

June 2004 Citizens Survey Analysis 2

Devon County Council, along with Dartmoor and Exmoor National Park Authorities, are currently producing the Rights of Way Improvement Plan (ROWIP), which is a new duty upon us under the Countryside and Rights of Way Act 2000. The ROWIP is considering how to deliver the desires of a broad section of people - from users to (current!) non-users and including landowners, who after all, own the land crossed by the rights of way network. Section 2.4.8 of the DEFRA Guidance to Local Authorities on ROWIP states,

"Local highway authorities are encouraged to use voluntary means to secure improvements to their rights of way networks wherever possible. Thus they would seek to negotiate the creation of routes or the addition of higher rights to existing routes by agreement with landowners using their powers under section 25 of the Highways Act 1980. Local highway authorities should approach such negotiations constructively and be prepared to consider changes to the network that landowners might seek as corollaries to agreements, provided they meet the criteria set out in sections 118 and 119 of the Highways Act 1980. They should, however, set a reasonable time limit within which agreement should be reached."

To help to inform us on issues surrounding changing the network using Public Path Orders – Diversion, Creation and Extinguishment – we used the Citizens Panel. This is composed of a group of people who, in comparison with the census data, represent the adult Devon population and is used to answer regular questionnaires on a variety of topics to help inform us about our work.

A copy of the original questions is attached, along with the results as supplied by the Corporate Consultation Unit. Having undertaken some initial analysis of survey findings the following information gives a further breakdown and should be read in conjunction with the graphs provided;

Diversion

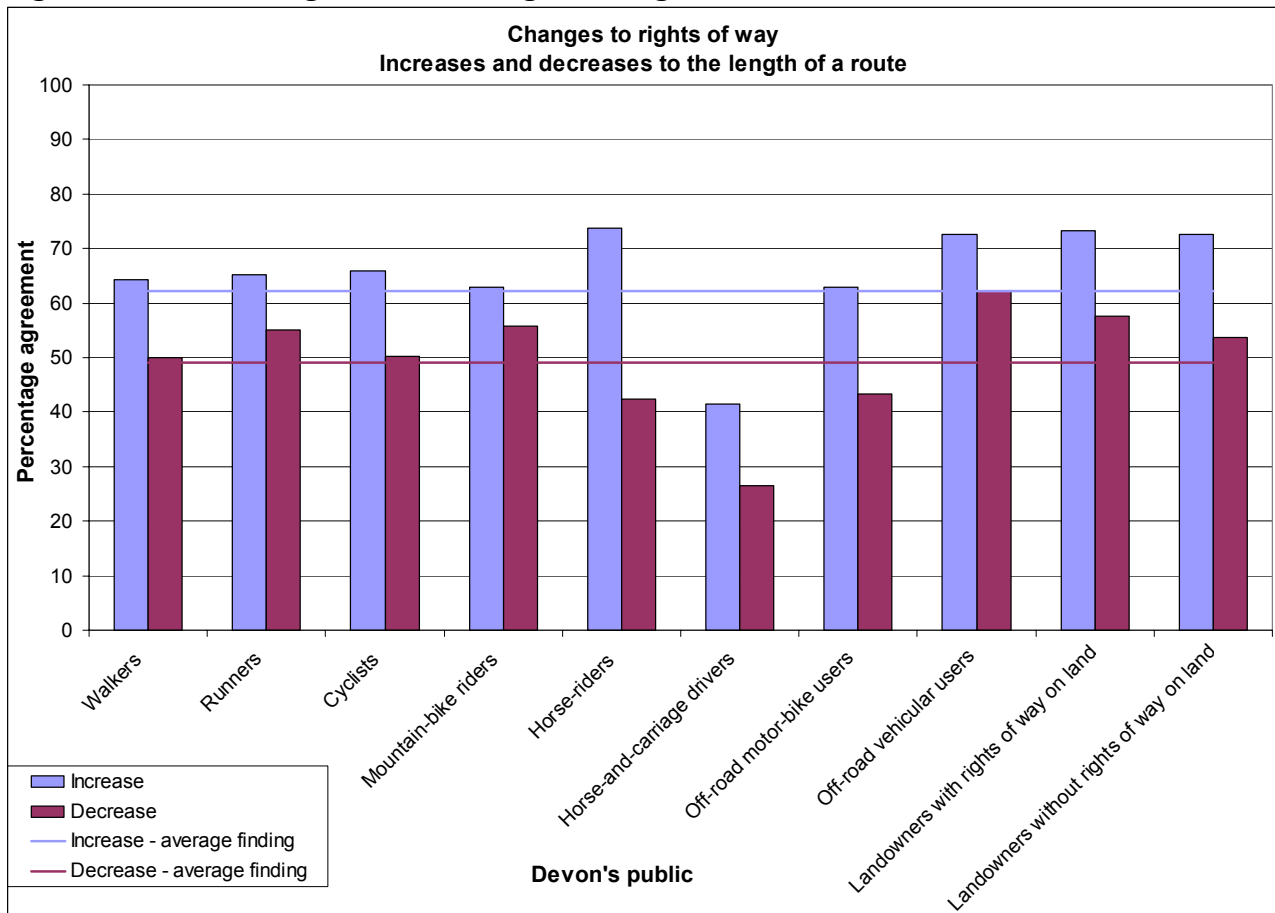
In making a diversion there is a change in the length of the route, sometimes making it longer and sometimes shorter. In order to try to determine how much change people generally find acceptable we asked about changes generally and specifically how much of a change was reasonable, see Figure 1.

- There was an overall net agreement of **62.3%** that **increasing the length** of a right of way was acceptable. Landowners were more likely than users to feel that this was acceptable. Of the users horse-riders and off-road vehicular users were more inclined to find an increase acceptable, whilst horse-and-carriage drivers were less likely to find this reasonable. As the carriage drivers were a small sample – 7 users - this result may be unreliable as a general indicator.
- There was less agreement that **decreasing the length** was acceptable with an overall net agreement of **49.1%**. Landowners with rights of way on their land found a decrease most acceptable. Horse-riders, horse-and-carriage drivers and off-road motor-bike users were more likely to find a decrease unacceptable.

From this it appears that people are generally happier if there is an increase in the length of routes, rather than a decrease, particularly horse-riders, who have less of the network

available to them in the first instance. There is clearly still a high net agreement to a decrease in length and so we should not assume that decreases are totally unacceptable but should be less likely to accept decreases in the length of higher rights routes. Changes up to 25% in the length are most acceptable, although up to 29.7% of people believe that any change in length is acceptable.

