restrict the inappropriate use of some motor vehicles, and Proposals 9-11 were intended specifically to prevent environmental damage and promote nature conservation.

36. Increased use of rights of way can improve understanding of countryside issues and environmental awareness. This might result from Proposal 11. However, negative views would be likely from those who would have some of their activities curtailed through restrictions (e.g. Proposals 2 and 17) or from land managers who object to access. Proposals to permit diversions and closures (e.g. Proposal 6, 'Issue' 4) might ameliorate this situation.

## Effects of the proposals on users

37. The effects of the proposals on users were also likely to be site- and proposal-specific. However, some general points can be made here. First, evidence on the recreational use of the countryside generally suggests that, at least for walking, use has not changed significantly over recent years, suggesting that impacts on walking are likely to be diversionary. The same is not necessarily the case for other types of uses which have historically been less well provided for (e.g. cycling) or which have become popular relatively recently (e.g. off-road driving).
38. There was considerable difficulty in estimating use benefits (or costs) associated with the proposals. First, there have been only a few, limited studies of the value of recreation in the UK. None related specifically to rights of way, nor to anything other than walking. Second, there was no information on the level of use of actual rights of way, or on who uses them. Third, the proposals were generic, and it was impossible to predict exactly what their impacts on access provision could be. However, the impacts of changes in provision would by nature be site-specific, and it was not possible to estimate changes without knowing the characteristics of every site and how provision would change in each case.
39. In general, the effect of the proposals on use might be in two directions. In the first, the total number of visits by the population would be assumed to remain constant. Benefits arise as a result of the increase in choice and reduction in congestion at existing sites. In the second, there would be an increase in the number of visits. It is noted that some of the proposals might involve reductions in opportunities for users, e.g. following closures. In this case, the above mentioned effects would work in the opposite direction.
40. The value of any increase in rights of way-based recreation would depend on a number of other factors including: the quality of the addition to rights of way, which includes such elements as aesthetics, location in relation to areas of demand, accessibility, etc; the quantity and quality of substitute rights of way; and the socioeconomic characteristics of the population of potential users.

## Effects of the proposals on land managers

41. The proposals in "Improving Rights of Way in England and Wales" would be likely to have direct and indirect effects on land management and the interests of landowners. Impacts could result from changes in the type, levels and patterns of use of existing rights of way networks and the creation of new rights of way and networks. They could also result from the use of existing and new rights of way.

42. Some direct benefits would be likely to emerge from reductions in impacts upon land managers' operational activities and possible savings in management time and professional costs. Operational impacts might be reduced by better provision on the ground. Management cost savings could result from the simplification of procedures, an increase in the accuracy and availability of information.
43. Greater transparency and reductions in bureaucracy should also be of benefit, as should the opportunities for increased dialogue and co-operation which some of the proposals require and imply. Greater certainty about the status of land and rights of way over it would also produce benefits.
44. Cost impacts may be both direct and indirect. Direct impacts are likely to result from restrictions in productive capacity and increases in operation and management costs. Indirect impacts might result from any lowering of the amenity value of land. Costs of both types might impact on land values, in some cases so as to affect marketability.

## Results – Costs and benefits of the proposals

45. The results of the analysis summarised here focus on the impacts on local authorities and central government, since quantitative data have been available to assess only these impacts. The proposals having the potential to give rise to the greatest and most uncertain cost increases for local authorities were Proposal 3 (end date for recording rights of way on definitive maps) and Proposal 12 (public to serve notices on local highway authorities for removing obstructions). It should be emphasised that the magnitude of these costs arose from tentative estimates of their possible impact and we recommend the adoption of a particularly cautious approach in interpreting these figures. The effects of each proposal on the environment, land managers and users of rights of way were considered qualitatively.

### **RESULTS – COSTS AND BENEFITS OF THE PROPOSALS ON DEFINITIVE MAP ACTIVITIES**

#### **Proposal 2 – RUPPs to be reclassified as bridleways**

46. Some users would expect to benefit from this proposal, as it would be likely to speed up the reclassification process, thereby 'bringing forward' the benefits of improved clarity of status and quality of use. In addition, where RUPPs would otherwise have been reclassified as footpaths, then some horse riders and cyclists could benefit (at least temporarily) from rights which they would otherwise have lost. However, evidence suggests that fewer than 10 per cent of RUPPs are reclassified as footpaths currently, so these latter benefits are likely to be small. In addition, users of motorised vehicles would lose rights earlier than they would have done, or temporarily. This could have benefits for the immediate environment, however.
47. Land managers would also benefit from bringing forward the reclassification of RUPPs and hence an earlier clarification of their proper status. They are also sometimes able to gate bridleways and plough them where they cross fields (whereas this is not permitted for RUPPs) so these reduced management restrictions would also be enjoyed earlier (although in some cases they would be temporary). However, there would be concomitant costs for users who might have their access obstructed or inconvenienced.



