

DISCOVERING STROUD'S LOST WAYS

INTRODUCTION

In 2004, following a paper prepared by Cllr Chas Townley, the town council's planning committee agreed to commission a full audit of the parish's footpath network. The aim, was both to examine the state of the existing network, and to see where paths exist, that have not yet been dedicated as formal Public Rights of Way (PRoW). This was to form a part of the council's Walking and Transport Strategy.

In 2006, Stroud Valleys Project was invited to carry out this audit as the first step towards developing a Footpath Strategy for the entire parish of Stroud.

The survey would aim to complete the following criteria:

- A full survey of every existing PRoW in the Stroud parish, with the completion of a condition survey and photographic evidence for each.
- A comprehensive investigation of the entire parish area of Stroud, to identify any route currently used by the public as a footpath, but not recorded on the definitive map. Completion of a condition survey and photographic evidence of each.
- Preparation of a detailed audit report, containing the full surveys of every identified route, with recommendations for future action including improvements.

Between the period of January and May 2006, surveyors covered the entire parish, walking every street and field, in an effort to trace every identifiable route used by people on foot to move around the parish.

A survey form was designed and completed for each path discovered, to include details of the route, it's condition, vegetation and other relevant observations. Good quality digital photographs were then taken to capture each important element of the route. Initial contact was also made with the local Ramblers Association group and also Jacqui Harris, the footpath officer at Gloucestershire County Council, responsible for Stroud.

The resulting details have been compiled into a consistent format for the main Appendix A of this report. All the original photos and the survey forms have also been retained. The overall findings of the audit have been compiled within the main report; 'Stroud's Lost Ways', along with a series of recommendations as to what steps are required to develop this project in the future.

The aim is to ensure that Stroud's Lost Ways are formally recognised and maintained, and to ensure that future generations can continue to benefit from the impressive network of footpaths that have been developed across the whole parish over many centuries.

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PUBLIC RIGHTS OF WAY IN ENGLAND

What is a Public Right of Way?

A right of way is a path that anyone has the legal right to use on foot, and sometimes using other modes of transport.

There are four different types of public right of way shown on the definitive map. These are:

- Footpaths - over which the right of way is on foot only.
- Bridleways - over which there is a right of way on foot, on horseback, leading a horse and on a bicycle.
- RUPPs - These are roads used as public paths.
- Byways - these are byways open to all traffic - which includes some vehicular use.

Such paths usually pass between two other highways and are signposted at their junctions with other highways. Legally, a public right of way is part of the Queen's highway and subject to the same protection in law as all other highways, including trunk roads.

RUPPs are an obscure class of right of way that are usually unsurfaced and may or may not carry vehicular rights. Because of this uncertainty, all RUPPs are due to be reclassified as either footpaths, bridleways or byways, but this lengthy process will be speeded up by new legislation set out in the Countryside and Rights of Way Act 2000. When the new provision comes into operation, all RUPPs will be automatically reclassified as '**restricted byways**'. On a restricted byway, the public will have a right of way on foot, on horseback or leading a horse, and a right of way for vehicles other than mechanically propelled vehicles, so there will be a right to ride pedal cycles and to drive horse-drawn vehicles.

Are all footpaths, rights of way?

No. There are many paths that the public is able to use but that are not legally rights of way and do not enjoy the same protection. Paths crossing public parks and open spaces, commons and other sites to which the public has formal or *de facto* access may not necessarily be rights of way, though some of them are.

Other paths, known as **permissive routes**, are open to the public because the owner has given permission for them to be used. Often there is a notice on the path making clear the owner has no intention of dedicating the path as a right of way, and reserving the right to withdraw the permission. These paths are sometimes closed for one day a year, with a view to preventing claims that they are rights of way.

Which councils are responsible for paths?

The council that has principle responsibility for rights of way in a particular area, is known as the Highway Authority. Parish and community councils also have the power to maintain paths. As well as preparing and maintaining the definitive maps, highway authorities have a general duty "to assert and protect the rights of the public to the use and enjoyment" of paths in their area. They are legally responsible for maintaining the surface of the path, including bridges, and keeping it free of overgrowth. They have the power to require owners to cut back overhanging growth from the side of a path.

The situation in Gloucestershire

Gloucestershire has about 3,430 miles of footpaths, bridleways and green lanes that make up its public rights of way (PROW) network. This is one of the longest networks of any Shire county – Oxfordshire has just 2,500 miles. A team at the County Council looks after these 9,662 paths with help from volunteers, from parish councils and from voluntary organisations. There are over 10,000 stiles and gates on Gloucestershire's network, although the county has no inventory of these. On a more local level, Stroud, along with 26 other parishes, lies within the county's North Stroud area. As of May 2003, this contained 589kms of footpath and 62kms of bridleway.

The county council team is responsible for the maintenance and development of PROW, and modifications to the definitive map. Gloucester and Cheltenham city/borough councils deal with their own issues. According to Grassroots Magazine (2004), funding for the maintenance of these footpaths comes from the council's small works budget. This allows for just £14 per footpath per year, or 30 pence a mile.

The county council's aim, is to have all routes maintained up to what it has termed 'Bronze' standard. For the whole of the Stroud district, between 1996-2002, an average of 501 complaints per year were received about PROW. As of May 2003 (*Grassroots*), 66% of the local network was classified as easy to use. By default, that must suggest that around one in three paths are not easy to use! For many years now, Stroud Town Council's grounds team has carried out regular maintenance to paths where problems are known to arise, especially in terms of encroaching vegetation.

How was the map drawn up?

The definitive map was prepared under the provisions of the National Parks and Access to the Countryside Act 1949. This required surveying authorities - usually county councils - to prepare maps and statements of public rights of way. The procedure was long and complex.

First the authority had to take account of information provided by parish councils and prepare a draft map. Notice of the preparation of this map was published in the local paper and people could make objections. These were heard by a person appointed by the county council. Where, in response to objections, a change was made to the draft map by the addition or the deletion of a path, a further publication, objection and hearing process took place in relation to each one.

Following the resolution of objections and the appeal procedures, the county council had to draw up a provisional map and statement. These contained the details of the draft map together with any changes made to it. A publication process was again prescribed. A right of appeal was given to any owner, tenant or occupier of land over which the map showed a public right of way.

Only after these appeals had been resolved, could the authority publish the definitive map and statement. In Gloucestershire the final map was published in 1983.

Public rights of way - the legal framework

Up until 1949, if a path was disputed, aggrieved members of the public would have to go through the courts to seek a declaration that it was a public right of way.