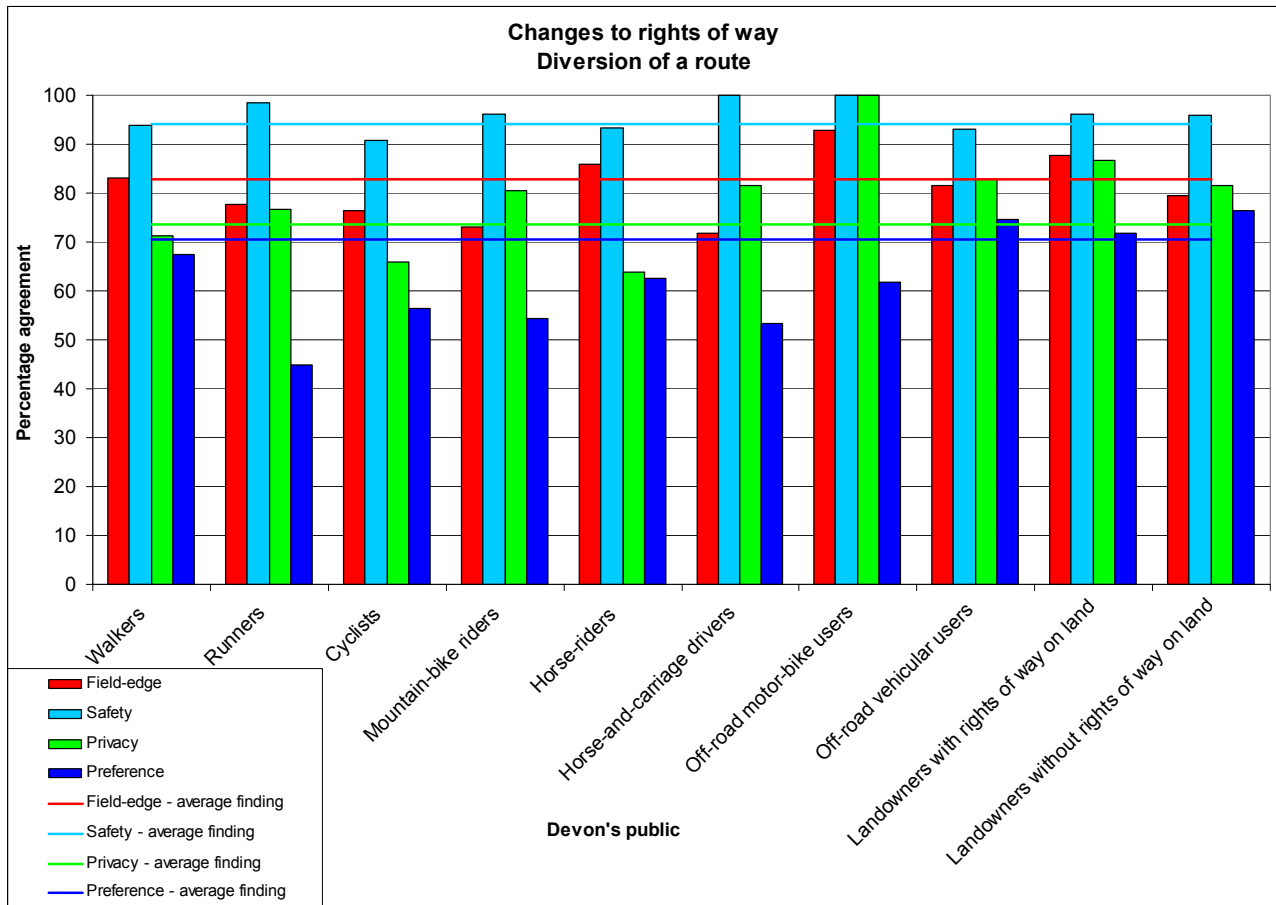
Figure 1 – Increasing or decreasing the length of routes



The most common reasons for landowner applications to divert rights of way are for improved farming practice in moving rights of way to field edges, to increase security or privacy, or for health and safety reasons. We do also hear from users that they find passing through active farmyards difficult or uncomfortable. See Figure 2.

- There was a high net agreement of **82.8%** that **moving** a right of way **to a field edge** was acceptable – see red lines in Figure 2. Runners, cyclists, mountain-bike riders and horse-and-carriage drivers were less likely to find field-edge routes acceptable. Interestingly there was a difference between landowners with routes through yards and gardens, who were more likely than average to consider field-edge routes acceptable, and other landowners who were just below the average value.
- There was a very high net agreement of **94%** that **moving** a right of way **out of a farmyard for safety reasons** was acceptable – see pale blue lines in Figure 2. Cyclists were less likely to consider any need to move routes for safety reasons – they are perhaps generally less likely to make use of such routes in the first instance as the purpose-built cycle tracks do not pass through such areas.

Figure 2 - Diversions



- There was a high net agreement of **73.5%** that **moving a right of way out of a farmyard for privacy/ security reasons** was acceptable – see green lines in Figure 2 - with landowners who already had such routes unsurprisingly having a higher than average agreement level. Cyclists and horse-riders were less likely to agree that this was reasonable.
- There was a high net agreement of **70.6%** that people **prefer not to walk through private gardens and farmyards** although interestingly landowners with such routes were only as likely as the average finding to feel that this was the case – landowners who did not actually have rights of way were more likely to feel that they would prefer not to use such routes. See dark blue line in Figure 2. Runners, horse-and-carriage drivers and off-road vehicular users were also more likely not to wish to use such routes.

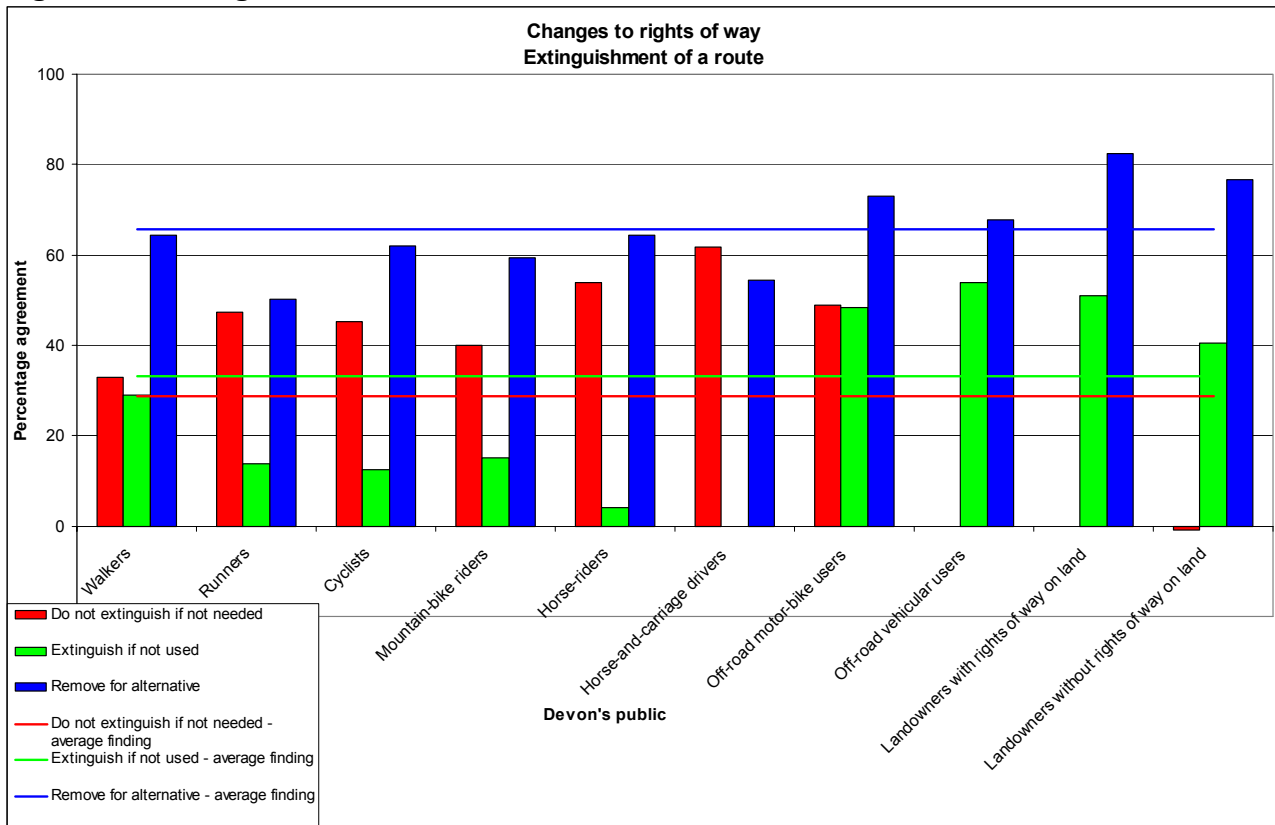
There is a high acceptance of using field-edge routes rather than cross-field, although cyclists were not so keen on this, perhaps due to the perceived surface conditions. However, the County Council must also consider the maintenance implications which arise from such diversions.