48. Local and central government would be unlikely to benefit from this proposal since it is expected that most, and possibly all, reclassifications would be considered at a public inquiry following objections from users, compared with 35 per cent at present. At current rates, RUPP reclassification would take 33 years to complete. If we assume that it could be completed in five years following the adoption of this proposal, the present value of the cost to local authorities would be equal to £2.9m (which would fall to £1.9m if reclassification in accordance with this proposal took 10 years). The cost for central government in terms of additional public inquiries was estimated at £550,000 or £390,000 respectively.

**'Issue' 2 – Unclassified roads to be added to the rights of way system**

49. We estimated that around 6,000 miles of unsealed unclassified roads might be available in England and Wales for recording on the definitive map. Under current legislation the rights existing in each instance can be considered on a case by case basis. The cost of recording unclassified roads on the definitive map would vary depending on the ease of establishing the rights over them. Our survey suggested authorities anticipated this to be a costly process, requiring expenditure of £19m. A further cost of £2.3m could be incurred by central government as a result of the need for public inquiries. Other costs might be borne by the environment if recording unclassified roads resulted in increased use. Their use could increase significantly since recording would permit their status as rights of way to be clearly shown on Ordnance Survey maps, the primary source of information for most users. The type of use would depend on the rights found to exist over the roads. If they were recorded with vehicular rights, they would represent an increase in the network indicated as available for vehicular users, with concomitant effects on use. Recording could also increase use by horse riders, cyclists and walkers.

**Proposal 3 – 10-year statutory period for claims based solely on historical documentary evidence**

50. This proposal would have benefits for land managers and users in terms of reduced uncertainty about the existence of rights of way. This would be a result of the acceleration of the claims process so that the existence of any rights would be recognised earlier than under the current system. For land managers also, any benefits would be offset by the increased restrictions on management which recording a right of way might entail.
51. Although their estimates were very uncertain, some local authorities predicted that this proposal could result in high numbers of claims being submitted so as to meet the cut-off date. Those conducting the study judged that the costs could range up to some millions of pounds, on the basis of figures suggested by local authorities. The cost of bringing forward claims could be as high as £25.7m in present value terms if they were researched over a 10-year period. The cost to central government of associated public inquiries could be as high as £2.1m (present value). The figures are very tentative and susceptible to changes in assumptions about the number of claims and the period of time over which they would be processed. The estimates excluded the costs to the public of researching and submitting such large numbers of claims.

**Proposal 4 – Claims on the basis of 20 years' continuous use to be made within five years of first question**

52. This proposal would not be expected to have a significant impact since few claims for the existence of rights of way on the basis of 20 years' continuous use are currently made more than five years after the first time the right is brought into question. Savings for local authorities might be around £30,000 per year as a result of the absence of such claims. Central government and land managers could also benefit marginally. The major cost of the proposal is likely to be associated with the need to introduce a system for recording the

first bringing into question of a right of way, so that it could be judged when the five-year time period had expired. This might involve considerable practical and logistical problems, and hence costs, although we have not been able to estimate these.

**Proposal 5 – Local authorities to take decisions on opposed orders**

53. We did not expect this proposal to have significant benefits, because our survey suggested that land managers and members of the public would be unlikely to accept local authorities' decisions on orders which had attracted objections. Thus this proposal could result in two public inquiries where currently one would be sufficient – one held initially by the highway authority, and the second held by the Secretary of State in response to an appeal against the authority's decision. This would put the net cost to government of this proposal at around £650,000 per year, not including the costs to users, land managers etc of attending an extra inquiry.

**Proposal 7 – Local highway authorities to be able to make joint public path and definitive map orders**

54. We would expect this proposal to have small and very marginal benefits for local authorities through lower administration costs, and some marginal benefits for users and land managers in terms of definitive maps being kept more up-to-date. However, although these benefits would be small, the proposal would not appear to entail any costs, and would instead represent a simple rationalisation of existing procedures.

**Proposal 20 – Local authorities to be able to consolidate definitive maps**

55. This proposal would give surveying authorities the power to consolidate definitive maps if they deemed it worthwhile, suggesting that the benefits of so doing must exceed the cost of consolidations that would be made, which might cost between £200,000 and £1m. Because the use of this power would be discretionary, we expect authorities to determine on a case-by-case basis whether the costs of using it would be outweighed by the benefits, and this should ensure that the proposal would in practice have no net economic costs.

**'Issue' 6 – Local authorities to record statutory cycle tracks as a new category of right of way**

56. The main benefit of this proposal would be to allow cycle tracks to be recorded as rights of way on definitive maps, thereby clarifying their status for users (and others) and indicating their availability for use. The cost of recording the estimated 3,800 tracks could be as low as £215,000 if a legal event order could be used, or as high as £7.5m if a full-blown definitive map modification order and public inquiry process was necessary. An additional £75,000 per year expenditure might be necessary by local authorities on maintenance, and £600,000 by central government on public inquiries in the case of opposed definitive map modification orders.

