

# *Validating the Anecdotal Viewpoints of Rights of Way Officers Managing Byways*

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**A waymarked byway in the urban fringe**

## **Introduction**

The second edition of 'Making the Best of Byways' is currently being reviewed by Defra (Department for Environment, Food and Rural Affairs) for publication in the near future. The revision, undertaken by Scott Wilson Pavement Engineering, was prepared by gathering the knowledge, experience and input of users, Rights of Way Officers, land owners and other byway stakeholders, as well as by building on readily available published information. This article highlights and discusses some of the views expressed by Rights of Way Officers during the revision process.

During the revision process, interviews were conducted with 27 Rights of Way Officers working for 17 different Local Authorities and National Park Authorities. An email working group of 11 Rights of Way Officers and user representatives provided input on a range of topics as the drafting progressed. An advisory group, including 17 representatives of stakeholder organisations, including the British Horse Society, the Byways and Bridleways Trust, the Country Land and Business Association, the Countryside Agency, the Countryside Council for

Wales, English Nature, the Land Access and Recreation Association and the Ramblers' Association, provided constructive criticism on the first draft. Further feedback was received from six individuals and stakeholder organisations.

## **Background Information**

- Byways open to all traffic currently make-up 3744 km (2%) of the rights of way network in England [Defra, 2005a] and 431 km (1.5%) in Wales [exeGesIS SDM Ltd, 2003].
- Recent research in England shows that 48% of users on byways open to all traffic are on foot, 42% are using mechanically propelled vehicles, 7% are cycling and 3% are on horseback [Defra, 2005b].
- Of the mechanically propelled vehicles used on byways open to all traffic 42% are land management vehicles, 38% are recreational vehicles and 20% are vehicles accessing dwellings.
- By length of byway open to all traffic surveyed, 90% provided "identifiable" access to farmland (for example, the route included a field gate) and 45% provided access to one or more dwellings.

## Anecdotal Viewpoints

The interviews with Rights of Way Officers highlighted common views relevant to managing byways. Three of these views were:

- Conflict is more perceived than real but is a significant problem where it exists.
- A lack of funding constrains byway repair and maintenance, and has led to an historical backlog of work resulting in many byways existing in a state of disrepair.
- Byway maintenance and repair needs to be considered on a case by case basis, as it is site specific.

## Conflict

The viewpoint that few conflicts occur between byway users is indirectly supported by research into user interactions on non-motorised shared use routes [Uzzell et al, 2000]. This study found that conflict occurs extremely rarely and that the feelings of perceived conflict were rare on the routes studied.

That conflict is minimal is also supported by research studies conducted for the Countryside Agency's programme to develop exemplar rights of way improvement plans. Although several of the studies identified problems associated with using the rights of way network, few of these concerned the legal use of mechanically propelled vehicles. Specifically, a study for Bedfordshire [ADAS Consulting, 2003] concluded that "Conflict between the various people with an interest in the rights of way network – various users, land owners, farmers and conservation groups – occurs to some extent, but appears to be less than is sometimes made out." A study of horse and cycle use in Shropshire indicated that conflict "is not one of the key issues to be tackled through the rights of way improvement plan" [Rural Resources, 2004].

However, conflicts between users do occur. Information from Lake District National Park Authority notes that complaints concerning recreational driving occur where the byways are more heavily used for

recreational driving and are also popular with walkers, cyclists and horse riders [Robinson, D; Wilson, G, 2001].

Work for the Countryside Agency, examining the conflicts that arise on shared use routes which do not carry vehicular rights, resulted in recommendations to minimise conflict on such routes [Countryside Agency, 2003]. One of the recommendations was the use of information panels at the access points of shared use routes. Amongst other items, the panel should include details of any code of conduct (a code of conduct was noted to be desirable), a contact person to receive comments, complaints and reports of conflict, and the authority responsible for the route. Information panels on routes and a code of conduct form part of the Lake District National Park Authority Hierarchy of Trail Routes with reported conflicts reduced by 50% following the erection of advisory signs [Robinson, D; Wilson, G, 2001].



**A byway where leaf litter is causing water retention but is otherwise naturally well drained**

## Funding

The “Wales Rights of Way Condition Survey 2002” records a total of 17 obstacles per 10 km of byway open to all traffic which make the way inconvenient to use or unusable [exeGesIS SDM, 2003]. Typical obstacles are fences and hedges, vegetation, boggy or flooded sections and unbridged watercourses. This survey also suggests that the current expenditure on all rights of way in Wales is “probably less than one fifth of that required to upgrade and maintain” the rights of way network, estimated to be 33,211 km.

Data from the “Rights of Way Condition Survey 2000” for England, [Countryside Agency, 2001] indicated that, per 10 km of byway open to all traffic, there are 1.2 obstacles for walkers which make the way unusable, 2.4 for cyclists, 1.8 for horse riders, 5.9 for carriage drivers and 4.7 for mechanically propelled vehicle users. This survey concludes that *“the prevailing level of investment was at best maintaining the existing, inadequate condition.”* These surveys support the concern expressed by Rights of Way Officers, that a backlog of byway maintenance exists which cannot be overcome because of a lack of funding. This conclusion is echoed by the Lake District National Park Authority which recognises that although vehicles can damage byways, many routes have deteriorated because of a lack of routine maintenance [Robinson, D; Wilson, G, 2001].

### Site specific byway maintenance and repair

It is generally accepted that maintenance and repair solutions for rights of way are specific to the way and

‘generic’ specifications cannot be produced. Recent research indicates that the predominant causes of byway deterioration are weak ground conditions, poor drainage, high traffic flows and high axle loadings [Defra, 2005b]. These are factors which will influence the selection of a byway’s maintenance and repair strategy. In addition, the maintenance and repair strategy will need to account for, at minimum, the character and heritage of the way, the users surfacing requirements, the accessibility to construction and maintenance traffic, the local ecology, the degree of exposure to prevailing weather conditions, gradient, and the available funding, giving a total of 11 influencing factors.

There are almost 2050 possible combinations of these 11 factors, that is, over 2050 possible circumstances relevant to byway maintenance and repair. It would not be possible to produce generic specifications for this number of situations. This simple analysis supports the assertions of Rights of Way Officers, that byway maintenance and repair need to be considered on a case by case basis.

## Conclusions

There is evidence to support the viewpoints of Rights of Way Officers managing byways that:

- Conflict between users is minimal.
- Funding is a significant constraint on byways maintenance and repair.
- Byway maintenance and repair need to be considered on a site by site basis.



A sunken byway where nicks in the verge have been added to remove water where it has a tendency to pond

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For more information on the Lake District National Park Authority Hierarchy of Trail Routes go to: <http://www.lake-district.gov.uk/>

For more information on the Countryside Agency's Rights of Way Improvement Plan Demonstration Programme go to: <http://www.prowgpg.org.uk/gpg/demo.asp>