It appears that people are generally happier not to walk through farm-yards and gardens, and that they believe that safety reasons are a much more important consideration than privacy or security.

Extinguishment

A diversion is effectively the extinguishment of an existing route and the creation of a new one. We are also sometimes asked by landowners to extinguish an existing right of way which they consider to be unnecessary.

Figure 3 - Extinguishment



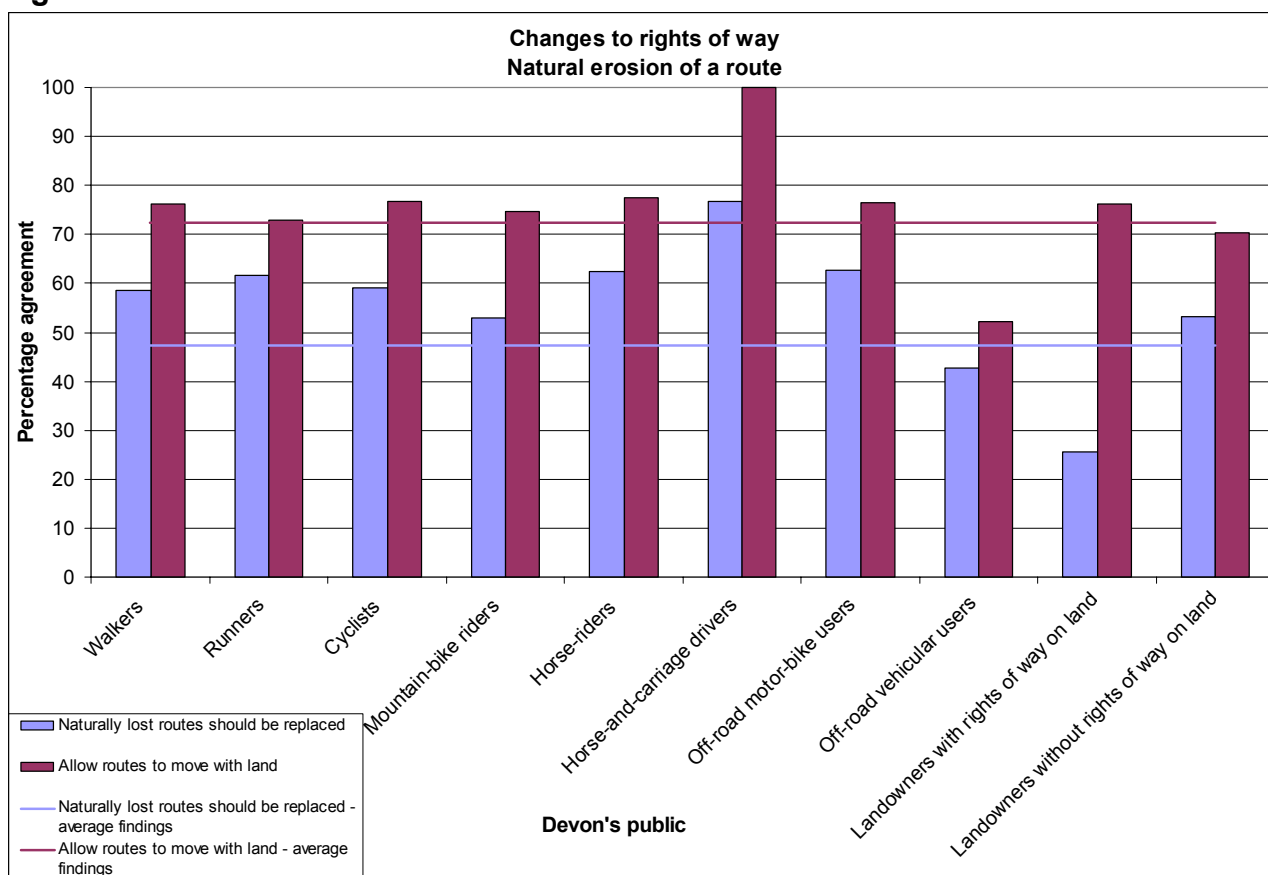
- There was a net agreement of **28.8%** that routes **should not** be extinguished on that grounds that they **were not needed** – see red lines in Figure 3. However, there was a distinct difference between landowners and users with landowners expressing a strong preference for removing routes which were considered unnecessary. If the average agreement among users only is taken it is noticeably higher than the overall average at **41.3%**.
- There was a net agreement of **33.3%** that routes **could be extinguished** if they were not used for **twenty years** or more – see green lines on Figure 3. Landowners were more likely to agree that unused routes could be extinguished whereas users were generally less likely to agree, particularly horse-riders and horse-and-carriage drivers. Interestingly off-road motor-bike and vehicular users were more likely to agree that such routes could be extinguished.
- There was a high net agreement of **65.6%** that **routes could be removed** where an **alternative** was made available, with landowners more likely to agree that this was reasonable – see blue lines on Figure 3.

It appears that there is some agreement that a route should not be extinguished because a landowner considers it to be unnecessary but that if the public were not making use of it over a long period then it could be extinguished. However, there was a marked difference

in the way that users feel about this in comparison to landowners, particularly higher rights users with less routes available in the first instance. The preference was for an alternative route to be provided in place of any extinguished route, with landowners giving this a high agreement level.

Routes alongside rivers and cliffs can be lost through natural erosion and the current legislation means that they no longer legally exist.

Figure 4 – Natural erosion



- There was a net agreement of **47.4%** that we **should establish an alternative route** – see blue lines in Figure 4. Landowners with rights of way were markedly more likely to feel that such routes should not be replaced. If the average agreement among users only is taken it is noticeably higher than the overall average at **59.6%**.
- There was a high net agreement of **72.3%** that routes lost through such erosion **should** be allowed to **move** with such a change in land – see purple line in Figure 4. Horse-and-carriage drivers all felt that this should happen whereas off-road vehicular users were less likely to feel this should happen.

