

## 6. Assessment of the rights of way network

### 6.1 *The definitive map*

6.1.1 The definitive map provides a legal record of public rights of way. It shows where paths run and who has the right to use them. The definitive map gives a snapshot of the state of the rights of way network at one particular date in the past; this is known as the “relevant date” of the map. The definitive map is accompanied by a document, the definitive statement, which includes a written description of routes and details of their widths. If a route is shown on the definitive map and statement, this is conclusive evidence that the public have the right to use it, even if in practice it is blocked or has not been used for many years.

6.1.2 Solihull Council has a legal duty to keep the definitive map up to date and to make it available to the public.

6.1.3 The history of Solihull's definitive map - Solihull has a complicated administrative past, with several boundary changes, which is reflected in the history of its definitive map. In addition, a definitive map has never been produced for the part of the Borough formally known as Solihull County Borough.

6.1.4 Over the years, some routes have been added to, changed or taken off by means of formal legal process known as Modification Orders. However, the definitive map and statement, where they exist, have not been consolidated to form a new definitive map.

6.1.5 The failings of the current map and statement have previously been identified, and in response an action plan was developed in 2006 to begin the process to update and improve the accessibility of information related to rights of way. Currently a consolidation and assessment of existing records is being undertaken and will shortly

report on steps taken (improvements made) and further work required to develop a borough wide consolidated definitive map.

- 6.1.6 Unrecorded routes - the definitive map is only conclusive of the routes actually shown on it and at any time there can be a number of rights of way which are unrecorded. Changes in the law mean that authorities will now have until 2026 ("the cut off date") by which to add nearly all these rights to the definitive map. If they fail to do so by then, the rights will be lost. A national project, the Discovering Lost Ways Programme, has been set up by Natural England to systematically research old documents to identify evidence of unrecorded rights of way. Solihull will need to be in a position to take advantage of this initiative when it becomes active in the Borough.
- 6.1.7 The development of a regular maintenance procedure to ensure that the definitive map and statement remain updated as regularly as possible will assist in ensuring that maximum value is gained from these projects. The authority will also continue to work with its partners and stakeholders such as the Ramblers Association and local volunteers who can have an active role in ensuring that unrecorded routes and routes with incorrect status are identified and progressed where appropriate. This process will assist ensuring that the borough is prepared and able to handle the additional resource implications, which will be brought about as a result of the Discovering Lost Ways programme.

## 6.2 *The physical condition of the network*

- 6.2.1 Measuring the condition of the network - a nationally recognised method exists for assessing the ease of use of public rights of way. This methodology has been used by the authority since 2003. The survey information, based upon a random sample of 12.5 km of rights of way, is gathered by Council during the months of May and November in order to take into account seasonal weather conditions

and land management practices. The data is used to produce a figure for a Best Value Performance Indicator (BVPI 178), which is provided to the Audit Commission every year.

6.2.2 BVPI 178 is defined as:

*“the total length of public rights of way, which were easy to use, as a percentage of the total length of the public rights of way network”.*

6.2.3 'Easy to use' in relation to rights of way means:

- ❖ Signposted or waymarked where they leave the road in accordance with the authority's duty under s.27 of the Countryside Act 1968, and to the extent necessary to allow users to follow the path.
- ❖ Free from unlawful obstructions and other interference, (including overhanging vegetation) to the public's right of passage.
- ❖ Surface and lawful barriers (e.g. stiles, gates) in good repair and to a standard necessary to enable the public to use the way without undue inconvenience.

6.2.4 BVPI 178 results – the results of the survey over the past three years have shown a steady improvement in the ease of use of rights of way within Solihull:

Year	2004/05	2005/06	2006/07
BVPI 178 (%)	41	48	60

The 60% compliance figure for 2006/07 is in line with the authority's target for this indicator which was set at 60%.

6.2.5 It is felt that improvements outlined in this plan will allow the authorities BVPI 178 performance to continue to increase. The target set for the 2007/08 period is 70%, for 2008/09 is 75% and 2009/10 is 80%.

- 6.2.6 The most recently available Audit Commission data (2005/06 period) suggests that Solihull has now moved out of the bottom quartile of all reporting Metropolitan Authorities for BVPI 178.
- 6.2.7 The targets for 2007/08, if achieved, will place the Authority's performance above the average for all reporting Metropolitan Authority's. Targets for 2008/09 and 2009/10 will increase performance further and are expected to move the Authority into a top quartile position.
- 6.2.8 Signing - the survey results show that the drive to improve the signing of paths, which had been identified as a contributing factor of path failures in previous BVPI surveys, has been productive. The number of paths failing as a result of missing or defective signage has decreased significantly, with results showing that only 2 fingerposts of the 44 surveyed in the 2006/07 surveys were found to be defective.
- 6.2.9 Despite this, many of the fingerposts on parts of the network are due for replacement. In order to ensure that our current pass rate does not drop, we intend to carry on the current programme of signage installation/replacement that has been developed over the last 18 months.
- 6.2.10 Ploughing & cropping - analysis of the 2006/07 survey results identified that path failures as a result of ploughing and cropping offences and obstructions/poor surface condition are the main factors currently restricting performance. These issues have previously been identified and measures are in place through the improvement strategy prepared in the autumn of 2006 to tackle these specific areas. The impact of these measures will be assessed through future Best Value Performance Indicator 178 survey results, however early indications are that it is having the desired effect by reducing the instances of obstructions caused by ploughing and cropping.
- 6.2.11 As part of this strategy, the role of a Rural Footpath Ranger has been developed to assist the Rights of Way Officer in resolving reports of

problems and in investigating and liaising with landowners regarding cropping offences. This additional resource has already proved invaluable, allowing the Officer and Ranger to work proactively as well as reactively to resolve many seasonal and permanent issues that can cause BVPI 178 failings.

6.2.12 Anomalies - whilst a path may be clearly signed and apparently easy to use, there are local anomalies and obstructions on some routes, which have become established on the ground, but which do not necessarily follow the correct legal line of the path. Where this is the case, the variance or obstruction on the route will cause the path to fail on the BVPI survey, but will not in many instances affect the public's use or enjoyment of the route.

6.2.13 The solution to this problem lies in the Council's work to review the definitive map and statement (see section 6.1 above).

6.2.14 Assistance of volunteers - in order to support the work of the Rights of Way Officer, volunteer groups have been engaged, particularly over the last 12 months and have carried out numerous physical improvements to the existing network. Over this period three volunteer groups have at various times worked in co-ordination with the Council on the network to improving access and ease of use. This work assists in improving specific routes and will reduce the likely hood of future BVPI survey failings. In 2006/07, seven gates, two flights of steps, vegetation clearance and waymarking has been undertaken on the network. The support of these volunteers from, A Coventry Way Association, Birmingham Midweek Conservation Volunteers and the Kenilworth Footpath Preservation Working Group has had a significant impact on the network and It is our intention to continue to engage with this valuable resource into 2007/08 and beyond.