Legal Protection for Paths

In 1949, Parliament decided that, in order that everyone may know which paths are public rights of way, they should be recorded on the definitive map. The recording of a right of way on the definitive map is conclusive evidence of its existence as of the date of the map. This gives the path added legal protection and the creation of definitive maps has undoubtedly helped keep rights of way open and usable, and allowed councils charged with their protection, to act where they have become unusable. The council responsible for keeping the definitive map up-to-date is known as the surveying authority, and the council responsible for keeping paths open and usable is the highway authority. In Stroud these are one and the same: Gloucestershire County Council.

It is important to note, that a path does not become a public right of way by its addition to the definitive map. But its registration on the definitive map as a public right of way proves it is one, and should afford it the legal protection it deserves. Neither can it be said that just because a path is not on the map it is not a public right of way: rights may exist over a way not shown on the map, or "higher" rights may exist over a way eg. a registered footpath may in reality be a bridleway.

Recording of Public Rights of Way

Getting a path on the definitive map involves using evidence to demonstrate that a public right of way has already come into being. Additionally, changes will shortly come about through the Countryside and Rights of Way Act 2000 that will allow for the claim of a new class of way called a "restricted byway". *Public rights of way come into being through creation or dedication:*

Creation

In a few cases a new right of way has been specifically created for the public by the relevant authority, for example, by means of a *public path creation order* under the Highways Act 1980. Alternatively there may have been a *creation agreement* between the authority and the landowner, which has created a new way. In both these cases the relevant authority should automatically amend the definitive map and statement to reflect the newly created way, but the agreement or order is good protection for the path in any case – these are legal documents.

Dedication

Express: Similarly, there are a few cases where the landowner has *expressly dedicated* or given over the way to public use. Certain conditions have to be met in such cases:

- Firstly, the landowner must have shown an *intention to dedicate* the way as a public right of way, which depends on the evidence eg. the wording of a particular deed.
- Secondly, in most cases there must be *acceptance by the public*, ie. the way must actually come to be used.
- Thirdly, the dedication must be the *public at large*, and not, for example, just for a particular class of residents. It must be for *all time* (for a time limit indicates that the way is only used by permission) and it must be dedicated by the *freehold landowner* (not a tenant).

Presumed: In the great majority of cases however, the landowner may be long gone, and the path may have been used over a great many years. In such cases, the dedication is *inferred* or *presumed* from the evidence of the use

made by the public, the actions – or in-actions – of the landowner, and/or references to historical documents. It is this evidence which is usually gathered in order to make a claim for a right of way. The legal principles of presumed dedication go back several centuries and form part of what is known as *common law*. Under common law the courts came to accept that proof of public use of a way for a sufficient period could constitute evidence by the landowner to dedicate the way as public. The onus of proof was firmly on the person claiming the way to show that use had been made openly and freely. No rule was formed on what constituted a “sufficient period” and so each common law claim turned on the particular facts of each case.

The 20-Year Rule

Parliament decided that the public would be better served if a set period of public use was defined in law for claims of presumed dedication. Under Section 31 of the Highways Act 1980, if a way is enjoyed by the public for *twenty years or more*, as of right and without interruption, the way is deemed to have been dedicated as a highway, unless there is sufficient evidence that there was no intention during that period to dedicate it. The period of twenty years is calculated *retrospectively* from the date when the right of the public to use the way was brought into question.

Documentary evidence may also be used if it shows that a way has been created through a legal process or has been recognised in historical documentation as having public rights. In some cases (for instance an Act of Parliament) the obvious legal acceptance or creation of a public right of way is enough to allow use to be resumed according to the “*once a highway, always a highway*” principle. This principle means that even if a path has long fallen into disuse, the right to use it is not lost unless there has been a legally authorised closure.

Most authorities will usually accept claims if *at least half a dozen* witnesses can testify to use ranging over this period. The PROW team at Shire Hall provides public path evidence forms as part of a comprehensive application pack. The applicant will have the task of asking witnesses to complete these, collecting them and sending them to the county council with the application.

Use should be *as of right*, which means open, unforced, and without permission. There is no need for the public to have *believed* it was a right of way they were using, they just need to have used it in the manner that public rights of way are used. In most cases though, documentary evidence is useful *supporting* evidence for a claim based on user evidence, or a variety of documentary evidence needs to be submitted which, as a whole, can be taken as evidence that a right of way exists.

Anyone, with either user or documentary evidence, which shows that a right of way *subsists* or may be *reasonably alleged to subsist*, can apply for an order to modify the definitive map by the addition of the way. The *modification order*, if confirmed, will prove that a public right of way exists.

Making an Order

Once an authority has received the certificate of service of notice, it must investigate the matters in the application and, after consulting with the parish, district, or local council, or national park authority concerned, must decide whether to make the order applied for, based on the legal tests. These are outlined in Sections 53(3) of the Wildlife and Countryside Act 1981.

- ◆ Under 53(3)(b) it may make an order to add a way to the definitive map using evidence that such a way has come into being through presumed dedication following use over a period of time. Thus evidence of 20 year use, or common law use, can fall to be dealt with by an order under this section
- ◆ Under 53(3)(c)(i) it may make an order to add a way upon the discovery of evidence that shows a right of way not shown in the map and statement subsists, or is reasonably alleged to subsist over the land in question. These orders can be made where there is evidence of user under either 20 years or common law dedication, or documentary evidence, or a mixture of both.
- ◆ Under 53(3)(c)(ii) it may make an order to show that a way already shown on the definitive map and statement of a particular description ought to be shown as highway of another description. Applications for orders in this category include where there is evidence that a footpath should really be shown as a bridleway, or vice versa.

What happens next?

The county council typically takes between 12 and 16 months gathering evidence and writing reports, after which its Commons and Rights of Way Committee makes a decision whether to take the order forward to publication or to refuse to make an order. The county council's Commons and Rights of Way Committee, a group of trained councillors, will decide whether the evidence suggests there is a case to answer. This body meets four times a year and the meetings are open to the public. They may make one of three decisions in practice: to make an order, to refuse an order, or to defer the decision for one reason or another.

If the authority makes the order, they must publish it, give 42 days for objections, notify prescribed organisations (including the RA), and place notices on either end of the path. Objections may be lodged within this period. If after further discussion they maintain their objections, the matter must then be referred on to the Planning Inspectorate and a public enquiry held. If there are NO objections then the order can automatically be confirmed by the authority, and the map modified accordingly.