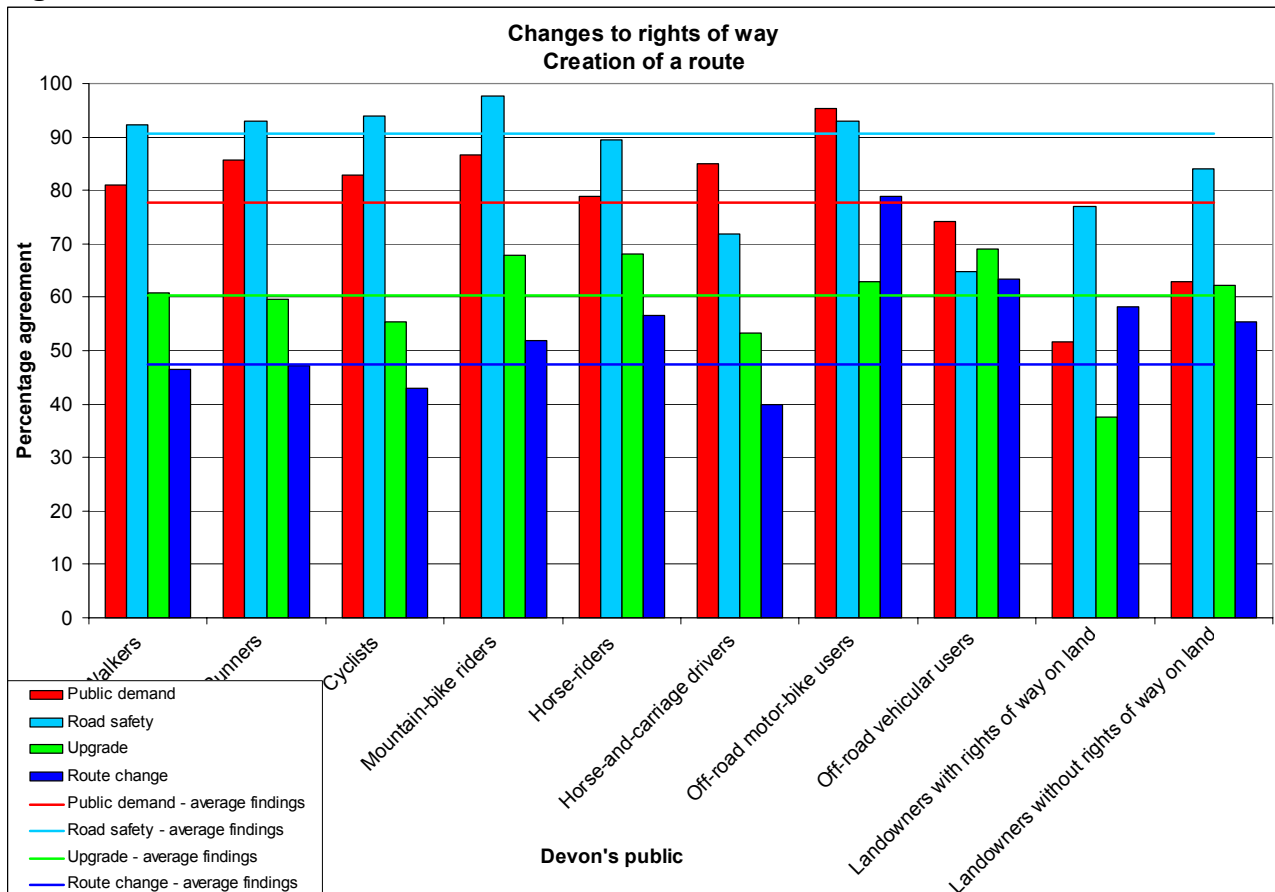
It appears that there is a strong feeling that routes alongside rivers and cliffs should not be lost to changes in land formation but allowed to continue with the new lie of the land, particularly amongst users in comparison to landowners.

Creation

As well as being part of a diversion new routes can be created either through agreement with a landowner or against their wishes. Section 1.1.6 of the DEFRA Guidance to Local Authorities on ROWIP states,

“...the creation of new routes in carefully chosen locations would make a significant difference to people who use, or who would like to use, footpaths, bridleways and byways. In areas where rights of way are fragmented, new, short links between existing routes would provide a substantially wider local network than exists at present...”

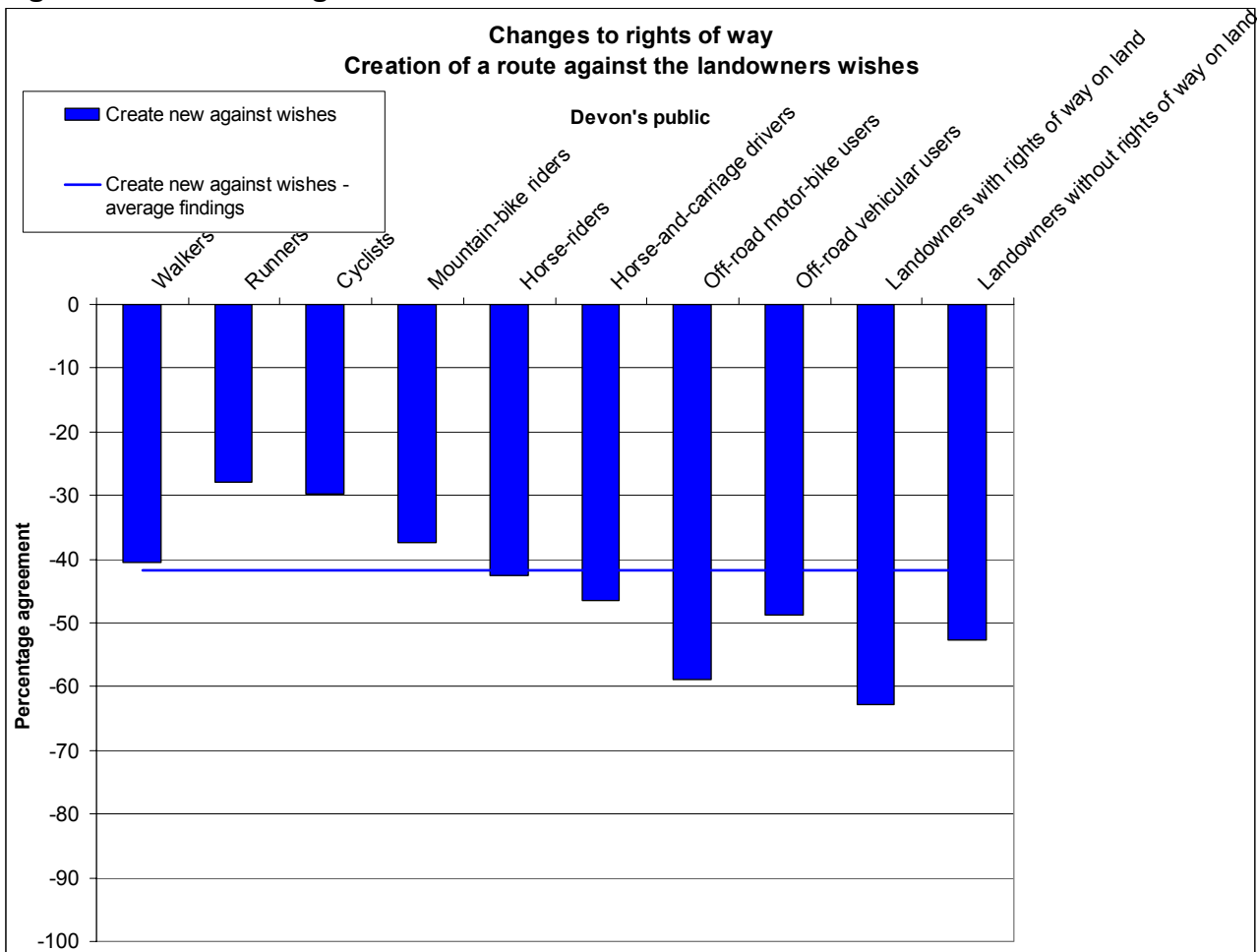
Figure 5 - Creation



- There was a high net agreement of **77.6%** that **new routes should be created** where there was **public demand** – see red lines on Figure 5. Landowners with rights of way were markedly more likely to feel that such routes should not be established. If the average agreement among users only is taken it is noticeably higher than the overall average at **83.7%**.
- There was a very high net agreement of **90.5%** that **new routes should be created** where there were **road safety** benefits – see pale blue lines on Figure 5. Landowners with rights of way were markedly more likely to feel that such routes should not be established. Among the users horse-and-carriage drivers and off-road vehicular users were noticeably less likely to feel such routes should be established. The sample of horse-and-carriage drivers is low and, therefore, perhaps unreliable – a total of 4 agreed such routes should be agreed and 2 disagreed. Off-road vehicular users are not necessarily at a particular disadvantage in having to use road sections as they are in a vehicle anyway and so this result is unsurprising.