**RESULTS – COSTS AND BENEFITS OF THE PROPOSALS ON PUBLIC PATH ACTIVITIES**

**Proposal 1 – Local highway authorities to produce rights of way programmes**

57. The proposal did not include any statutory obligation on local highway authorities to implement the plans they would prepare. As such, there would be few tangible benefits associated with this proposal. However, it is considered that government and the public would benefit from such plans insofar as they represent a clear statement of strategy for improving rights of way networks. The activities implied by the proposal could be a necessary precursor to the broader objective of encouraging authorities to be more

proactive in developing their rights of way networks. Preparation of the plans would entail processes likely to increase democracy and accountability, and the publication of plans could raise expectations that authorities would implement them and become more proactive generally in the provision of access. More practically, the proposal would provide information which could be used in the evaluation of authorities' performance. It would also enable users and other members of the public to contribute through consultation to the development of the rights of way network. Our survey suggested that the cost of preparing plans at 10-year intervals could be in the region of £202,000 annually.

### **'Issue' 3 – Mediation**

58. It is unclear to what extent mediation might result in savings in the costs of dispute resolution. Authorities estimate that they might save £400 per disputed case, which might give savings of around £160,000 if mediation were useful in half of the cases. If mediation would be cheaper for authorities, we have no reason to believe that it would not be similarly cheaper for land managers and users. The level of savings which could be made, however, would remain dependent on how effective mediation could be.

### **'Issue' 4 – Temporary diversions**

59. The benefits of this proposal would be the increased management options and flexibility that it would allow for land managers. The size of these benefits was indicated by our estimate that over 2,000 diversions could be requested each year. If a fee (e.g. of £500) for these could be charged, a benefit in excess of £1m per year would be suggested. The costs to authorities of processing these applications could be around £3m, although this could be offset somewhat by any fee charged. (In economic terms there is little case for not charging a fee that completely covered authorities' administration costs, although this might imply a fee substantially in excess of £500). Any costs to users would arise from uncertainty about the availability of parts of the network for use, although such costs could be mitigated by suitable sign-posting etc.

### **Proposal 6 – Land managers and the public to have a right to apply for diversion and closure orders**

60. The benefits of this proposal would be expected to accrue primarily to individuals and companies who obtain closure and diversion orders which they would not have obtained under the current system or which would have taken longer to obtain. Diversions and closures could mitigate any restrictions on land use and development that could result from the presence of rights of way. They could also reduce any costs associated with the use of rights of way, e.g. unintentional damage to land or property, and other intangible costs associated with the proximity of users to private property, where it may result in a loss of privacy and amenity.
61. We estimated that 4,300 applications per year for diversions and closures might be forthcoming if this proposal were adopted, leading to 1,500 orders, and costing local authorities around £7.4m per year in total to process. This does not take account of any charges to applicants. Costs to central government would be in the region of £960,000 per year. Users would face costs in terms of interruptions and changes to the rights of way network. However, we would expect these costs to be taken account of on a case-by-case basis when the merits of each application are evaluated.

**Proposals 9 & 10 – Local authorities to comply with EC Habitats Directive and to avoid damage to Sites of Special Scientific Interest**

62. These proposals imply no significant extra costs for local authorities or central government, nor for other parties such as land managers or users of rights of way. They largely represent safeguards which could be used as a last resort to ensure that the government complied with European and UK law. The few orders per year which might be required could cost authorities around £7,000, but could reduce risks of environmental damage to important nature sites.

**Proposal 15 – Local highway authorities to be able to divert or close highways to protect public safety**

63. The closure or diversion of highways is not guaranteed to reduce crime, although a pilot project in one inner city area showed a significant reduction following the closure of back alleys. Generally, the benefits of the proposal were difficult to predict. To the extent that crime is reduced, we would expect a reduction in vandalism and damage to property, theft, and possibly violence to persons. These benefits could accrue to businesses, the public and the community generally. In addition, we could expect an improvement in community morale and social inclusion, which could foster regeneration in some deprived areas.
64. Around 700 orders were anticipated (this could be an overestimate since such orders would be made only in restricted circumstances). Orders could cost authorities an estimated £1.2m per year with costs of around £140,000 to central government. There might also be a cost to users in terms of interruption to the network. However, the opportunity to make orders would not be used unless authorities and the police considered them worthwhile following an assessment of the costs and benefits. Thus, granting authorities this opportunity would not, in itself, involve any costs or benefits.

**Proposal 16 – Local highway authorities to take over magistrates' courts powers to make orders to divert and close BOATs**

65. This appeared to be a simple streamlining proposal which had no obvious net economic costs or benefits, but would result in a transfer of current costs (of around £57,000 per year) from one public body (magistrates) to another (local authorities).

**RESULTS – COSTS AND BENEFITS OF THE PROPOSALS ON MAINTENANCE AND ENFORCEMENT ACTIVITIES**

**Proposal 8 – Traffic Regulation Orders for environmental and recreational purposes**

66. We estimated that 50 traffic regulation orders would be made each year if this proposal were to be adopted, costing local authorities between £45,000 and £90,000 per year. Environmental effects can often be mitigated by voluntary management measures but this proposal would provide valuable back-up powers at little risk that orders would be made which were not justified by the resulting benefits.

**Proposals 13 & 14 – Traffic Regulation Orders to prevent persistent criminal activity**

67. As with Proposal 15 (paragraphs 63 and 64 above), we were not in a position to predict what the benefits of this proposal might be. However, we would expect highway authorities to evaluate each TRO on a case-by-case basis, and assess the costs and benefits accordingly. We estimate from authorities' survey responses that up to 800 TROs per year might result, at a cost of £720,000, although it was intended that such a power would be used only in exceptional circumstances. This might suggest 800 is an overestimate.