THE FUTURE FOR RIGHTS OF WAY

The Countryside and Rights of Way Act 2000

This Act set a deadline of 1st January 2026 after which it will not be possible to apply for footpaths and bridleways, to be included onto the definitive map based on historical documentary evidence (historical is classed as pre-1949).

In light of the Act, the government is providing the Countryside Agency with approximately £1m per year from 2004 to 2013 to complete the definitive map before historical rights are extinguished.

Under the 'Discovering Lost Ways' banner, a national project is researching rights of way not currently shown on the definitive map and submitting those, with enough evidence, to local authorities before the cut-off date of 2026.

The introduction of this cut-off date is aimed at bringing certainty to users of the countryside and landowners and managers about what rights actually exist. Discovering Lost Ways (DLW) will not create any new rights - it is simply gathering historical evidence for what already exists but, for various reasons, is not shown on the definitive map.

The relevant highway authority will decide on the merits of each application to change the definitive map, based on existing procedures.

In 2004, the government established the Archive Research Unit (ARU) to complete research into each of the historic counties of England. The ARU is currently on completion and review of the Lead Phase (Cheshire and Wiltshire), so that the method can be refined and used to inform the approach in the next eight historic counties (referred to as the first wave). A second wave of research in the remaining historic counties, which includes Gloucestershire, will complete the research of all England by 2012.

Work is underway on the production of case files for 'lost ways' found in the lead counties and it is expected that the first claims will be made during 2006.

The Rights of Way Improvement Plan

The existing PROW network, reflects historic patterns of travel - to work, school, church and family. It does not cater for all modern day demands, such as the growing pressure for access to countryside near people's homes, and caters better for walkers than other users.

Sections 60-62 of the Countryside and Rights of Way Act 2000, require local highway authorities to develop proposals to improve and manage their networks to meet the needs of the public. In particular they should look at ways in which they can benefit health, transport, recreation, tourism and other local economic needs. The purpose of the plan is to encourage local authorities to take a strategic view of their rights of way network. The aim being, to reflect modern patterns of demand and land use, and to provide better for the needs of users - particularly those that do not benefit from the right of open access (horse riders, cyclists etc.) and those with mobility problems.

Nationally, 15% of all visitors to the countryside go walking. This brings many benefits, from improved health and well-being, and developing the rural economy. A survey by the Countryside Agency (2000) showed that 30% of people felt there were not enough paths, whilst 70%, including a third of those who had not undertaken activities in the countryside in the previous year, said they would increase activity, if more paths and tracks were available.

The means of achieving this, is for the highway authority to prepare and publish a Rights of Way Improvement Plan for improving rights of way in their areas, taking into account the needs of the public including disabled people. The Gloucestershire County Council Rights of Way and Countryside Access Improvement Plan was published in March 2006.

The Plan clearly recognises that 'improved management, combined with better information, and the promotion of new routes in carefully chosen locations, could make significant difference to people who use, or who would like to use, footpaths'. It adds that 'they provide a convenient means of travelling, particularly for short journeys in urban areas.... They are important to the daily lives of many people.'

What Does it Say Will Happen?

Stretching to 124 pages, the Improvement Plan certainly has no shortage of action points. What is less clear is how/when these will be delivered and what funding is being provided to implement the actions.

The Plan holds as its main pledge, to provide 'better, safer and easier to use routes for all, close to where they live'. It recognises that Stroud has one of the highest densities of PROWs in the county.

The PROW department's main service objections are stated in the Plan as; 'implementing the Biodiversity Action Plan; improving the condition of footways by 5%; increasing the proportion of journeys made by foot; supporting the rural economy including tourism; and supporting canal restoration.'

Realising the department's limited resources, it states that the council will be 'concentrating on quality', but conceding that the scale of the task is formidable. In the Plan the council admits that it has no comprehensive figures on the state of the network or of user figures and attitudes. Its biggest survey of routes came in 1995, when 38% of sites were surveyed. Since then, it has been doing 2.5% survey sampling on a two-yearly basis.

What roles do Stroud's footpaths play?

The government at all levels, has long-recognised the importance of PROW and the opportunities they provide for public access, both functional and recreational.

Generally in Gloucestershire, due to its rural nature, PROW are seen chiefly as ways to access the open countryside, especially in terms of their tourism and recreational potential. However in an urban area like Stroud, their functional role has far more importance.

They allow people to travel from place to place, for work, schooling, for shopping and socialising, without having to resort to the car. This is particularly important for short journeys. With Stroud's historic road system, such footpath routes often provide a quicker and more direct route. The Department of Transport's 'Developing a Walking Strategy', identified vehicle speed and increased traffic flows as major deterrents to journeys by foot in urban areas. Paths can provide traffic-free routes for pedestrians. The presence of other people on these routes can contribute to a feeling of safety and security, which in turn leads to increased usage.

It must be noted that Stroud is a rather unique town in terms of footpath access. Its equal mixture of open countryside and built-up areas, and the way that fingers of the countryside reach almost into the town centre, gives the role of footpaths incredible importance – and potential.

PROW generally exist as a record of historic patterns of use by the public prior to the advent of mass transport. That is largely the case in Stroud, where the main roads chiefly use the level, valley bottoms, branching from the town centre into the five valleys. It is left to the historic footpath routes to traverse the valleys, proving an important, quick link for pedestrians to access neighbouring valleys. In terms of the future potential of these routes, it is the characteristic way that when they go between the built-up areas, they often have to cross open countryside. From Uplands to Callowell; from Summer Street to Slad Road; from the Top of Town to Gunhouse Lane – numerous paths have to cross beautiful AONB countryside. Even moving through the southern side of Stroud, the canal towpath drifts between developed areas and open spaces.

As more greenspaces within the urban area get developed, the importance of quick and easy access to open countryside is enhanced – especially for older people, unable to walk great distances from their homes to access the countryside.

The number of routes also provides plenty of opportunity for people to link sections of footpath, in order to travel considerable distances, without having to do more than quickly cross a road. For example, it is possible to cut right across the middle of the parish, from the border with Thrupp, to the border with Ruscombe, and spend no more than 4-500 metres on quiet residential streets! The number of routes also provide plenty of possibilities for users to create circular routes – ideal for people who walk regularly (with or without a dog!) and want a bit of variety.

How many other local councils have done this sort of audit?