- There was a net agreement of **60.3%** that priority should be given to **upgrading existing** routes rather than creating new routes – see green lines in Figure 5. Landowners with rights of way were markedly more likely to feel that upgrading routes should not be given priority. Among users the higher rights users – mountain-bike riders, horse-riders, and off-road vehicular users - were more likely to feel this should be given priority. This is not unexpected as these users have less legal access than others, although it is surprising that horse-and-carriage drivers and cyclists do not give this more priority. Again the small sample size for horse-and-carriage drivers may affect the result.
- There was a net agreement of **47.4%** that it was reasonable to **alter existing routes in compensation** for the creation of new routes – see dark blue lines in Figure 5. Landowners with rights of way on their land were highly likely to find this reasonable as were higher rights users – mountain-bike riders, horse-riders, and off-road vehicular users. Again it is surprising that horse-and-carriage drivers and cyclists do not give this more priority.

Figure 6 – Creation against landowners wishes



- There was a net disagreement of **41.7%** that we should **create new routes against the landowners wishes** – see Figure 6. Unsurprisingly landowners felt most strongly that this was unacceptable, although there was also a particularly high value for off-road vehicular users.

It appears that there is a strong feeling that the creation of new routes should be created in response to public demand, particularly where there are road safety implications, and that upgrading of existing routes should be given priority over the creation of new routes. Landowners were generally in less agreement with the creation of new routes. There was agreement that it was reasonable to alter existing routes in exchange for new routes being created elsewhere, with landowners particularly giving this a high value, along with higher rights users. There was a disagreement with the creation of new routes against the landowners wishes, with landowners themselves, unsurprisingly, being most opposed to this idea.

Users of the network

We asked people how often they used the network and **31%** use rights of way **at least once a week**. Of the **9%** who **never** used rights of way the top two reasons for not doing so were that they were **unsure where the routes were** and that **they did not want to use them**. Figure 7 shows who uses rights of way.

Horse-riders are most likely to use rights of way on a daily basis – as they have an animal to keep fit this is not surprising. Landowners were also likely to use rights of way regularly, although this may mean the private use of routes on their own land as they were also identified as group most likely to ‘never’ use rights of way.

Weekly use is the most common across all user types. Off-road motor-bike and vehicular users most likely to use routes on a weekly basis. Horse-and-carriage drivers are least likely to use rights of way – this is unsurprising given the small number available to them, making them more likely to make use of the road network or private access. Given that off-road vehicular users also have this low level provision the high level of use is surprising - they may be using the UCR network, which is not actually part of the rights of way network, or given their greater mobility, they may be travelling to other areas to use rights of way where they do exist.

Where are the users based?

Figure 8 shows the user distribution in terms of District/Borough Council areas.

In terms of distribution across the county East Devon, Exeter and Teignbridge show higher than average levels of walkers whilst Torridge and West Devon have lower levels. This is not surprising as walkers make up the largest percentage of the population overall and are likely to be equally spread in the general population such that the high population areas of Devon are likely to have higher numbers of walkers. Teignbridge also has a noticeably high number of runners and East Devon noticeably low. We have no other data from which to verify these findings.

Cyclists are particularly high in Exeter with a split between high user numbers in East Devon, North Devon and Teignbridge comparing against low numbers in Mid Devon, the South Hams, Torridge and West Devon. North Devon and the South Hams show a reversal between cyclists and mountain-bikers with more mountain-bikers in the South Hams in comparison to cyclists and the reverse situation in North Devon. The highest number of mountain-bikers are found in Teignbridge with high levels also seen in East Devon, Exeter and the South Hams. Higher levels for mountain-bikers are also seen in Teignbridge and West Devon, with the lowest numbers in Torridge. This is less easy to understand as there is no obvious reason why cyclists should not be evenly split across

Figure 7 – Who uses rights of way?

