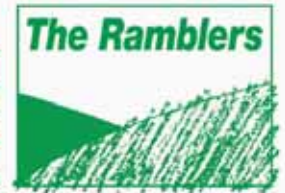


Working for Walkers

THE CHARITY
WORKING FOR
WALKERS
www.ramblers.org.uk



Issue 7

The Newsletter Written for Rights of Way Officers Within Local Government

March 2008

Judge Rules Impassable Highway Necessary in Spite of Council's Claims

The question of whether a highway can be said to be unnecessary because it is not used was examined in Stockport Magistrates' Court recently.

In the latest in a series of attempts to extinguish a set of publicly-maintainable Victorian steps, the applicant authority argued that the Steps were unnecessary because they weren't used by the public – despite the fact that public use had been rendered dangerous and impossible as a direct result of the authority's own neglect.



Photo: Local Heritage Library, Stockport Metropolitan Borough

But the District Judge rejected the authority's submissions in his Judgment, agreeing with the Ramblers' Association that it would be improper for an authority to gain an 'advantage' from its own wrongdoing in failing to maintain a public highway, and to use that advantage as a means of achieving extinguishment.

The Ramblers' Association opposed the extinguishment order on the basis that the Steps constitute the most direct route to a resource centre, bus stops and the town centre for the residents of a nearby estate; that they are of heritage value; and that the alternative suggested by the authority was widely regarded as being unsafe – particularly for vulnerable people walking alone at night. More than eighty local people supported our position by signing a petition stating that they would use the Steps frequently if it were safe to do so.

The Ramblers' Association is pleased with the ruling, which, although not binding on future courts, sends a strong message to those who hold the purse strings within local authorities; allowing a path to fall into disrepair and disuse and then attempting to extinguish it in the magistrates' court is not a way around providing rights of way departments with adequate funds to exercise the duty to maintain.

Sheffield's Iconic Bridge Set to Help Walkers

At a time when so many pedestrian routes are bisected by the kind of heavy-trafficked roads that can only be safely negotiated by a world-class sprinter with the daring of the late Evel Knievel, top marks go to Rotherham MBC for leading on an iconic bridge scheme which will provide a much-needed crossing point over Sheffield Parkway.



An artist's impression of the finished bridge

John Harker - RA Area Footpath Secretary for the locality, whose colleagues helped to save the path from extinguishment in the 1990s - congratulates Rotherham MBC on the scheme, which will enable hundreds of local people to make more journeys on foot for work and pleasure when it is completed in 2009.

A Flood and a Trickle

When last summer's floods caused millions of pounds worth of damage to homes, schools and businesses, the rights of way (RoW) network did not escape unscathed. Understandably, fixing the damage to RoW was not a top priority after the disaster, but, given the often-overlooked contribution made by public paths to local economies and quality of life, we wanted to make sure that they didn't stay damaged for long.

The first thing we did was to write to the Minister to ask what money would be available to local authorities for repairs, and we offered our support to a coalition of RoW professionals in those areas most affected by the disaster. Unfortunately financial assistance didn't gush inexorably forth like the problem it was intended to ameliorate, and, despite the good efforts of cash-strapped RoW departments, there's still a lot to do.

But there are some success stories: such as North York Moors National Park Authority, whose Footpath Officer, Emma Daniels, has pleased our local volunteer no end by helping to deliver an excellent quality bridge replacement scheme. We hope the good progress can continue and we reiterate our willingness to support rights of way staff where we can. Contact alexis.badger@ramblers.org.uk for more information.

Cambridgeshire's Lost Highways Project a Success

In Issue 6 of Working for Walkers we reported on a footpath which had been opened at Southoe near St Neots, Cambridgeshire. In the article we stated that the path was part of the Discovering Lost Ways Project, this was unfortunately an error. The path had in fact been 'discovered' as part of Cambridgeshire County Council's own 'Lost Highways Project'.

Cambridgeshire County Council is very proud of the Project's achievements to-date, and has invited RA staff from Central Office to visit the Council's Map Team to see them 'in action'. We hope to take up this invitation in the future, and look forward to hearing about more paths which have been opened up as a result of their work in the County. If any other Rights of Way Team would like to invite us to see or hear about an innovative project they are running, please get in touch (details opposite).

Waymarking

Throughout England and Wales many of our areas and groups carry out path waymarking for the local authorities on a purely voluntary basis, giving up many hours of their free time to improve the navigation of paths in their area. We would be very interested to know how many Highway Authorities have a policy of allowing the logos of voluntary organisations to be placed on waymarks their volunteers have installed.

If your Authority allows waymarks which reference the RA (or any other voluntary group) please let Sarah Perry know (details opposite).

A Model Policy?

If you think your authority has a model alleygating policy we'd like to hear about it. By 'model policy' we mean a decision-making framework that balances the interests of path users with those who are experiencing crime and ASB, and which negotiates the sometimes contradictory public policy agendas of tackling ASB and facilitating more walking for health. Please contact alexis.badger@ramblers.org.uk with details.

A Victory for Common Sense

For more years than we can remember, the RA has argued that all planning application forms should contain a question about the existence of public rights of way over any land on which development was proposed. We had seen and been involved in clearing up all too many cases in which development had been allowed to proceed regardless of the existence of any rights of way on the site.



Up until now, the questions asked on planning application forms were matters for individual planning authorities. However, things are about to change. As from 6 April 2008 (in England) there is going to be a mandatory standard application form and associated information requirements. These are to be achieved through an amendment to the Town and County Planning (General Development Procedure) Order 1995. Lobbying by the RA, other path user groups and the Rights of Way Review Committee has led to a very welcome announcement from the Parliamentary Under-Secretary of State at the Department of Communities and Local Government. This says:

"The Standard Application Form will require applicants to provide details of public rights of way. In addition, the new guidance issued in December 2007 *The Validation of Planning Applications Guidance for local planning authorities* will require the submission of 'Site and Other Plans' that list 'all public rights of way crossing or adjacent to the site' (i.e. 'footpath, bridle way, restricted byway or byway open to all traffic'). This requirement will ensure that public rights of way are discovered and considered by applicants at the start of the planning process and allow the local planning authority to assess whether a particular proposal might impact on public rights of way."

That's pretty unequivocal and a real victory for common sense!

We'd love to hear any comments or suggestions you have. Simply contact us at:



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