Parish and town councils have the legal right to maintain and improve PROW. Through the successful Parish Paths Partnership - a county-led initiative at the end of the 1990s – a lot of parish councils did full footpath audits and set up plans to maintain and improve their networks. However, as far as we have been able to find out, no council has done an audit of both the official and informal routes and certainly none has done anything in this detail, and on this scale.

The completion of this audit and the resulting agreement of a carefully planned, consulted and costed strategy, will place Stroud in a unique position, both countywide and nationally, to drive forward a range of improvements as a national example of best practice. The resulting publicity and profile will undoubtedly help promote one of the key recommendations from this audit, which is to develop the footpath network as a key economic tool through tourism. This is especially important with the re-opening of the canal, which relates easily to many of the footpath routes.

It must also be said, that improving the PROW network really does tick all the boxes in terms of improving the quality of life of local residents. In 2002, as part of its Best Value Review, Gloucestershire County Council discovered that 73% of residents used a PROW at least once a month. The benefits for fitness, reduction in traffic, biodiversity, education and training, reducing crime and disorder, economic development and reducing inequalities are very significant.

As an added bonus, such work easily fits within the strategic priorities of the key county organisations. We have already mentioned the service priorities of the county council, and this audit has received funding from Stroud District Council, as it meets almost all of their strategic priorities.

In addition, there is the Community Strategy drawn up by the Gloucestershire Strategic Partnership which outlines the steps needed to be taken to improve the well-being of the county up to 2014. It has six key themes, which over-arch all

of the local strategic policies, namely: a thriving economy; learning and opportunity for all; living life to the full; a better environment; a safer county; and thriving communities.

On a more local level, such work would also fulfil many of the objectives of Project Stroud. In particular, the need to improve accessibility around the town centre, out to the countryside and from the canal, was listed as a priority, as well as encouraging people to use footpaths instead of cars. It should also be noted, that one of its key findings was how much local residents and visitors valued the local landscape and wanted to easily access it.

For the same reasons, a well-researched and fully-consulted Footpath Strategy will tick many of the boxes, when it comes to raising funds to make these improvements.

The town council is therefore in a great position to work with GCC to find ways to improve the parish's footpaths, potentially as a local and national pilot project to show how these things should be done. It is therefore vital that the town and county councils now get together to drive forward this audit, by developing a full Footpath Strategy with appropriate partner organisations.

STROUD'S LOST WAYS – THE FOOTPATH AUDIT

GENERAL FINDINGS

What have you been doing?

Working from the map of PROW, provided by GCC, it is difficult to establish exactly how many official paths there are in the Stroud parish, as they use a numbering system that is based on individual sections, as opposed to what most people would consider an entire footpath route, from A-B. Additionally, the way the map is printed, means the path numbers are often obscured by the map details, making it hard to work out which sections link with which.

The county council does hold a 'Definitive Statement' of each route, However these are not easily available and the time required to work out each of the 63 routes and transfer them onto a map, made it an unfeasible way forward.

Between the period of January and May 2006, surveyors covered the entire parish, walking every street and field, in an effort to trace every identifiable route used by people to move around the parish on foot.

A survey form was designed and completed for each route discovered. This enabled the surveyors to capture details of the route, it's condition, vegetation and other relevant observations. Good quality digital photographs were then taken to capture each important element of the route.

We have generally used a system where an individual footpath is defined as a whole route, linking two public highways (this includes PROW, which are a Queen's highway). A few paths lead from highways to view points. Others link with routes into adjoining parishes and some routes have been split into individual sections, where they are part of a multi-directional route. Unless specified as existing PROW we have not included the many routes across public parks and playing fields. These are generally regarded as de facto footpath routes due to their free public access and in most cases the routes are too numerous to map, as people have a right to roam. Therefore areas like Stratford Park, Bank and Park Gardens and Uplands Playing Field do not feature in this audit.

In terms of presenting this audit, all of the survey sheets are included in Appendix A with site-specific recommendations and descriptions. The numbering system relates to the order in which they were visited, not their official PROW number. This means the list can easily be added to, in the light of results from the public consultation.

It was difficult to place the paths into locational categories, as many stretch across any obvious boundaries. Instead, we have used the six town council wards, and placed each path into the ward in which they are mainly located. All the routes are also numbered on the main audit map at Appendix C. So anyone can either look at the map and find out which routes are in a particular area, or flick through the relevant ward in Appendix A. We hope this is a system that is easy to use.

What follows are a list of 26 recommendations, that we feel should be considered as a way of both bringing the existing right of way network in the parish up to a reasonable standard, and of expanding, maintaining and promoting the network in the years to come.

THE EXISTING PUBLIC RIGHTS OF WAY

So, how many paths has Stroud got?

We have managed to track down 180 different routes. Of these, 63 are official Public Rights of Way, including one bridleway. That leaves a not-insignificant, 117 unofficial routes in the parish – more of which later.

The top priority for any footpath strategy has to be to get the existing Public Right of Way network up to a level that at least meets the County Council's basic standards.

There is a pretty equal spread of routes across the parish, although a significant majority are to be found in the open countryside areas, especially around The Heavens, Slad Valley, Hawkwood, Farmhill and Callowell. From the ward-by-ward breakdown shown below, you can see that the two principal urban wards – Slade and Central - have the lowest number of PROW. Interestingly, both have a much higher number of informal routes – something we shall also touch upon later. The PROW can be found in the following numbers in each Stroud parish ward:

- | | |
|--------------------------|---------------|
| ➤ TRINITY (18) | ➤ VALLEY (9) |
| ➤ FARMHILL & P'HILL (14) | ➤ CENTRAL (8) |
| ➤ UPLANDS (12) | ➤ SLADE (1) |

As shown in the tables below, of the 63 routes, 51 (81%) have an identified problem. The following tables show all the PROW in the parish, ward-by-ward, with indications of the sort of problems that are found on each.