**Proposal 12 – Public able to serve notice on local highway authorities for the removal of obstructions.**

68. This proposal would be expected to result in a significant reduction in the number of public rights of way which are obstructed. As a result, users of rights of way would be expected to benefit from more and improved access, both now and in the future, and reduced conflict with those responsible for obstructions.
69. This proposal would be expected to result in a significant number of notices being served on highway authorities. Estimates from our survey of the likely number of notices, and the costs of dealing with them, varied widely. From the responses received, it appeared that the number of notices served per year could range between about 700 and 6,000. The cost of dealing with them could range between £250 and £2,500. This gives an estimate of the annual cost of between £175,000 and £15m. Our best estimate was around £6m. We would expect this cost to fall over time, however, once enforcement and compliance became established.
70. Where a local highway authority failed to comply with a notice, the person who served the notice would be able to apply to a magistrates' court for an order requiring the authority to act. We assume that each notice which resulted in a magistrates' court order would require up to four hours of magistrate's time at a cost of around £250 per hour, to give a cost per notice to central government of up to £1,000. We are not able to say with confidence what proportion of notices would result in a court order – if 25 per cent did, then costs might be between £175,000 and £1.5m, whereas if 75 per cent of notices generated an order, the cost would rise to between £525,000 and £4.5m. We would expect this cost to fall over time, once enforcement and compliance became established.
71. These wide variations in costs reflect authorities' varying estimates of the likely number of notices for the removal of obstructions, and also the wide variation generally reported in the cost of dealing with obstructions.
72. This proposal would be expected to result in extra costs for those responsible for obstructions to rights of way, since it would be anticipated to lead to the quicker removal of more obstructions. These costs mainly reflect existing obligations and would be counterbalanced by the benefits for users.

**Issue' 5 – Increased penalties for obstructions**

73. Authorities estimated that just over a quarter of new obstructions could be avoided if these changes were to be adopted, ie. 21,600 cases per year. At an average cost of £155 per case, this would represent a saving of £3.3m per year. We do not have an estimate of the likely effect on outstanding or persistent obstructions. However, if the impact was similar to that predicted for new obstructions, then we might expect the proportion of the network obstructed to fall from 25 per cent to under 20 per cent, with concomitant benefits for users.
74. This proposal would be expected to have costs for land managers in terms of the bringing forward of the costs of removing obstructions. These costs could be significant in some cases, but would be incurred only by those convicted of causing obstructions. As such, they represent costs that should have been incurred anyway since they would arise from the removal of obstructions which would have been judged illegal.

**Proposal 17 – Definition of 'motor vehicle' to be extended to all motor vehicles**

75. The objective of this proposal would be to close a legal loophole. One could argue that there is little need for an economic justification for such a proposal. Given the small number of users who would be adversely affected, the costs of this proposal – in terms of restrictions on the use of certain vehicles – were likely to be outweighed by the benefits (reduced conflict with land managers and other users, and reduced environmental damage).

**Proposal 18 – Local highway authorities to promote easier passage at crossing points for disabled people**

76. The impact of this proposal would depend on how it is implemented in practice. However, we would expect benefits for users with disabilities in terms of more provision of suitable furniture. However, these benefits might be limited to popular, easily accessible routes with suitable surfaces, topology and so on. Users without disabilities would also benefit since suitable access furniture tends to be easier for all to use. We asked local authorities directly what increase in their costs this duty might cause, and from their responses, we estimated an annual figure of £1.7m. Land managers might also bear costs if their management options were to be restricted, although implementation of this proposal in consultation with land managers should minimise any such effects.

**Proposal 19 – Local highway authorities to publish periodic reports on action taken to improve accessibility for disabled people**

77. It was difficult to attempt to evaluate the usefulness of reports of authorities' actions to improve access for disabled people. The issue is one more of equity than economics, and it seemed somewhat inappropriate to attempt to judge whether reporting on activities to encourage disabled access was 'worth' the cost of doing so. This was especially true given the difficulty in assessing the benefits of such reports in either quantitative or qualitative terms. The estimated cost of producing such reports was put at £140,000 per year, although one responding authority anticipated that they could be produced at no extra cost as part of their existing reporting activities.

## Summary of the results

78. Authorities currently spend significant amounts of money on rights of way activities. We estimated annual expenditure to be around £45m per year. The major part of this was on maintenance.
79. The estimated cost of local authorities' day-to-day activities greatly exceeded our assessment of how much was actually spent. Authorities were estimated to spend over £45m less per year than we estimated they need to cover their day-to-day costs. However, the great proportion of this was accounted for by maintenance (at £43m), and it is doubtful that this was a true annual deficit.
80. The backlog of work faced by authorities was significant, estimated at nearly £55m, and because of consistent under-expenditure on day-to-day activities, was growing every year.

