

NATIONAL RIGHTS OF WAY MANAGERS' WORKING GROUP

Minutes Wednesday 17th April 2024 from 10:00 – 12:00

Meeting via Microsoft Teams

Present:

Pete Hobley	(PH)	SW Group (Chair)
Edwin McWilliam	(EW)	E Mids Group (Vice Chair)
Shona Butter	(SB)	Shropshire – W Mids (Minute Taker)
Adrian Walls	(AW)	Wales Group
Harry Wood	(HW)	PINS
Paul Davison	(PD)	DEFRA
Paul Balinge	(PB)	DEFRA
Graham Rusling	(GR)	SE Group & IPROW
Adam Maciejewski	(AM)	Eastern Group
Andrew Woodin	(AW)	Eastern Group
David Goode	(DG)	Northern Group

Apologies:

Mike Ogden	(MO)	N Group
Richard Cuthbert	(RC)	IPROW
Andy Mackintosh	(AM)	Natural England
Hannah Bartram	(HaB)	ADEPT (Chief Operating Officer)

Minutes of ROWMG Meeting TABLE OF ACTIONS	
26 July 2023	
2	Bridges Group — Need someone to lead from PROW . PH to chase K Harwood to clarify lead contact, concern regarding balance of membership and request an update forth is mtg.
3	DEFRA - PD to circulate final drafts of SIs once signed off.
25 October 2023	
3	ADEPT / IPROW — Need to work together on producing Dereg guidance to help practitioners.
24 January 2024	
9	PH to follow up with HSE re KillerCows/ data collection. Potential invite to
10	PH to raise with OS policies around incorrect/ inconsistent mapping re bodies of water
17 April 2024	
6	PH to go back to Paul Chandler at DfT with points discussed. Chairs to raise with their regions

1. Previous Minutes

24th January 2024 meeting minutes agreed and arising matters on Agenda.

2. DEFRA Rights of Way Reforms Update

Paul Balinger thanked officers who had responded to a query he had relating to signposting under Section 27 of the of the Countryside Act 1968.

Paul Davidson reiterated the information he had circulated to the group at the end of January.

We recently put up a submission to Ministers outlining our proposed timetable for implementing the rights to apply and the reforms. I'm pleased to say I can now finally let you know that we are intending to lay the secondary legislation for the 'right to apply' in June/July, followed by the DMMO reforms in December and the exceptions regulations in early 2025. Of course, it is likely the date of a general election could still impact these timings, but this is what we're aiming for, and we are currently on schedule. Please note that these are only the laying dates, and the in-force dates are currently TBC. This is because we'll need to make sure we build in sufficient time for applicants, landowners, and local authorities to become familiar with the new procedures, and we won't know how much time we'll need until nearer the time.

Further, Ministers have also decided to bring back the exception for unrecorded historic rights of way in public use, and to lay this as a separate SI in May. It is hoped this will provide some reassurance and reduce burdens on local authorities both before and after the cut-off date. We're now beginning the drafting process, and once we've got a final draft, I'd be very happy to share that with you.

PD stated that he would ensure that the group had plenty of notice.

EW commented that user groups were aware of the exceptions but needed a list that was published and agreed.

PD explained that they were hoping if they got one agreed then it should speed up the rest. Also stated that they would try to make the exceptions as simple as possible with appropriate guidance.

AM asked if the group would see the draft SI for exceptions. PD stated that it would primarily be put before the SWG but will provide us with a final version and if there was anything major it could possibly be tweaked.

GR asked if the SI for the right to apply would be this year. PD confirmed that was the intention but would be different to the coming into force. GR also raised the issue with two tier authorities. DEFRA were hopeful that they could put something in the guidance to assist.

AW explained that in his authority there was an agreement with the district that they publish landowner applications and had regular liaison. Will have to see how it works when the right to apply kicks in.

EM confirmed that the districts undertake TCPA in his area. DG stated that his team make them and send to the districts.

PD confirmed that DEFRA must undertake an impact assessment and burden assessment as part of the Right to apply and will consult us as a group probably via a questionnaire. This is reported to the [Department for Levelling Up, Housing and Communities \(DLUHC\)](#)

There was a general discussion around instances where LA's reject applications, resulting in applicants appealing and the extra burden on LA's to oppose those orders. Irrelevant objections were also mentioned and the ability to deal with these. HW reiterated that only Inspectors can determine these at present, so he was in favour of LA's having the power to disregard/reject irrelevant objections.