SLADE AND UPLANDS

Path Number	mapping	Signposting	Stiles/gates	Waymarking	Blocked/obstructed	Ground conditions
44		#				
84a			#	#		#
84b		#	#	#		#
23						
24						
37b				#		
39						
14a				#		
14b				#		
15		#				
145				#		
86		#		#		
87a						

VALLEY

Path Number	mapping	Signposting	Stiles/gates	Waymarking	Blocked/obstructed	Ground conditions /lighting
82	#	#				
5						#
80						
124		#				
125						
42		#	#	#		#
41		#		#	#	#
40		#	#	#		#
43		#		#		#

FARMHILL & PAGANHILL

Path Number	mapping	Signposting	Stiles/gates	Waymarking	Blocked/obstructed	Ground conditions /lighting
85		#			#	#
104						
105		#				
103		#				
92		#		#		
87		#				
88		#				
89				#		
90a				#	#	
90b		#		#		
91		#				
102		#				
93	#	#				
100	#	#				#

CENTRAL

Path Number	mapping	Signposting	Stiles/gates	Waymarking	Blocked/obstructed	Ground conditions /lighting
74b					#	
74c	#					
78		#		#		
98		#				
101		#				#
112						#
114						
117	#	#		#		
119						

TRINITY

Path Number	mapping	Signposting	Stiles/gates	Waymarking	Blocked/obstructed	Ground conditions/lighting
49						
50	#			#		
52			#	#	#	#
54		#				
55		#	#			#
56a		#				
56b		#				
57a		#	#			
57b		#				
57c		#			#	
58		#				
59		#		#	#	
64		#				#
65	#	#		#	#	#
67						
69	#	#				
73						
74						

SIGNPOSTING & WAYMARKING

Highway authorities have a duty to put up signposts at all junctions of footpaths, bridleways and byways with metalled roads. The signs must show whether a path is a footpath, bridleway or byway and may also show other information such as destination and distance. Highway authorities also have a duty to waymark paths along the route, so far as they consider it appropriate.

Waymarking is a means of indicating the line or direction of a path away from metalled roads, at points where it may be difficult to follow. In Gloucestershire, footpaths are generally marked with a yellow arrow on a circular plate attached to gates, stiles and posts. This complies with the Countryside Agency's national standard system of colour-coded arrows. The county council states that it 'will provide plastic waymark discs where it is satisfied that the work can be done well.'

The tables above show all the routes where waymarking and signposting is lacking, including several routes where the lack of suitable signs could put people off from using the route. Of greatest concern, is the fact that 37 of the PROW in Stroud (59%) have no proper signposting and 21 (33%) have unsuitable waymarking. This makes it difficult for walkers to use the routes easily. Even with a detailed map, several of the routes were impossible to navigate accurately. This causes annoyance to landowners when people stray from the proper route. Signposting is also an important way of promoting the existence of routes which local people can use freely to travel between parts of the town. The lack of a sign at entrance points from the main highway is often used by landowners as a way of discouraging usage of the route.

In addition, very few paths have any destination and distance markings on the signposts. And where they are present, they only give the next, immediate destination. No effort has been made to develop longer routes by giving a clear indication of where people can eventually get to if they continue further along a route. It's a bit like motorway signs that only ever told you the town at the next junction! For example, the sign at the bottom of the Callowell path on the Painswick Road only states 'Callowell – ½ mile'. It could quite easily have Whiteshill, Ruscombe, Farmhill and Randwick as destinations with distances.

Also, the simple, metal plate, green man walking signage that is uniformly used by GCC, is small and rather ugly - not particularly blending in with the natural environment. Being made of unnatural materials, it gives no local character to the route.

RECOMMENDATION 1:

That a full and detailed schedule of new signposting is drawn-up, in the late summer at the same time as the re-survey for vegetation.

That a locally-distinctive design, using natural materials, is agreed for countryside routes. Where appropriate, destinations and distances are included on all signs with information of linkage destinations as well. This work can be carried out by GCC, but the town council may wish to add its own funding to ensure a better quality.

RECOMMENDATION 2:

That a full and detailed schedule of improved waymarking is drawn-up for all the identified PROW and GCC is asked to work with landowners to ensure it is implemented. This is also done in the late summer, at the same time as the re-survey for vegetation.

STILES, BRIDGES AND GATES

The tables above identify seven PROW with poor stiles or gates. Maintaining these is primarily the owner's responsibility, but the highway authority must, in certain cases, contribute 25% of the cost if asked and may contribute more if it wishes. If stiles and gates are not kept in proper repair, the authority can, after 14 days' notice, do the job itself and send the bill to the owner.

This was generally not such a problem as signposting, however there is absolutely no uniformity in design of stiles and gates. Again the worst stiles and gates are highlighted in the tables above and in the detailed route assessments in Appendix A. However, these only highlight the worst stiles and gates that are hard to pass for an average user. There is apparently a British Standard (BS5709) for design of stiles/gates.

Overall, there are just a few areas where new stiles and gates have been installed that come up to modern standards. The vast majority are historic relics. Therefore, for certain groups of people, many of the existing stiles are totally unsuitable, especially those that only provide small gaps to squeeze through or have considerable heights between the steps and ground level. Many walkers are older people who would find the heavy gates and steep steps hard to navigate, and more thought needs to be put into the design of such structures. Many also pose problems for people with larger dogs. If GCC really wants to make PROW 'easy to use for all', then a comprehensive review of the local network is required.

There are around 2,500 footbridges on PROW in Gloucestershire. Many were installed under project funding that was available in the late 1980s and are now coming to end of their life. The county council recognises that it should carry out a survey and to have a system in place to restore these important features.

RECOMMENDATION 3:

That a full and detailed schedule of improvements to stiles and gates highlighted in the tables above is drawn up with GCC and that all landowners are encouraged to make the necessary improvements up to modern standards. This is also done in the late summer, at the same time as the re-survey for vegetation.

RECOMMENDATION 4:

That GCC is encouraged to carry out an assessment of all stiles, bridges and gates in the parish, as part of a longer-term plan to bring them all up to modern standards, to ensure that the network is genuinely 'easy-to-use for all'.

BLOCKED PATHS

A survey by the Countryside Agency (2000), revealed that many people believe that PROW are frequently obstructed or poorly maintained making them difficult to use. This alone is a significant barrier to their use. The tables above show that eight PROW in Stroud are either blocked or obstructed. That amounts to more than one in ten paths. The following recommendation should be treated as one of the leading priorities in order to ensure that 100% of Stroud's PROW are fully-passable as a minimum standard. GCC currently has a waiting list of complaints about blocked paths, and according to its Improvement Plan has set up a system of prioritisation criteria, to determine which should be tackled first. It may be better, as part of the wider discussions with the PROW team, to bunch all of these paths together in one 'complaint' and try to agree a process by which they can all be tackled as part of a wider strategy for Stroud. Only one of these paths is completely blocked (57c), two have padlocked gates, one seems to be being discouraged by the landowner, in that the route is obscure (59), and another (65) leads to a blocked path on the map, which could be a block or could be a mapping mistake.

RECOMMENDATION 5: To work with the PROW team to investigate all of the above problems and ensure that no PROW in Stroud are blocked and that people can use the network fully and freely.