81. The proposals would significantly increase day-to-day costs. We estimate an increase in costs to authorities of between £11m and £26m per year. The greatest proportion of this lower figure was accounted for by Proposal 6 (£7.4m) and 'Issue' 4 (£3m). The latter figure also incorporates the highly uncertain upper cost of Proposal 12. These costs could be offset by making charges to applicants for orders.
82. The proposals would also add significantly to authorities' outstanding costs. We estimate an addition to outstanding costs of between £49m and £57m. The greatest proportion of the first figure was accounted for by Proposal 3 (£25.7m) and 'Issue' 2 (£19m), although the former of these was very uncertain (although always likely to be significant). The second figure was inflated by the assumption about the impact of 'Issue' 6 (£7.5m).
83. The proposals should, as a package, increase the use of rights of way through an extension of the network, the earlier clarification of the status of rights of way, and the removal of physical obstructions to use. Some adverse effects on use might occur because of an increased number of diversions and closures, and vehicular users would have their options restricted.
84. The proposals would in general result in reduced environmental effects, through greater powers and obligations to protect the environment, and restrictions on vehicular traffic. Any environmental effects of increased use would probably be limited.
85. Land managers would benefit from improved clarity about rights of way status, and greater flexibility in land management options, especially as it relates to their ability to obtain diversions and closures. Some costs would accrue earlier than otherwise, largely from the proposals to encourage the keeping of rights of way free from obstructions.

## Summary of economic appraisal of proposals for legislation on rights of way

PROPOSAL	EFFECTS ON CENTRAL AND LOCAL GOVERNMENT	COSTS AND BENEFITS TO USERS	COSTS AND BENEFITS TO LAND MANAGERS
<p><b>PROPOSAL 1</b> Local highway authorities should be under a duty periodically to review the extent to which their local rights of way network meets the needs of the public; and be required to identify priorities to use their powers to meet those needs, to provide information in support of the reviews and to publish the outcome.</p>	<p>COSTS TO CENTRAL GOVERNMENT: Nil</p> <p>COSTS TO LOCAL GOVERNMENT: Estimated around £2.78m PV (over 30 yrs) or around £202,000 annually</p>	<p>COSTS: Nil</p> <p>BENEFITS: Opportunity to contribute to formulation of strategy</p>	<p>COSTS: Nil</p> <p>BENEFITS: Opportunity to contribute to formulation of strategy</p>
<p><b>PROPOSAL 2</b> Roads Used as Public Paths (RUPPs) should be reclassified by statute as bridleways, and surveying authorities relieved of their duty to research and reclassify them individually.</p>	<p>COSTS TO CENTRAL GOVERNMENT: Additional opposed orders estimated at £550,000 PV (over five years)</p> <p>COSTS TO LOCAL GOVERNMENT: Reduced numbers of reclassifications but higher proportion of opposed orders. Estimated at £2.9m (over five years)</p>	<p>COSTS: Contesting reclassification (discretionary) Onus of researching rights Restrictions on use Ways crossing fields more likely to be ploughed</p> <p>BENEFITS: Earlier and improved clarity of status Improved access and quality of use Savings from avoided reclassifications</p>	<p>COSTS: Contesting reclassification (discretionary) Onus of researching rights</p> <p>BENEFITS: Earlier and improved clarity of status Savings from avoided reclassifications Option of ploughing cross-field routes</p>
<p><b>PROPOSAL 3</b> A statutory period of, say, 10 years within which claims for the existence of rights of way solely on the basis of historic documentary evidence must be lodged with the relevant authorities. Claims made after that date would be invalid apart from correcting administrative errors of transcription. A similar regime would apply to proposals initiated by authorities where no application had been made by a member of the public.</p>	<p>COSTS TO CENTRAL GOVERNMENT: Brought forward opposed orders Estimated &lt;£2.1m PV</p> <p>COSTS TO LOCAL GOVERNMENT: Estimated at £25.7m PV Brought forward orders Extra work on poorly researched claims Brought forward management of ways</p>	<p>COSTS: Loss of right to use any routes undiscovered before the end date Brought forward cost of research (discretionary)</p> <p>BENEFITS: Earlier and improved clarity and certainty Benefits brought forward of improved network and use</p>	<p>COSTS: Costs brought forward of managing new routes (including effects on land values) Any costs from management restrictions resulting from discovery of routes. Brought forward cost of research (discretionary)</p> <p>BENEFITS: Earlier and improved clarity and certainty (including effects on land values) Avoided management costs on unrecorded routes subsequently extinguished.</p>



