

# **RAMBLERS SOMERSET AREA**

## **CODE OF PRACTICE FOR RIGHTS OF WAY**

**JANUARY 2011**



# **SOMERSET AREA - CODE OF PRACTICE FOR RIGHTS OF WAY**

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**N.B. This area Code of Practice is for use in conjunction with Ramblers Guidance for Footpath Workers and Rights of Way Volunteers Handbook – ‘What we can do and how you can help’**

## RAMBLERS MEMORANDUM AND ARTICLES (May 2009)

### 3. Object of the Association

Are to promote, encourage or assist in:-

- (a) The provision and protection of public footpaths and other ways over which the public have a right of way, or access on foot.

### 5. Areas

Areas shall be established by the board of Trustees and shall be responsible for carrying out the objects of the Association in their prescribed areas.

### Decision Making from 'Guidance for Footpath Workers'

4.1.5 Each Area must decide for itself whether the RA view on proposed changes or orders is determined by a Committee of the Area or Group.

10.1.2 Each Area or Group should have a footpath secretary. All appointments should be made on an annual basis by the Area Council or Area Group AGM.

10.1.3 Each Area should have a Footpath Committee

10.1.4 Each Area should produce a statement setting out the role of its Footpath Committee and the division of responsibilities between Area / Group Footpath Secretaries.

10.1.5 Groups should normally deal with the details of footpath work. Areas should co-ordinate as necessary. Groups should, if possible, have their own Footpath Committee/Panel.

NB Re. 4.1.5 above (a) Changes to the footpath network should not be an individual decision.

(b) See in conjunction with Appendices 1 & 2 – Job Descriptions for Area Footpath Secretary and Area Footpath Adviser (Area Council of 25.10.08)

## SOMERSET AREA - CODE OF PRACTICE FOR RIGHTS OF WAY

### **PART 1 GENERAL ADVICE AND INFORMATION**

- 1 The Area Footpath Secretary (AFS), the Area Footpath Adviser (AFA) and the Group Footpath Secretaries (GFS's) are the only persons authorised to comment formally on matters relating to the Rights of Way of the Area.
- 2 All officers of Somerset Areas should recognise that some aspects of their work are governed by Central Council Resolutions. For Footpath Secretaries, these are set out in the 'Ramblers Rights of Way Volunteers Handbook (Part 1) 'Welcome – What we do and how you can help' and its predecessor document 'Guidance for Footpath Workers' (7th edition). Other important guidance is also set out in these documents.
- 3 Any disagreement relating to interpretation of the policy or advice available to footpath workers, the decision of the Area Council, as advised by the Area Footpath Secretary, and Central Office shall be final.
- 4 **THE AREA FOOTPATH SECRETARY** is responsible for co-ordinating the rights of way work in the Somerset Area. This includes:-
  - 5a) Keeping local authorities and Ramblers national staff informed of the identities and changes of AFS's and GFS's
  - 6b) Ensuring that GFS are advised of national policy and local authority positions and receive all relevant papers.
    - c) Support and advising GFS as necessary on all matters, including group footpath working parties.
  - 1d) Liaising with local authorities and other bodies concerning matters of general policy and procedure.
  - 2e) Convening meetings of the Area Footpath Committee and keeping its records.
- 3 All officers of Somerset Area are appointed on an annual basis. The AFS and GFS's are elected at Area/Group AGM's and are appointed according to the constitutions of the Area and local groups, subject to the ratification by the Area Council, to whom they are responsible.
6. The **Area Footpath Advisor** represents the Area in matters relating to the addition of public rights of way on the Definitive Map or their deletion from it. This includes:-
  - a) Co-ordinating the work of the area in submitting claims or applications for modification orders.
  - b) Co-operating with GFS's in researching and assembling evidence of public right of way, preparing cases.

- c) Working in conjunction with GFS's, local groups and Area Council to seek creation, by order or agreement, of new rights of way, in locations where the need is unlikely to be met by the modification order procedures.
- d) Assisting in representing the Area in liaison with the Highway Authorities and other relevant bodies in all matters relating to Ramblers policy and priorities for modification orders and to the creation of new means of access.
- e) Co-ordinating representation by the Area at public enquiries into any of the above.
- f) Supporting and advising GFS's over proposed diversion orders

7. **GROUP FOOTPATH SECRETARIES** play a vital role in the work of the Ramblers and represent it in contact with other bodies. Therefore it is very important that they should have a strong commitment to the work, be either experienced members or keen to learn.

- a) Major tasks of GFS's include the reporting of deficiencies in the public rights of way network, which includes 'green lanes' listed as maintainable highways, and commenting on proposed changes to that network.
- b) Whenever possible, all deficiencies affecting public Rights of Way, should be drawn to the attention of the appropriate authorities. Such problems include contraventions of the Rights of Way Act 1990, obstruction by natural growth and by man-made obstacles, broken or un-usable gates, stiles, missing or damaged bridges and signposts, misleading notices, dangerous animals and personal harassment.
- c) Practical work in the territory concerned may be carried out by any number of members and in line with the policies of the Ramblers and the Highway Authority.
- d) **PLANNING AND DEVELOPMENT.** As in rights of way issues, the GPS is the authorised spokesperson on matters relating to planning and development. Comment is not restricted to cases where a right of way is affected, but may and often should be made in the context of the Ramblers' general policy for the countryside. Large scale development proposals should be drawn to the attention of the Area Countryside Officer.
- e) **DEFINITIVE MAPS.** The routes of public rights of way, as marked on even the newest Ordnance Maps, may not be accurate and of course, may be subject to legal change at any time. For this reason, a copy of the relevant section or sections of the Definitive Map should be obtained when undertaking footpath work. For Somerset County the Definitive Map on line is generally up to date.
- f) **CORRESPONDENCE.** All correspondence should be on Somerset Area headed paper. Correspondence via email should give date, name and designation. i.e. Group Footpath Secretary. It is vital that copies are retained. When a GFS retires all relevant papers should be passed to the successor or AFS.
- g) **EXPENSES.** All GFS's can claim for reimbursement of costs of the job, via the Group Treasurer, from whom current details are available.
- h) **MINUTES** of the group footpath committees should be sent to the AFS and transmitted by him/her, together with the minutes of the Area Footpath Committee to National Office.