INCORRECT/UNCLEAR MAPPING OF ROUTE ON MASTERPLAN

Eight paths are incorrectly mapped. This means that the route as shown on the official map provided by the PROW team, does not meet with what the route is on the ground. Some of these are likely to be mapping errors but several open significant questions about the extent of the individual route, which may lead to new orders having to be made in the future. Further investigation will need to be made with the Definitive Statement for each of these paths, to determine where the problem lies, before further action can be taken.

RECOMMENDATION 6: To work with the PROW team to investigate the mapping errors and to implement the necessary changes to ensure that the correct routes are shown.

VEGETATION

It must be noted that this audit was carried out in the early spring, and so there was very little vegetation present. Probably the biggest barrier to people easily using a right of way, is the problem of paths being blocked by over-grown vegetation. In order to get a full picture of the state of Stroud's footpaths, we would suggest that all the PROW are re-visited in the late summer in order to measure how many are blocked due to vegetation. Surveys at the start and end of summer are standard practice in footpath surveying. This would give an accurate picture of future maintenance costs. To save money, this re-visit could be combined with the recommendations on stile, waymarking and signposting.

RECOMMENDATION 7:

That a follow-up condition survey of every PROW is carried out in late summer to evaluate problems of overgrown vegetation. This to be done in the late summer, at the same time as the detailed assessments on stiles, signposting and waymarking.

GROUND CONDITIONS & LIGHTING

The tables above identify 15 PROW where the ground conditions are poor or there is insufficient street lighting. We understand that the town council has an ongoing programme of improving lighting to local footpath routes. The audit identifies several PROW where lighting may be an issue that makes people feel unsafe and less likely to use the network in the dusk/dark. These are indicated on the tables above. However, it must be noted that the survey work was carried out in daylight, so no detailed assessment of conditions has been made. Further investigations would be needed. Improved lighting is more difficult to achieve on footpath routes that are not PROW, due to land ownership issues. However where appropriate, lighting and safety has been mentioned in the site assessments in Appendix A and several of the informal routes being recommended for adoption as PROW would involve the addition of street lighting to improve safety. In particular routes 9 and 158.

The routes where ground conditions make passage on foot difficult, are mainly due to wet and boggy areas, although a couple were due to steep slopes. It must be noted that the survey took place in the spring, when ground conditions are not at their worst. Clearly there is little point in having a PROW, if ground conditions make it unusable and these routes should be investigated by GCC officers to see whether improvements, especially in terms of bridging, route diversions and steps, would improve the situation. We have been unable to find out whose responsibility it is to pay for such measures.

RECOMMENDATION 8:

That further investigations are made into those PROW listed as having a lack of street lighting, to draw up a plan of improvements to improve community safety and the use of these routes. That lighting is carefully considered when new routes are added to the network.

RECOMMENDATION 9:

That GCC is asked to visit the routes selected as having poor ground conditions, to see whether improvements, especially in terms of bridging, route diversions and steps, could be implemented.

OTHER FOOTPATH ROUTES

CREATION OF NEW PUBLIC RIGHTS OF WAY

The official network of PROW is still locally-fragmented, particularly in terms of gaps, dead-ends and non continuation at parish boundaries. This audit has identified 117 other footpath routes in the parish, that are clearly used regularly by people, but are not marked as Public Rights of Way.

This omission has clearly happened for a number of reasons. Some routes are relatively new; many have been created as cut-throughs as part of housing developments, but the planners have never sought to have them dedicated as PROW; and many routes are used informally by the public with the landowner's passive consent, or in some cases without the landowner's knowledge.

Clearly there are significant advantages in getting as many of these routes as possible adopted as PROW. Primarily they would help fill some of the network gaps, it would give these routes everlasting protection, and a greater number of official paths would encourage people to use the network more.

To help this process, we have split the 'other footpath routes' into two categories.

1. Informal permissive routes: There are many routes, usually across fields, that are clearly used but on a very informal basis. It would be very difficult and time-consuming to attempt to convert most of these into Public Rights of Way. The mapping of them in this audit, merely highlights the extent of these informal routes and the way that they can be used to link between existing PROW. There are 33 such routes in Stroud.

2. The Lost Ways: These routes, usually in the urban area, have clearly been used, in some cases for several generations, but for various reasons have never been given the protection of Public Rights of Way. There are 84 such routes in Stroud. If dedicated, this would bring a 130% increase in the number of PROW in the parish. These can further be categorised as 'cut through' and 'main paths'. It must be accepted that this audit has not involved detailed investigations into the history of each route, and that some of these may fall into category 1, or not be seen as a high priority, upon further investigations. All are listed at Appendix B.

The conversion of the Lost Ways to PROW is a complicated and long-winded process. However to learn the necessary lessons of this process, to build a working relationship with the PROW team at Shire Hall, and to boost the profile of the Strategy, we suggest that six routes are selected to get the ball rolling. We have selected 14 which we believe are either non-controversial or where there is a clear need for the path to be recognised. Again, we make the proviso that no detailed work on the history of each route has been made as part of this audit and some of these 14 routes may not be seen as a high priority upon further investigation.

GCC's target, is to determine claims for new paths within 12 months. However in 2005, the team had 86 modification orders and 110 public path orders undecided – some dating back 15 years. It receives around 86 new applications per year. The team is expecting a huge increase in claims in around four years time, when the historic routes uncovered as a result of the national Lost Ways initiative start to flood in. Therefore it would be sensible to pursue these six claims as soon as possible.

RECOMMENDATION 10: That more detailed investigations are carried out into the 14 routes listed below, to examine their suitability for claims to be made to make them official PROW. That the six most suitable are then submitted.

WARD	Path No	Route	Notes
Trinity	62	Highfield Road to Heavens footpath	Small cut through – no owner
Trinity	136	Path behind houses in Lower Street	Historic way
Valley	79	Langtoft Road - St Brendan's	heavily used – looks like a PROW
Slade	135b	Chapel Drive	Historic route STC owns
Slade	135	The Chur	Historic route STC owns
Slade	8	Parliament St - Chapel Street	heavily used – looks like a PROW
Slade	9	Parliament St to Chapel Street via Churchyard	heavily used – looks like a PROW
Uplands	26	Folly Lane to Delmont Grove	Small cut through – no owner
Central	01	High Street to car park	heavily used – looks like a PROW
Central	118	Gannicox entrance	Small cut through – no owner
Central	156	King Street to Bath Street	Route through Merrywalks - safeguarded
Central	158	Locking Hill to Lansdown	route needs to be improved and formalised
Farmhill	110	Mill Farm Drive to Queens Drive	heavily used – looks like a PROW
Farmhill	160	Parkend to Paganhill Lane	heavily used – looks like a PROW

Specific areas in need of attention

We have selected three places where it is the general area, rather than a specific path, which needs attention.