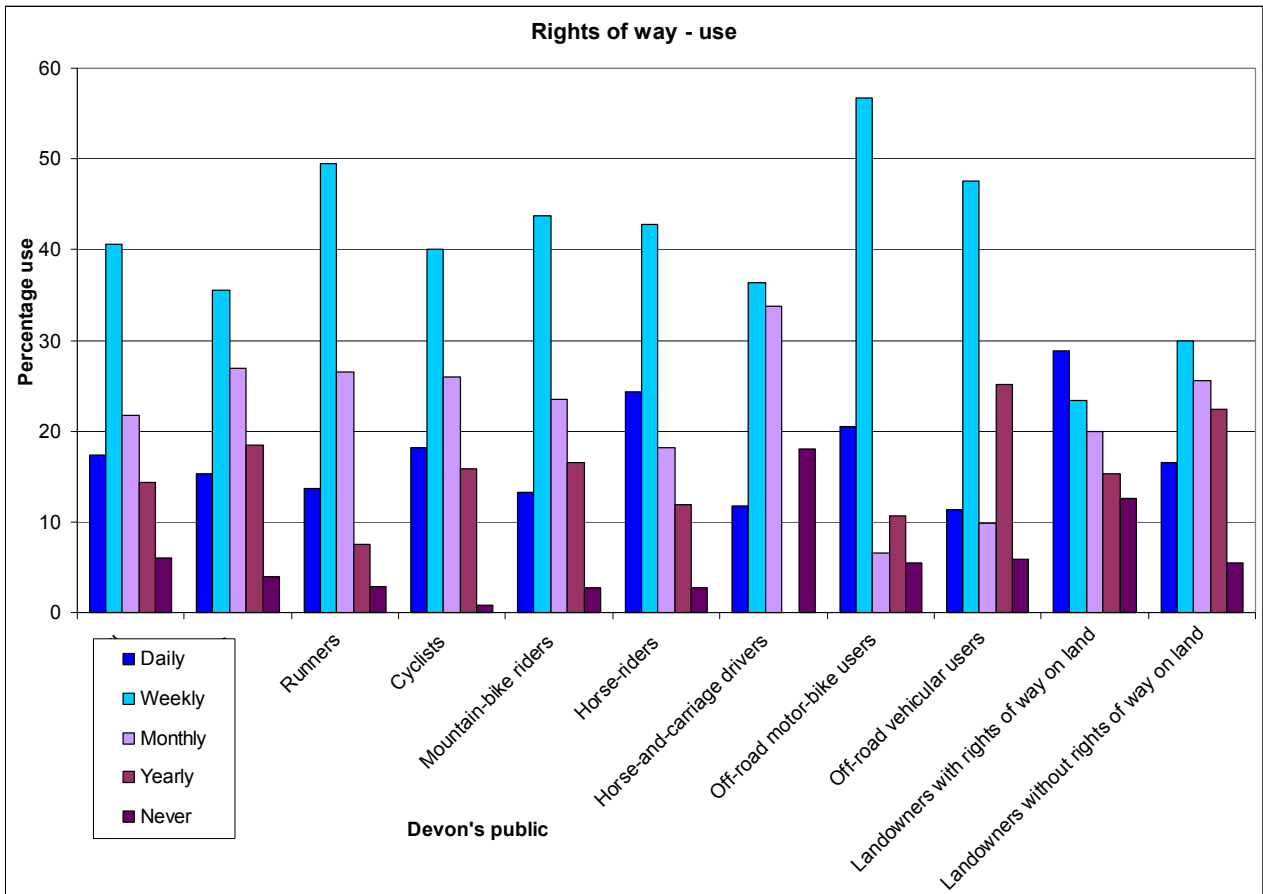
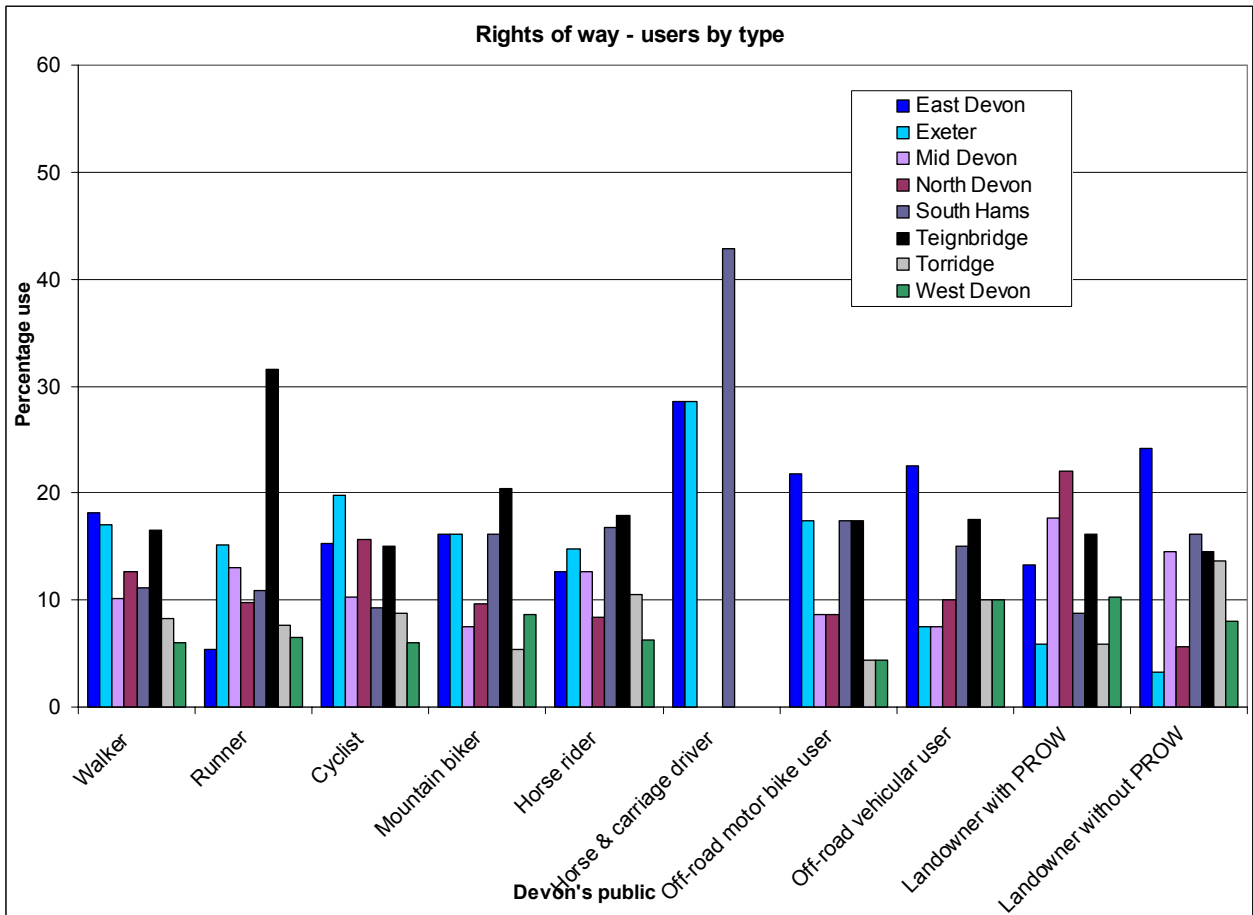


Figure 8 - User distribution.



the population in the way that walkers are and it may be an artifact of the sampling. We have no other data available at present to verify the findings.

Horse-riders are also highest in Teignbridge, with the South Hams and Exeter also having high levels. Lowest numbers were seen in West Devon and North Devon. In this case we have some comparable data from a survey undertaken by the British Horse Society in 1997 which confirms high levels of riding in Teignbridge, South Hams and Exeter, with East Devon also being high, and North Devon as low – West Devon results from the BHS were higher than seen in this sample. Figure 9 shows the distribution of horse-riders from BHS data in terms of numbers. It should be noted that although these results match in terms of number of riders the percentage of the population of a parish who ride shows a slightly different picture with higher percentages of riders in the very rural parishes of West Devon, Torridge and Mid Devon – see Figure 10.

Horse-and-carriage drivers were found only in Exeter, East Devon and the South Hams, although care should be taken with these results as only 7 drivers were identified in the overall sample. Again the BHS survey can help with this and shows horse-and-carriage drivers in around half the parishes in the county - see Figure 11.

Off-road motor-bikers were highest in East Devon, with Exeter, the South Hams and Teignbridge also high and Torridge and West Devon having low numbers. Off-road vehicular users were also highest in East Devon, with Teignbridge and the South Hams next highest. Low user numbers were seen in Exeter and Mid Devon. Again we have no other data with which to verify this, although, like walking and cycling, there may be reason to suppose that they would be normally distributed through the population and, therefore, concentrated in areas of high population.

Landowners with rights of way across their land were particularly high in North Devon and East Devon, with Mid Devon and Teignbridge also showing high values. Unsurprisingly Exeter shows the lowest number of landowners with rights of way across their land, although higher values when asked about routes through yards and gardens. The lowest numbers for routes through yards and gardens were seen in East Devon and Torridge. The highest number of landowners without rights of way was also seen in East Devon, which is surprising given that this district has the highest density of rights of way in the county – see Figure 12.

