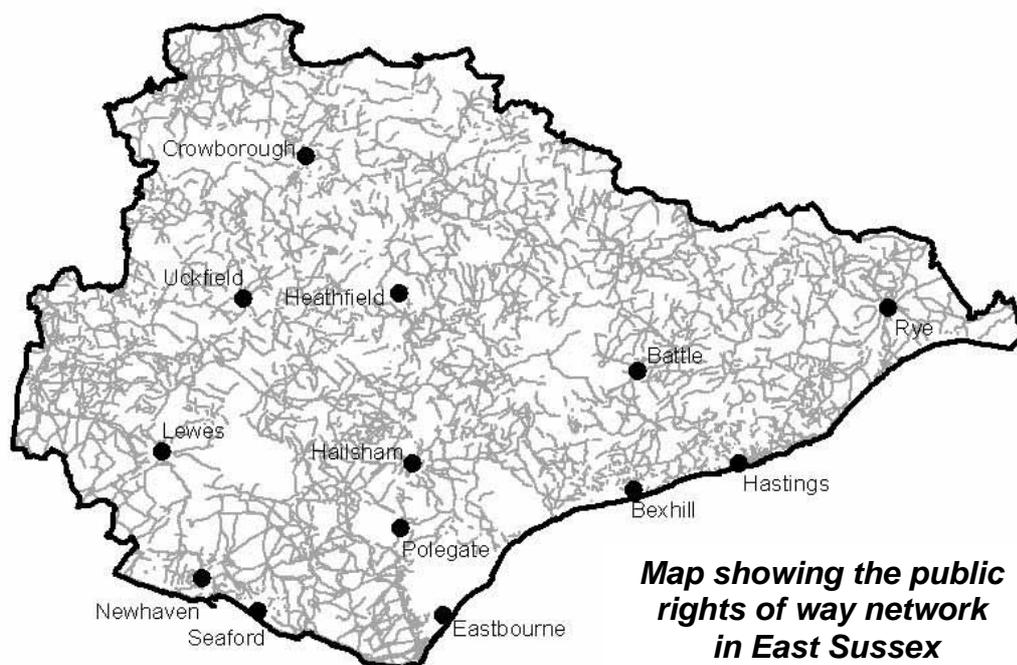


4 The Rights of Way Network in East Sussex

4.1 Facts and Figures

4.1.1 The network of public rights of way in East Sussex is approximately 2,211 miles (3,558km), broken down as follows:

<i>Classification of Public Right of Way</i>	<i>miles</i>	<i>kilometres</i>	<i>Percentage of the total network</i>
Public Footpaths	1,614	2,597	73%
Public Bridleways	465	748	21%
Restricted Byways (former RUPPs)	88	142	4%
Byways Open to All Traffic	44	71	2%



© Crown Copyright. All rights reserved. East Sussex County Council 100019601.2006

4.1.2 Public rights of way include the following designations:

- Public footpaths are public rights of way on foot only;
- Public bridleways are available to the public on foot, horse back, leading a horse and bicycle;
- Byways open to all traffic carry full highway rights for all users including motorists;
- Restricted byways are open to those that can use a bridleway and non-motorised vehicles (such as a horse and cart).

All public rights of way are legally open to mobility vehicles for disabled people. However, many public rights of way (especially many footpaths) are not physically available to mobility vehicles (see 5.6).

4.1.3 The introduction of geographic information systems (computerised or digitised mapping) and GPS (global positioning system) means that there is greater opportunity for public rights of way records to be updated more accurately. More detail on the use of computerised mapping can be found in 5.11.

4.1.4 The make up of the rights of way network differs greatly between the South Downs and the rest of the county. The table below shows that just over half the rights of way network in the Downs is available to horse riders and cyclists whereas this drops to less than a quarter outside the Downs.

	<i>Footpaths</i>	<i>Bridleways</i>	<i>Byways</i>
South Downs	49.5%	46.0%	4.5%
Rest of East Sussex	77.2%	16.6%	6.2%

4.1.5 The density of the network varies slightly. In East Sussex as a whole there are on average 3.35 miles of public rights of way per square mile. In the South Downs this rises to 4.07 miles of public rights of way per square mile.