Folly Lane

The first is the Folly Lane field which lies above the tracks leading from Folly Lane to the playing field car park at Uplands. There are development proposals for this area, which would interfere with a series of footpath recreational routes that have been used for some time.

RECOMMENDATION 11: None of these are PROW and the council should consider whether it wishes to safeguard these in any way. Route numbers 18, 21, 20, 22, 25

The Canal

The planned reopening will make considerable changes to the land adjoining the canal. It will be assumed by many people that the towpath is a PROW for its entirety. This is not the case. There are also several key feeder routes that are not safeguarded as PROW. All of these routes have been used for a considerable time and it should be relatively easy to get them dedicated as PROW.

RECOMMENDATION 12: With the uncertainty of the canal redevelopment, we would recommend that the following routes are converted to PROWs as a priority.

- 115 Canal offshoot via industrial estate to Bath Road
- 116 canal path Lodgemore to Bell Hotel
- 75 Wallbridge Nature Reserve
- 71 A419 to canal picnic area
- 72 Path loops by river at Capel Mill
- Plus wrong mapping across Waitrose car park & wrong route across/under Dr Newton's Way by Jewson's.

Summer Street area

There is a real need to formalise the footpath routes through Slade Wood, giving a proper pedestrian link from Summer Crescent to Bisley Old Road and especially to Parliament School. Several informal routes currently exist but they can be hard to use and of course are not secured in any way. We understand that a community group is currently consulting on the options. This would be a major new route, although would involve negotiations with landowners at the end of Langtoft Road and the adjoining farmer. The routes involved are as follows:

- 81 Summer Crescent to Summer Crescent
- 164 Slade Wood
- 165 Slade Wood
- 166 Slade Wood
- 127 Bisley Old Road to Summer Street via corner Slade Wood

Additionally, there is no route through Slade Wood towards Slad, as one owner has fenced off a small strip. A route should be negotiated in some form to secure this important link. Likewise, there is only one route from Summer Street to Slad Road, with nothing at all at the Slad end of Summer Street. A permissive route with a local farmer should be negotiated to fill this gap.

RECOMMENDATION 13: That the council supports the efforts to secure these three new routes, with funding if necessary.

OTHER ISSUES

A RIGHTS OF WAY COMMITTEE

There is currently no active group looking at PROW in Stroud. However there are several hundred members of the local Ramblers group, which is very active, and many individuals who have a passion for walking and improving the links between parts of the town. There are also businesses who would benefit from getting involved, especially if there was an effort to develop Stroud as a tourism centre based on its footpaths.

RECOMMENDATION 14: The town council should form a Rights of Way sub-committee and co-opt farmers, walkers and interested local people to gain the benefit of their knowledge and experience. They could help the council comment upon planning applications that affect public rights of way and diversion orders. Most importantly, they could help with annual surveys and help with delivering some of this report's other recommendations.

ANNUAL REVIEW - ONGOING SURVEYS

As a result of the Parish Paths Partnership, many parish councils carry out regular inspections (preferably at least twice a year) of all PROW in the parish or community, noting any matters that need attention, and follow these up as appropriate. Clearing nettles and brambles from around stiles and gates is a real help to users during the summer months and an activity the staff from the county council struggles to manage. They check that all stiles and gates on PROW are easy for members of the public to use, and draw the owner or occupier's attention to any difficulties.

It is equally important that the council maintains this Footpath Audit – especially details of the informal routes, in order to check their continued use and condition, especially in relation to the possibility of any future claims for new paths.

RECOMMENDATION 15: The town council, either through its own means or working with the new Rights Of Way Sub-committee, carry out a follow-up inspections of the existing PROW network to identify and rectify any problems. Ideally these should be undertaken in May/June and September/October.

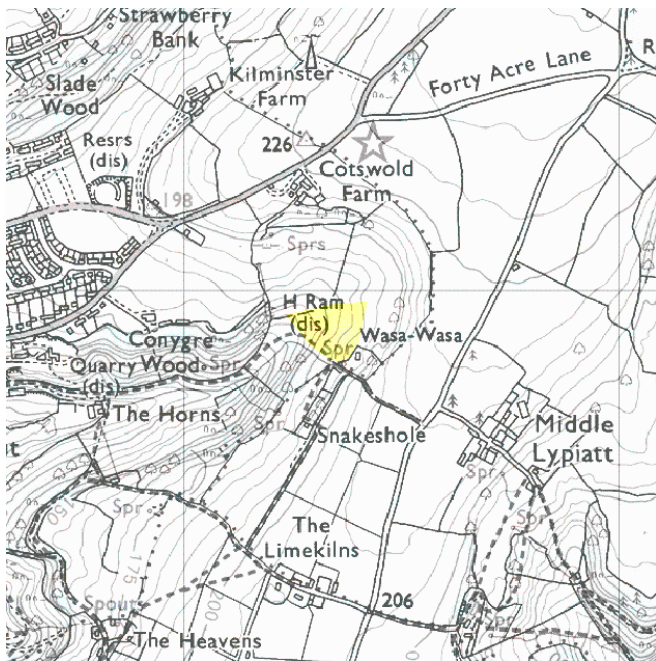
RECOMMENDATION 16: The town council budgets for an annual review of this audit, to monitor the condition and usage levels of all the footpath routes within the parish.

RUBBISH/GRAFFITI

An important aspect of ensuring that footpaths feel safe for people to use, is their general condition. If a route feels untidy and uncared for, it tends to also feel unsafe. Whilst walking these routes, the amount of rubbish, and in several areas, the amount of graffiti was very noticeable. Most particularly in the urban fringe areas, which do not get cleaned by the local authority and where there are no active landowners. Many of the town centre routes have particular problems with litter. Whilst this is a problem that is already recognised, the maintenance of PROW needs to be considered in any initiatives to tackle litter and graffiti. Every route has been assessed for litter/graffiti/vandalism issues – see Appendix A.

RECOMMENDATION 17:

Funding is provided to clear litter and remove graffiti on identified routes on an annual or bi-annual basis. This could be done as part of the annual footpath surveys.