## Summary of economic appraisal of proposals for legislation on rights of way (continued)

PROPOSAL	EFFECTS ON CENTRAL AND LOCAL GOVERNMENT	COSTS AND BENEFITS TO USERS	COSTS AND BENEFITS TO LAND MANAGERS
<p><b>PROPOSAL 4</b> Applications to add rights of way to definitive maps on the basis of 20 years' continuous use should be made within, say, 5 years of the right of use being brought into question. For a transitional period of, say 10 years, claims might continue to be made on the current basis.</p>	<p><b>COSTS TO CENTRAL GOVERNMENT:</b> Brought forward costs of any opposed orders</p> <p><b>COSTS TO LOCAL GOVERNMENT:</b> Brought forward costs of dealing with orders &amp; managing new routes Handling disputes over when right was brought into question Estimated marginal saving of around £30,000 mainly from ending of claims after five years</p>	<p><b>COSTS:</b> Loss of right to use unrecorded routes Uncertainty over status of routes where claims not made within five years</p> <p><b>BENEFITS:</b> Avoided costs of future claims</p>	<p><b>COSTS:</b> Costs brought forward of managing new routes (including any effects on land values)</p> <p><b>BENEFITS:</b> Increased clarity and certainty Avoided losses of profit on future routes Avoided management costs on future routes</p>
<p><b>PROPOSAL 5</b> Local authorities should be responsible for determining proposals for definitive map and certain public path orders irrespective of whether there are objections.</p>	<p><b>COSTS TO CENTRAL GOVERNMENT:</b> Appeals against local authority decisions Approx £374,000 p a (no net cost: formerly borne by local government).</p> <p><b>COSTS TO LOCAL GOVERNMENT:</b> Opposed orders currently for Central Government Estimated total cost of £650,000 per year</p>	<p><b>COSTS:</b> Delay while appeals are considered</p> <p><b>BENEFITS:</b> Earlier access to routes in some instances</p>	<p><b>COSTS:</b> Delay while appeals are considered</p> <p><b>BENEFITS:</b> Quicker decisions in some instances</p>
<p><b>PROPOSAL 6</b> A statutory right for land managers and the public to apply for the making of certain public path orders to divert or close rights of way.</p>	<p><b>COSTS TO CENTRAL GOVERNMENT:</b> Appeals and directions: Estimated at around £960,000 annually</p> <p><b>COSTS TO LOCAL GOVERNMENT:</b> Processing applications &amp; making orders Estimated total around £7.4m per year (may be offset by fees/charges to applicants)</p>	<p><b>COSTS:</b> Any fees/charges for local authority orders Loss of use/restriction on use</p> <p><b>BENEFITS:</b> Improved response to requests Possibly fewer conflicts and obstructions where ways are diverted to more convenient routes Improved use, clearer access status</p>	<p><b>COSTS:</b> Any fees/charges for local authority orders Implementing the diversion or closure</p> <p><b>BENEFITS:</b> Improved response to requests Better, more profitable land management opportunities Fewer restrictions on use of property</p>

Summary of economic appraisal of proposals for legislation on rights of way (continued)			
PROPOSAL	EFFECTS ON CENTRAL AND LOCAL GOVERNMENT	COSTS AND BENEFITS TO USERS	COSTS AND BENEFITS TO LAND MANAGERS
<p><b>PROPOSAL 7</b> Highway authorities should be able to make joint public path and definitive map orders.</p>	<p>COSTS TO CENTRAL GOVERNMENT: Negligible</p> <p>COSTS TO LOCAL GOVERNMENT: Negligible</p>	<p>COSTS: Nil</p> <p>BENEFITS: Reduced uncertainty from more up-to-date definitive map and statement</p>	<p>COSTS: Nil</p> <p>BENEFITS: Reduced uncertainty from more up-to-date definitive map and statement</p>
<p><b>PROPOSAL 8</b> The provisions of section 22 of the Road Traffic Regulation Act 1984, which permit highway authorities in certain areas to make traffic regulation orders to conserve natural beauty and promote recreation and nature study, should be extended to include nature conservation and applied to the whole of England and Wales.</p>	<p>COSTS TO CENTRAL GOVERNMENT: Cost of policing</p> <p>COSTS TO LOCAL GOVERNMENT: Additional TROs estimated £45,000 – £90,000 per year</p>	<p>COSTS: Loss of access for those regulated by the TRO Some users' potential loss of access to nature conservation areas</p> <p>BENEFITS: Enhancement of use for those users not regulated Improved future use</p>	<p>COSTS: Nil (unless regulated by TRO)</p> <p>BENEFITS: Reduction in use (may be reflected in land values)</p>
<p><b>PROPOSAL 9 &amp; PROPOSAL 10</b> In the exercise of their rights of way functions, local authorities should be required to comply with procedures laid down in Article 6 of the EC Habitats Directive for considering plans or projects likely to have a significant effect on sites designated under that Directive or the EC Birds Directive.</p> <p>Local authorities to divert or close rights of way to meet the requirements of Article 6 of the EC Habitats Directive, or to avoid significant damage to SSSIs.</p>	<p>COSTS TO CENTRAL GOVERNMENT: Nil</p> <p>COSTS TO LOCAL GOVERNMENT: Assessment and alternative management options Administration costs of implementing any closure/diversion Few cases expected. May result in costs up to around £7,000 per year</p>	<p>COSTS: Some minor restrictions on use</p> <p>BENEFITS: Some enhancements to use of sites through better protection</p>	<p>COSTS: Some minor impact on land management options Implementing replacement routes</p> <p>BENEFITS Avoided management costs on closed routes.</p>

Summary of economic appraisal of proposals for legislation on rights of way (continued)