Figure 9 – Number of Riders per Parish from British Horse Society data

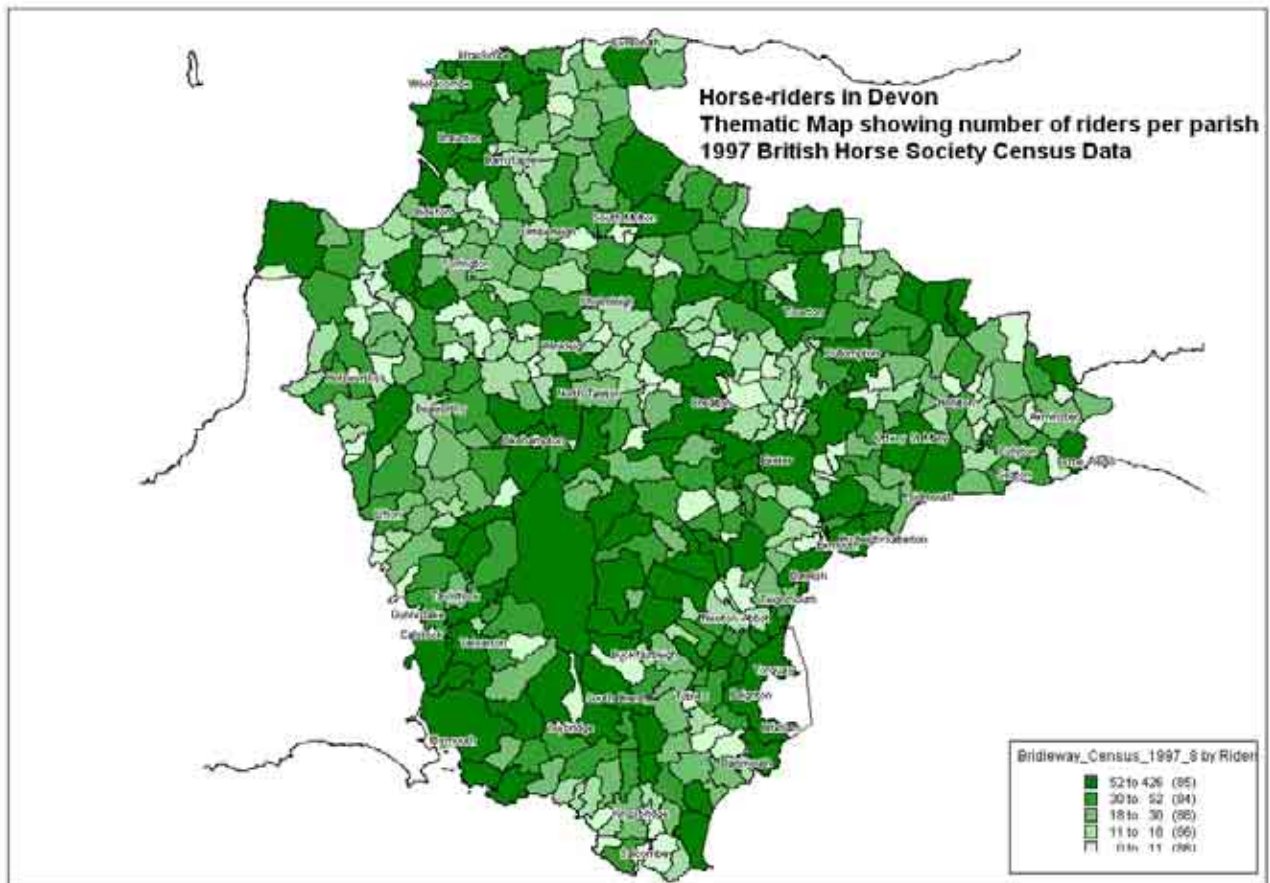


Figure 10 – Percentage of Riders per Parish from British Horse Society data

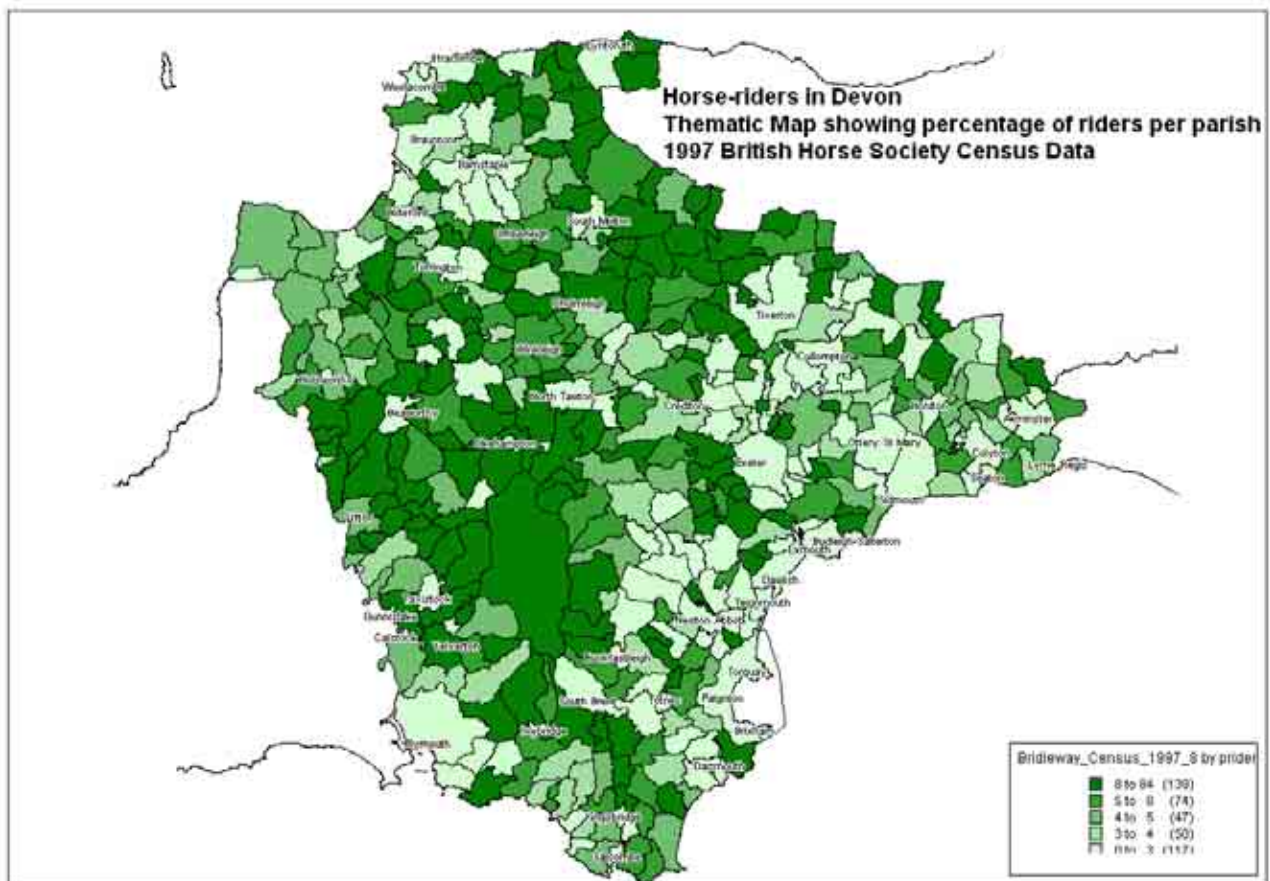
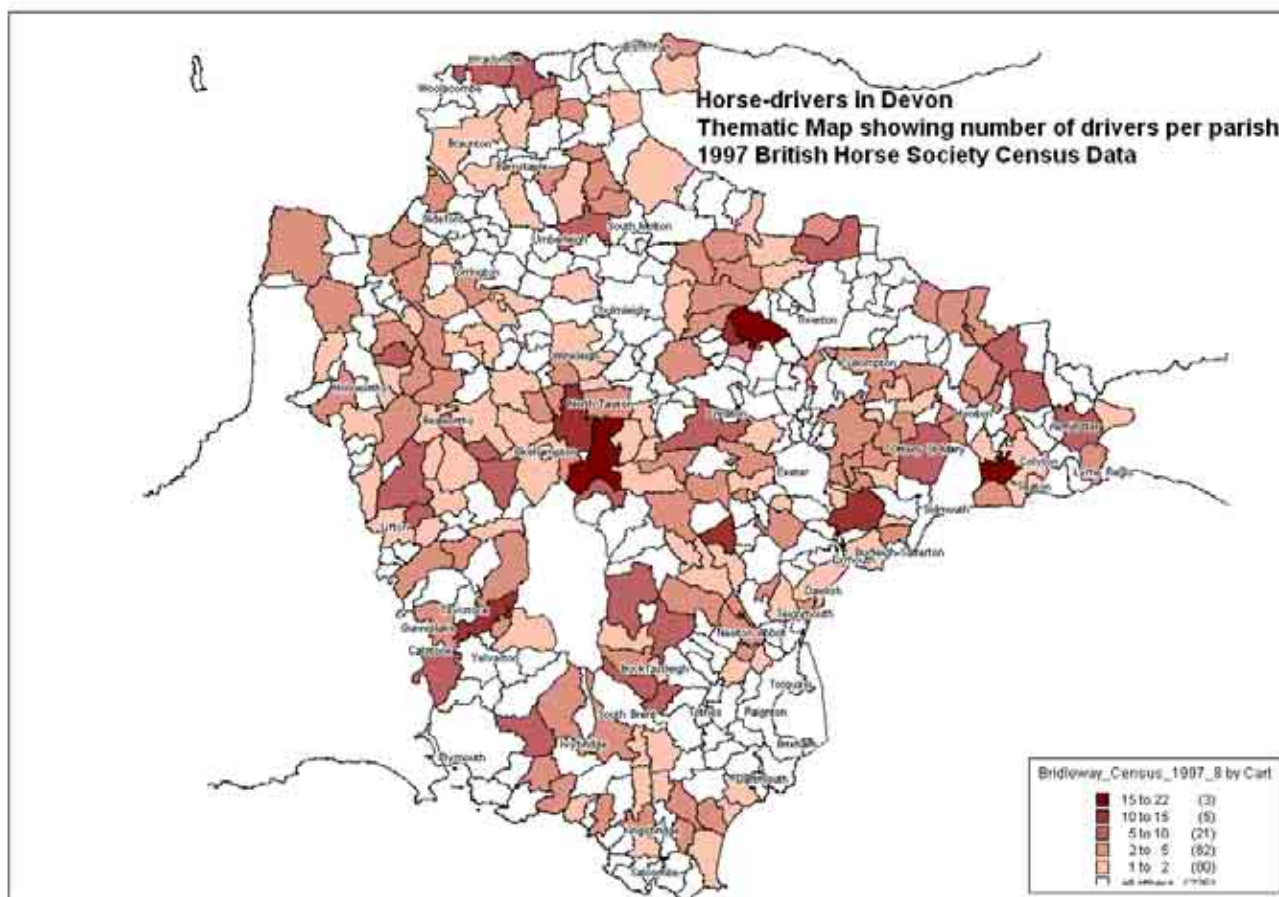