RIGHT TO ROAM AREA

There is just one such area in the parish created under the CROW Act 2000. It lies in a small area of The Heavens, off the PROW from Horns Farm to Wasa Wasa (marked in yellow on main map and left). The CROW only provides a right of access on foot. In the words of the Act itself, "any person is entitled ...to enter and remain on access land for the purposes of open recreation". Such 'open access' countryside is supposed to be properly marked – there is even a special symbol to mark such areas. There is nothing whatsoever to indicate this as an open access area. It is a beautiful part of the parish and visits should be encouraged – nice place for picnics? Its existence also has potential benefits for some of the improvements to the adjoining PROW suggested in the survey sheet. There is also a legal right for local authorities to provide access to 'open access' land. This should also be explored as a way of improving the network in this area and providing suitable and easy access to this site.

RECOMMENDATION 18:

That the open access is properly marked with supporting information and publicised. That investigations are also made into using this area to create improvements to the 'difficult' route of the adjoining PROW.

PUBLIC CONSULTATION

In order to inform decisions about future investment in the parish footpath network, the council may wish to take this opportunity to conduct some community consultation. This would evaluate such things as the levels of usage, reasons why local people do or do not use footpaths, identified problems with the network, and improvements people would like to see. This could also be used to identify local people who would be interested in helping in future with a footpath project or be on the sub-committee. At the same time, it could seek people willing to act as witnesses for the paths selected to be converted as the first wave of new PROW, as well as general consultation on the audit, especially people who can come up with routes that the audit may have missed. This could be done through a public consultation event on the strategy itself and a questionnaire/information appeal in the Town Council autumn newsletter.

As noted earlier, this is believed to be the first such audit undertaken in the county, and maybe nationally, on this scale and on this local level. The improvement of the local footpath network touches on many of the issues identified as being a factor in improving the quality of life among local residents. With all of this information to hand, the town council is now in a great position to work with GCC to find ways to improve the parish's footpaths, potentially as a local and national pilot project to show how these things should be done. It is therefore vital that the town and county councils now get together, to drive forward this audit by developing a full Footpath Strategy with appropriate partner organisations.

RECOMMENDATION 19:

That the public and local Ramblers group is asked for its views on the audit and invited to identify additional routes and to evaluate the value of the network to inform future decisions. Also the public is asked for help in the process of dedicating selected new PROW. This to be done via the autumn newsletter and a public consultation event.

RECOMMENDATION 20:

The town and county councils get together to drive forward this audit by developing a full Footpath Strategy with detailed action plans and budgets to support the work.

TAKING CONTROL OF THE PATHS

The council is currently aware of possible changes to the structure of local government in Gloucestershire, especially the possibility of town/parish councils taking on more direct delivery of services. The management and promotion of the local PROW network, would be a very suitable pilot delivery project that the town council could take on. A locally-managed and accountable PROW system would surely bring huge improvements and raise awareness among the public of what it can offer. It would be worth seeing exactly how this is done in Cheltenham and Gloucester, if this was considered a good idea.

RECOMMENDATION 21: To make some initial enquiries into the possibility and desirability to taking of the provision of the maintenance of the PROW network in Stroud.

PROMOTION AND MARKETING

According to figures from Gloucestershire County Council in its PROW Improvement Plan, there is an annual £7.05 million tourism income in the county, with two million tourists and five million tourism day visits every year. One in ten jobs in the county is tourism-related (2002). The potential to develop Stroud as a centre for walking is clear from this audit and opens the possibility of considerably increasing the tourism income for the town's shops, hotels and eateries.

There are over 250 known promoted routes in Gloucestershire. As far as we are aware, not a single one of these passes through Stroud. With the information contained in this audit, the council is now well-placed to develop a series of new walks for the public. This both encourages the public to use paths, and provides an opportunity for the local council to show the public the work it has done on their behalf.

Many councils and walking enthusiasts have developed the existing county routes. These include two large circular walks around Cheltenham and Gloucester (the 27-mile Glevum Way) and a whole series of long-distance and day routes such as the Gloucestershire Way and the shorter Daffodil Way. There is a Healthy Walks Register and the annual Gloucestershire Strolling Festival. With the amount of footpaths discovered in this audit, there should be enough evidence to claim Stroud as the 'Footpath Capital of England'. This would provide a great angle for promotion purposes and surely it deserves a few marked routes to mark its new crown?

As mentioned earlier, this audit also places Stroud in an ideal position to bring in funding to improve its footpath network. In its PROW Improvement Plan, GCC admits that funding is available for such schemes – £20k was raised towards the Gloucestershire Way. But admits that its lack of information on both the current state of the network and the levels of usage, will hamper any fundraising bids.

With a full public consultation exercise added to this audit, and a full Footpath Strategy drawn-up, this lack of information will no longer a problem in Stroud.

One other area to look into is the Environmental Stewardship Scheme, run by DEFRA as part of its Single Farm Payments. This encourages farmers to open up permissive routes across their land as part of their payment scheme. A full list of these walks is available on the internet, but none are in Stroud.

RECOMMENDATION 22: To create a series of marked routes, using the town as a base to explore the surrounding countryside using as many of the routes identified in this report as possible. These to be promoted in a suitable manner, including the internet.

RECOMMENDATION 23: Create a waymarked route running around Stroud, as close to the border of the parish as possible. Where necessary, try to negotiate with landowners to fill in any missing links as permissive paths. This could be promoted through an annual 'Beating of the Bounds' event for charity.

RECOMMENDATION 24: Appeal for members of the community, or a business, interested in organising an annual walking festival in Stroud. Maybe to tie in with the launch of these new routes in the spring of 2007.

RECOMMENDATION 25: To carry out research into possible funding opportunities to pay for projects identified in the final Footpath Strategy for Stroud.

MAKE BETTER USE OF THE PLANNING SYSTEM TO GET IMPROVEMENTS

It is important that the PROW network and informal paths are properly integrated into public transport routes, as well as any new community and public facilities. Too often, developments in Stroud are allowed to go ahead in total isolation of existing footpath routes (Stroud College scheme) and very rarely are any new links created as part of developments (Peghouse Rise). The planning gain concept offers great potential to insist on the creation of footpath links between the new development and existing routes. It also provides the possibility of payments from Section 106 agreements towards the costs of improving the local network.

RECOMMENDATION 26: The town council should agree a new policy to secure contributions from all developers towards improvements to the footpath network and ensure that all schemes provide suitable footpath links to the local network.