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**To: Local Access Forum Secretaries in
England**

Your Ref:
Our Ref: LAFs/OPAC/24

16 April 2007

By E-mail

From the Minister for Biodiversity, Landscape and Rural Affairs
Barry Gardiner MP

Dear Sir or Madam,

IMPLEMENTATION OF RIGHTS OF WAY IMPROVEMENT PLANS

A number of local access forums have raised concerns with me about the implementation of Rights Of Way Improvement Plans (ROWIPs), and I know that the issue has also been discussed at several regional conferences organised by Natural England. I have therefore decided to write to all local access forums setting out how I envisage implementation of ROWIPs taking place, and the important role of forums.

Implementation of ROWIPs

Several forums have commented on the fact that there is a legal requirement for authorities to produce a ROWIP but no corresponding duty to implement it. There are good reasons this, and these are fundamental to the way ROWIPs are intended to work.

Firstly, we want ROWIPs to be aspirational and ambitious in identifying potential improvements to the network. Placing local authorities under a duty to implement their ROWIPs would undermine this aim, because authorities would be much more cautious for fear of creating a hostage to fortune.

Secondly, we want to encourage local ownership and accountability. The statutory framework ensures that local authorities actively engage with local people, partners and stakeholders to develop an action plan. A legal duty to implement might reduce local ownership and accountability.

Thirdly, we want authorities to be proactive and dynamic, and to work with a mix of different partners to create and seize opportunities as they arise. Experience shows that such an approach, although more fluid and less predictable, can deliver excellent results. ROWIPs support this style of working by setting out clear strategic objectives, but this approach would not

fit well with a legal duty to implement (because implementation depends on funding bids, partners, etc).

Funding for implementation

With most ROWIPs on course to be adopted by November, attention is turning to implementation and funding. It has been suggested that the Government should fund all ROWIP improvements. However, this was never the intention and would wholly impracticable, particularly because ROWIPs are likely to include a significant proportion of measures which are arguably already part of local authorities' statutory duties, or which can be funded through other means.

Local authorities already receive most of their funding from Central Government through the Revenue Support Grant. This funding is not ring-fenced, to allow decisions to be taken at the local level about how best to allocate funds in accordance with local needs. Additional funding is likely to be available through the integration of Local Transport Plans (LTPs) and ROWIPs, where rights of way improvements will help to deliver LTP priorities. Not all rights of way improvements will fall into this category and these will therefore need to be funded from elsewhere (this is why we still intend to have two separate but integrated plans).

Research by Natural England has identified a wide variety of potential funding sources in addition to local authority and LTP revenues. These include:

- Section 106 agreements (planning obligations),
- Aggregate Levy and landfill tax;
- AONB (Area of Outstanding Natural Beauty) Sustainability Funds;
- Environmentally Sensitive Area and Higher Level Stewardship scheme funding;
- Funding from Primary Care Trusts, Rural Development Agencies, European Union funds, Sport England, the Heritage Lottery Fund, Tourism & Tourist Levy, and;
- a range of locally sourced funds.

I am keen to ensure that the valuable work done in preparing ROWIPs leads to real improvements on the ground. However, I know that putting together funding proposals and chasing potential sources of income can be time-consuming for local authorities, but there are many positive spin-offs in joining up with other sectors to improve the network. Many authorities have already risen to this challenge and have become skilled in accessing funds from a variety of sources. Whilst, it is for local authorities to take the initiative, Defra and Natural England have sought to facilitate this by:

- Helping to share knowledge and experience between authorities;
- Developing a 'decision support tool' to help local authorities justify and prioritise expenditure on rights of way in tandem with social and economic goals. This tool can be downloaded from the Defra website at <http://www.defra.gov.uk/wildlife-countryside/issues/public/index.htm>; and
- Extending the statutory remit of local access forums and issuing revised Guidance.

I fully expect Natural England to continue to support local authorities in preparing and implementing their ROWIPs. Natural England is currently considering how to do this most effectively, and its regional staff will be in contact with local authorities and local access forums soon.

The role of local access forums in implementation of ROWIPs

Local access forums have a pivotal role to play in driving forward implementation of ROWIPs. With members drawn from a wide range of interests, I hope that forums will be able to provide useful advice to local authorities on implementation and monitoring of ROWIPs. Not all sources of funding will be suitable or appropriate in every area, but with their experience and knowledge I would expect forums to be well placed to assist authorities in focusing on the potential funding sources and partnerships which are most relevant.

Individual forum members can also help to promote ROWIPs amongst the stake-holder groups which they represent, to raise awareness and even to encourage organisations to support ROWIP objectives in appropriate ways (e.g. encouraging other organisations to bid for funding which is not available to a local authority).

I would be grateful if you would share this letter with your forum members. Further information on ROWIPs is available on the Defra website at <http://www.defra.gov.uk/wildlife-countryside/issues/public/improvement-plan.htm>.

A handwritten signature in black ink that reads "Barry Gardiner". The signature is written in a cursive style with a long horizontal stroke at the end.

Barry Gardiner MP