PROPOSAL	EFFECTS ON CENTRAL AND LOCAL GOVERNMENT	COSTS AND BENEFITS TO USERS	COSTS AND BENEFITS TO LAND MANAGERS
<p>PROPOSAL 11 Local authorities to have regard to the needs of nature conservation when exercising their powers to make public path creation agreements and orders.</p>	<p>COSTS TO CENTRAL GOVERNMENT: Nil</p> <p>COSTS TO LOCAL GOVERNMENT: Costs of assessments Possible increase in orders for nature conservation purposes</p>	<p>COSTS: Possible restrictions on use Some types of creations possibly precluded</p> <p>BENEFITS: Enhanced recreation and use through improved local environment</p>	<p>NO MEASURABLE EFFECT</p>
<p>PROPOSAL 12 Members of the public may serve notice on a highway authority to seek the removal of an obstruction on a highway in fulfilment of the authority's duty to assert and protect the rights of the public to the use and enjoyment of highways.</p>	<p>COSTS TO CENTRAL GOVERNMENT: Court costs estimated up to £4.5m per year</p> <p>COSTS TO LOCAL GOVERNMENT: Complying with notice, and costs of non-compliance: estimated £6m per year</p> <p>NB. Costs are expected to fall over time as enforcement &amp; compliance become established.</p>	<p>COSTS: Serving notice &amp; court costs</p> <p>BENEFITS: Decreasing need for complaints Enhanced network Fewer obstructed rights of way giving better use, clearer access status</p>	<p>COSTS: Brought forward court/defence costs Cost brought forward of removing obstruction (compliance with existing law)</p> <p>BENEFITS: Fewer management issues from people having to deviate around obstructions Reduced administration in dealing with protracted disputes</p>
<p>PROPOSAL 13 &amp; PROPOSAL 14 Highway authorities to make traffic regulation orders to prohibit the use of a highway at certain times, with a power to erect gates, where necessary to prevent persistent criminal activity.</p> <p>Highway authorities throughout England and Wales to make traffic regulation orders denying access to premises by pedestrians other than owners, leaseholders or occupiers of premises which cannot be reached by another highway.</p>	<p>COSTS TO CENTRAL GOVERNMENT: Enforcing TRO (costs to police)</p> <p>COSTS TO LOCAL GOVERNMENT: Implementing orders: estimate up to £720,000 total (over a number of years)</p>	<p>COSTS: Restrictions on use</p> <p>BENEFITS: Better crime prevention</p>	<p>COSTS: Nil</p> <p>BENEFITS Better crime prevention</p>

## Summary of economic appraisal of proposals for legislation on rights of way (continued)

PROPOSAL	EFFECTS ON CENTRAL AND LOCAL GOVERNMENT	COSTS AND BENEFITS TO USERS	COSTS AND BENEFITS TO LAND MANAGERS
<p>PROPOSAL 15 Highway authorities to divert or permanently close highways where necessary to protect the safety of the public, with a presumption in favour of diversion rather than closure.</p>	<p>COSTS TO CENTRAL GOVERNMENT: Opposed orders and possible appeals Estimated around £140,000 per year</p> <p>COSTS TO LOCAL GOVERNMENT: Making and implementing orders. Estimated at £1.2m (may be offset by fees/charges to applicants)</p>	<p>COSTS: Restrictions on use</p> <p>BENEFITS: Better crime prevention</p>	<p>COSTS: Restrictions on use Cost of implementing diversion/closure Any fees/charges for orders</p> <p>BENEFITS: Better crime prevention Avoided management costs on closed routes</p>
<p>PROPOSAL 16 Highway authorities to make orders diverting or closing rights of way carrying vehicular rights and recorded on definitive maps. Magistrates' current powers to close or divert footpaths, bridleways and Byways Open to All Traffic to be withdrawn.</p>	<p>COSTS TO CENTRAL GOVERNMENT: Opposed orders estimated at £6,000 per year</p> <p>COSTS TO LOCAL GOVERNMENT: Making and implementing orders estimated at £57,000 annually (subject to fees/charges)</p>	<p>COSTS: Nil</p> <p>BENEFITS: Nil</p>	<p>COSTS Any fees/charges for orders</p> <p>BENEFITS Better land management</p>
<p>PROPOSAL 17 To ensure that the prohibition on the driving of motor vehicles on footpaths, bridleways and land away from roads, applies to all motor vehicles. The special provisions currently available for invalid carriages would still apply.</p>	<p>COSTS TO CENTRAL GOVERNMENT: Policing costs</p> <p>COSTS TO LOCAL GOVERNMENT: Any costs associated with enforcement</p>	<p>COSTS: Restrictions on use for a small minority</p> <p>BENEFITS Enhancement for remaining users</p>	<p>COSTS: Nil</p> <p>BENEFITS: Avoidance of damage Reduction in risk of conflict</p>
<p>PROPOSAL 18 A duty on local highway authorities to promote the principle of easing passage for disabled people where rights of way cross obstacles such as fences, walls, watercourses or roads. A similar duty on The Highways Agency in respect of trunk roads crossed by rights of way.</p>	<p>COSTS TO CENTRAL GOVERNMENT: Nil</p> <p>COSTS TO LOCAL AUTHORITIES: Increased furniture and management. Estimated £1.7m per year overall</p>	<p>COSTS: Nil</p> <p>BENEFITS: Increased use by people with mobility problems Improved use for all users</p>	<p>COSTS Possible extra furniture and management costs Some restrictions on management options</p> <p>BENEFITS: Nil</p>