PD confirmed from a survey undertaken in 2007 that the right to apply would result in an estimate of 2650 additional orders. There hasn't been an up-to-date survey/estimate undertaken since this date so likely to vary.

3. Natural England Update

No update as AM sent his apologies.

4. Level Crossing Counsel Advice

AW provided the group with a recap of the matters relating to NR that Counsel had been asked to advise on. He thought that the advice was quite bullish and reminded authorities that we do have powers/control to manage these issues. He also advised that NR would have records of furniture on level crossings when first constructed so LA's can ask for this information.

DG considers that there is no uniform engagement nationally between NR and authorities. NR are different with different authorities comes down to personnel and personalities.

AW (Wales) stated that since the abandonment of HS2 the government in Wales was keen to upgrade the North Wales line. Issues with closure of crossings and alignment of bridges.

EM considered that the advice was what we already knew and was comfortably short. He also stated that NR had made a positive effort to attend the MOU training sessions, but the MOU needed sharpening up as well as considering NR pressures/challenges.

There had been an invite by Counsel to respond with any questions/queries following the advice. AW confirmed that Suffolk had gone back with a query as to the definition of public nuisance but had received no reply.

Members asked if the advice could be circulated throughout the regions. It was determined that it probably could but couldn't be circulated externally.

5. Level Crossing MOU

The review meeting to discuss/review the memorandum of understanding between the group and Network Rail was due to be discussed tomorrow but had been postponed.

PH had detailed the proposed agenda as detailed below.

- How has the MoU been received?
- What has worked well – Collaboration?
- What has not worked so well – rejection of the MoU,
- Understanding of RSA Requirements

It was agreed that a lack of consistency across regions was still an issue.

The group felt that the MOU was very level crossing heavy. EM considered that the document should have an example of how things should be done.

AW suggested that the working group should get together in advance and decide how to respond.

After discussion decided that it probably just needed a few tweaks and possibly safety and accessibility should be the focus.

6. Digital Traffic Orders

PH Had received information regarding Digital Traffic Orders from his Street Works Manager, which is proposed to be a platform for all TRO's. PH had contacted DfT to see if the guidance would apply to ROW TRO's. The answer was that this was a new question and they would have to get back to him.

The service is due to come online this year. It appears that the direction of travel is that all TRO's will have to go onto this platform. Opportunity for us to feedback with our thoughts.

AW (Wales) felt that this draws us back to the Street Gazetteer. He does all TRO's in house and not all Highways are on the street gazetteer. Potentially this could be a lot of work. DG confirmed that their ROW are not on the gazetteer as the data needs sorting before this would be possible. Definitive line is not always the used line etc. Would therefore be difficult to integrate with TRO's or streetworks.

EM ROW are on the gazetteer but issues with who maintains the datasets. This highlights the need for a National Gazetteer.

GR probably need to comply but would have to be on a case by case basis.

7. Reports from the Regions

- AM Eastern Region – Nothing
- AW(Wales) – Welsh Government looking at a centralised access record. Currently organising working groups.
- AW – Nothing
- EM East Mids Region – Looking at Order Charges, HS2 funding, MOU, Right to apply and routes that would fall under the S116 remit.
- DG Northern Region -O.S removal of ROW from maps because considered dangerous. Inability to include horses for closures in certain instances. PH confirmed that HB is picking this up with DfT.
- GS SE Region – Looking at National Trails funding formula-issues with SE Coast Path. Number of landslip issues particularly in the Isle of Wight. East Sussex routes at the bottom of the slope!
- AW commented that climate change is having an impact generally mentioned provision of the ability to roll back where routes run alongside watercourses.
- SB W Mids Region – Thanked colleagues for responses relating to complaints of flooding/water on the network.
- PH SW Region – Referred to the South Gloucestershire successful prosecution for obstruction which he circulated. Concerns with Active Travel excluding equestrians. AW commented also do not consider rural and perirural areas.
- GR IPROW confirmed that Active Travel do have a working group looking at rural areas.

8. Horizon Scanning

MOU Review

DEFRA – Right to Apply, Exceptions SI for paths in use.

AI

9. Dates of Next Meetings — 17 July 2024, 16 October 2024

SECRETARY ROTA FOR ROWMG

Date	Secretary	Completed
January 2024	East Midlands	Yes
April 2024	West Midlands	Yes
July 2024	Eastern	
October 2024	Northern	

January 2025	Wales	
April 2025	MAG	
July 2025	IPROW	
October 2025	South East	

DRAFT