## **PART 2 - CHANGES TO THE RIGHTS OF WAY NETWORK**

1. Proposed alterations must be viewed in the light of the relevant National Council Resolutions and local circumstances. The approach to change is set out in 'Guidance for Footpath Workers' (chapters 4-7 inclusive) and Somerset Area has accepted that its representatives should follow the general guidance as follows:-
  - a) 'to oppose a diversion proposal unless the alternative path to be provided either positively improves the route, or offers an alignment only marginally less satisfactory to users'.
  - b) 'to oppose diversions to field edge paths where the highway authority does not carry out its statutory obligations to make sure that field paths are left unploughed'.
  - c) to resist 'schemes for the reorganisation of the network' by the Highway Authority in view of its failure 'to carry out' its statutory duties in respect of maintenance and protection.
  - d) It is no part of the Ramblers' function to give 'blessing' to changes solely designed to benefit the landowner.
  - e) N.B. The County Policy is to resist diversions where the definitive line of the path is blocked.  
*See Appendix 3*
2. Identifying 'positive improvement' involves considering many factors, e.g. the position in relation to nearby paths, the length of the route, the number and nature of limitations, ground conditions, safety aesthetic considerations, e.g. views and proximity to unpleasant features and special interests, e.g. historical or naturalist. *Appendix 6 & Aide Mémoire for GFS's Appendix 8.*
3. In weighing up the advantages of cross field as opposed to field edge paths, one needs to consider the extent to which the field edge is likely to become overgrown in summer, remembering that the Highways Authority manages to control surface growth in only a small minority of cases. To assist with this task, Area Council agreed a policy in 2008. *Appendix 6.*
4. To make it possible to assess whether a proposed new route can be a 'positive improvement', it is necessary that the existing route should be firstly, in proper order for a sufficiently long period of time. Thus it is essential to apply the policy of both the Ramblers and Somerset County Council, to object to new diversion proposals, unless the existing route has been in good order for at least 12 months. The only exception may be buildings on the RoW. *Appendices 6&3.*
5. Although there should be as little delay as possible in replying to consultations, this should not be done without a site inspection as significant factors are not evident from maps alone. Any defects in published orders or maps should be pointed out to those responsible.
6. If proposals affect the territory of another GFS, decisions must be taken in consultation with that person and any difficulties or disagreements should be brought to the notice of the AFS.
7. If the GFS or committee feel that there are 'unusual circumstances' which might justify the setting aside of these policies, they should seek authority to do so, by bringing the matter to the attention of the AFA.
8. It is not easy to define the nature of 'schemes for the reorganisation of the network'. The acid test is the extent to which any scheme allows you to view each individual path in the scheme, in the manner outlined above. If it is not possible to do this, then we should object on precisely those grounds. As a rule of thumb it is suggested that if the total number of paths in a scheme is more than 9, seek the views of the AFA.

9. Ramblers should look hard at the possibility of improving any proposed changes, including the creation of new or improved links, which should be in line with policy and guidance outlined above. They should ensure this is done at the consultation stage when influence is strong and few costs are involved.
10. There is no defined Ramblers Policy about the role of footpath workers making their own applications for changes and it may be desirable for Ramblers proposals to be put to the local authority. Any such proposal should be in line with the general policy and guidance described above. Such proposals need to be considered by at least three designated representatives.
11. When a group wishes to pursue a decision which may lead to legal costs, it is necessary to look at Footpath Workers Guidance and consult the AFA.

### **PART 3 – PROCEDURE FOR CONSULTATION AND DECISION**

1. The Area is divided into group districts. In some groups there will also be a footpath committee/panel, Groups will have a footpath secretary (this post may be split) and the footpath panel of, at least three, suitable, experienced members.
2. As well as GFS's receiving informal consultations and orders, Somerset County Council sends copies to the AFS who shares with the AFA and will comment as appropriate.
3. On receipt of a consultation enquiry the GFS will:-
  - a) Carry out a site visit
  - b) Consider the proposals in light of the Ramblers Policy (National and Area) and policies of the Highway Authority.
  - c) If the proposal is not in line with the above policies, to contact the AFA.
  - d) Make note of recommendations and share with at least two other group committee or other group panel members.
  - e) If the proposal does not conflict with Ramblers or Highway Authority and group agreement, GFS make response on area headed notepaper, dated and a copy held on file.
  - f) If further time is needed for consultation HA to be notified and a 'holding' objection should be made.
4. Where there are differences of opinion, or if proposals involve realignment of more than 1 mile, the AFA is to be invited to local committee/panel to participate in discussions.
5. If differences continue AFS to call a meeting of Area Footpath Committee whose decision will be binding.
6. GFS to let Group Committee and AFS know of any periods when they are unable to attend to footpath matters.