Summary of economic appraisal of proposals for legislation on rights of way (continued)

PROPOSAL	EFFECTS ON CENTRAL AND LOCAL GOVERNMENT	COSTS AND BENEFITS TO USERS	COSTS AND BENEFITS TO LAND MANAGERS
<p>PROPOSAL 19 Highway authorities should be under a duty to publish reports on action taken to improve the accessibility of their rights of way network to disabled people.</p>	<p>COSTS TO CENTRAL GOVERNMENT: Nil</p> <p>COSTS TO LOCAL AUTHORITIES: Preparing reports: estimated nil – £140,000 annually (based on producing report every two years) Any extra management etc. costs which result</p>	<p>COSTS: Nil</p> <p>BENEFITS: Better accountability and information Any resulting increase in provision for people with disabilities, and improved use on some routes for all users.</p>	<p>COSTS: Possibly some extra furniture and management costs, and minor restrictions on management options</p> <p>BENEFITS: Better accountability and information</p>
<p>PROPOSAL 20 Highway authorities should be able to produce consolidated definitive maps for their areas.</p>	<p>COSTS TO CENTRAL GOVERNMENT: Nil</p> <p>COSTS TO LOCAL AUTHORITIES: Cost of producing new maps Estimated up to £1m (discretionary)</p>	<p>COSTS: Nil</p> <p>BENEFITS: Improved clarity and certainty</p>	<p>COSTS: Nil</p> <p>BENEFITS: Improved clarity and certainty</p>
<p>ISSUE 1 Scale of compensation to be introduced for the creation of rights of way by order.  Cost:benefit analysis not applicable</p>	<p>COSTS TO CENTRAL GOVERNMENT: Nil</p> <p>COSTS TO LOCAL AUTHORITIES: Compensations for path creations by order</p>	<p>COSTS: Nil</p> <p>BENEFITS: Possibility that more rights of way become available for use, sooner than before</p>	<p>COSTS: Loss of flexibility Any financial losses should be balanced by gains elsewhere</p> <p>BENEFITS: Reduced conflict Simpler, less costly transactions Any net gain in payments received (but see above)</p>
<p>ISSUE 2 Unclassified roads to be added to the rights of way network.</p>	<p>COSTS TO CENTRAL GOVERNMENT: Opposed orders: estimated at £2.3m in total</p> <p>COSTS TO LOCAL GOVERNMENT: Recording unclassified roads on the definitive map estimated at around £19m Signs, maintenance, any new management costs</p>	<p>COSTS: Nil</p> <p>BENEFITS: Greater clarity of status Improved access and increased use Potential for better integrated network of ways for recreation/ travel</p>	<p>COSTS: Discretionary costs of clarifying rights.</p> <p>BENEFITS: Greater certainty from clarity of status</p>

## Summary of economic appraisal of proposals for legislation on rights of way (continued)

PROPOSAL	EFFECTS ON CENTRAL AND LOCAL GOVERNMENT	COSTS AND BENEFITS TO USERS	COSTS AND BENEFITS TO LAND MANAGERS
ISSUE 3 Introduction of mediation for the resolution of disputes.	COSTS TO CENTRAL GOVERNMENT: Nil  COSTS TO LOCAL GOVERNMENT: Costs of testing the procedures Potential savings estimated at £160,000 per year	COSTS: Nil  BENEFITS: Savings in costs of resolving differences	COSTS: Nil  BENEFITS: Savings in costs of resolving differences
ISSUE 4 Temporary diversions.	COSTS TO CENTRAL GOVERNMENT: Nil  COSTS TO LOCAL GOVERNMENT: Considering applications and processing orders Estimated at just under £3m (may be offset by any fees/charges to applicants)	COSTS: Restrictions on use Uncertainty over availability of paths  BENEFITS: Possible increase in quality of paths & local environment	COSTS: Any fees/charges for orders  BENEFITS: Better management opportunities and more flexibility
ISSUE 5 Increased penalties for those who intentionally block rights of way; Magistrates to have powers to direct the removal of obstructions as well as to impose fines.	COSTS TO CENTRAL GOVERNMENT: Nil  COSTS TO LOCAL GOVERNMENT: Uncertain (Savings estimated at £3.3m per year, from obstructions avoided following introduction of stronger powers)	COSTS: Nil  BENEFITS: Quicker removal of obstructions and fewer new obstructions: more accessible and integrated network	COSTS: Costs brought forward of removing obstructions (in compliance with existing law)  BENEFITS: Nil
ISSUE 6 Local authorities to record cycle tracks as a new category of right of way.	COSTS TO CENTRAL GOVERNMENT: Opposed orders: Estimated around £800,000  COSTS TO LOCAL GOVERNMENT: Recording on definitive map: estimated at £215,000 (by legal event) or £7.5m (full order procedure) Possible £75,000 maintenance annually	COSTS: Nil  BENEFITS: Greater clarity and certainty about existing rights Enhanced usage from better integrated network	COSTS: Nil  BENEFITS: Greater clarity of status