Figure 11 – Number of Carriage-drivers per Parish from British Horse Society data



What resources are actually available?

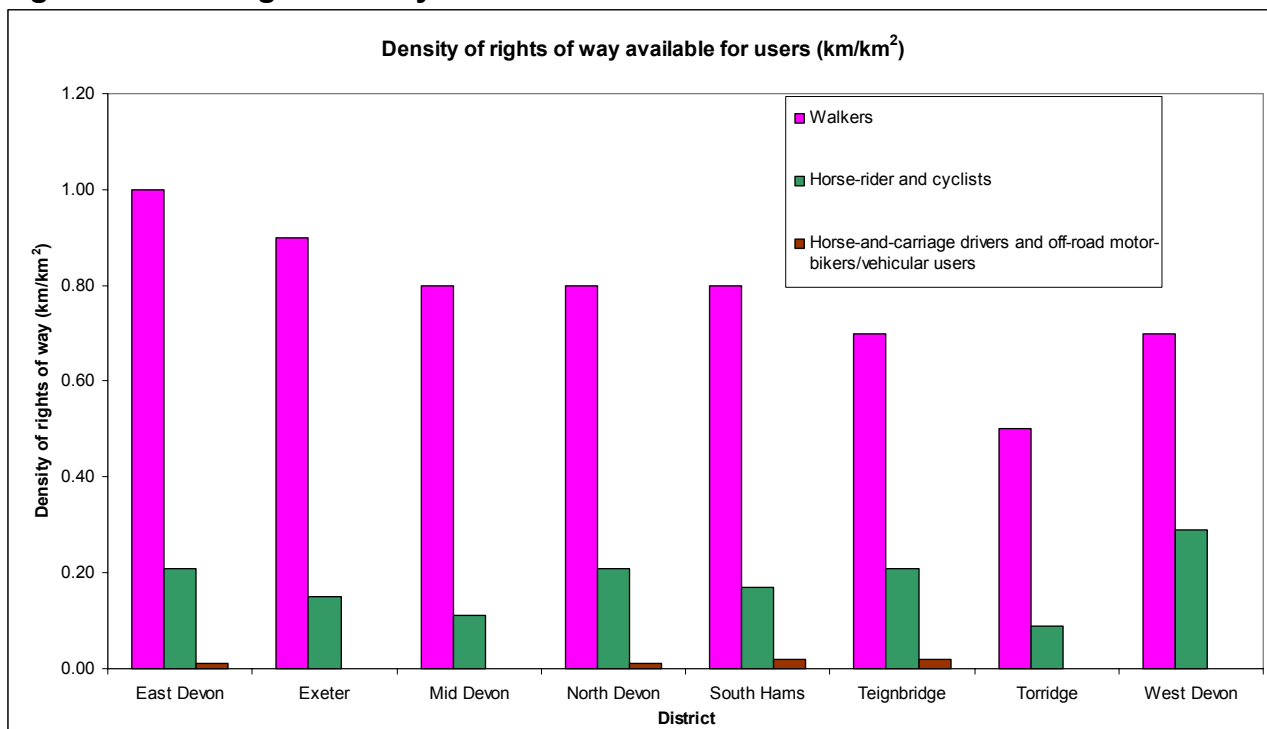
Figure 12 shows the rights of way resource available – please note that the total off-road resource for cyclists is under-estimated as the off-road cycle-tracks under development are not included at this time. In terms of the resources available walkers can use 100% of the rights of way network and they are relatively well provided for. Torrridge has the lowest availability overall and there are parishes there with no or minimum provisions, for example, Bridgerule.

Horse-riders and cyclists have poor provision generally. Whilst the number of horse-riders is low in comparison to other users they make a strong contribution to the rural economy and it should be remembered that 59% of them are children under the age of 15. Bridleways are 'good value' as they can be used by walkers, cyclists and horse-riders.

Horse-and-carriage drivers and off-road vehicle users have lowest provision and consideration could be given to development of special projects where there is a possibility of linking two byways.

Through other research carried out all user groups identified circular routes as of primary importance.

Figure 12 – the rights of way resource



We would be pleased to hear from you if you have any comment on the findings.