4.1.6 In addition to the public rights of way network are off-road cycle tracks which are normally only open to cyclists and pedestrians. In East Sussex there are about 25 miles of off-road cycle tracks (which are not bridleways or byways). These cycle tracks form part of the National Cycle Network (NCN) and there are two routes passing through East Sussex – NCN2 and NCN21. More detail on these routes in 5.4. Cycleways either within or beside a carriageway are not included, however these can play an important role in linking the network available to cyclists.

4.2 Conservation

4.2.1 Much of the county is protected by a number of different conservation designations. These can have an effect on the management of public rights of way and areas of access land which fall within a designated site. The County Council also has a duty to conserve biodiversity. The most significant conservation designations within East Sussex include:

- Two Areas of Outstanding Natural Beauty (the Sussex Downs and the High Weald)
- A number of Sites of Special Scientific Interest.

4.2.2 There is also the designated South Downs National Park covering much of the South Downs and parts of the Low Weald. More detail on each conservation designation can be found in Appendix D.

SD

4.2.3 There are a number of other environmental considerations that need to be made when managing public access to the countryside. There may be situations where conservation or environmental management interests conflict with public rights of way and other access arrangements. One

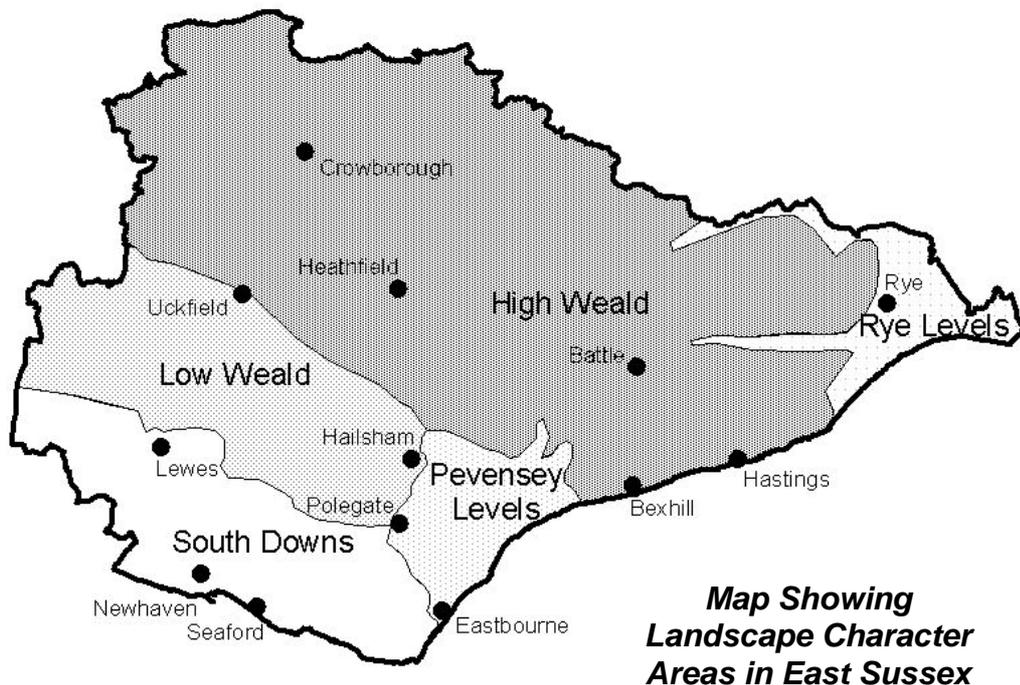
example is the future management of the Ouse and Cuckmere flood plains where there may be a need to divert or extinguish affected paths.

- 4.2.4 There are other areas of conflict. In particular, the sometimes difficult balance between the need to provide public access against the need to protect environmentally sensitive sites. The County Council will ensure that the impact of public access will be properly assessed before opening up new areas of access or improving existing routes.

East Sussex County Council is committed to meeting its responsibilities concerning protected landscapes, flora and fauna and other conservation and environmental issues when managing, maintaining and improving the rights of way network.

4.3 Characteristics of the County and the Path Network

- 4.3.1 East Sussex is a largely rural county with an area of 665 square miles (1,722 square kilometres), of which 63.4% is farmland, with major urban areas concentrated on the coast. The landscape of the county is diverse. For public rights of way this presents a variety of surface maintenance issues – from the well drained chalk Downs to the heavy wet clays and sandstone of the Weald.



© Crown Copyright. All rights reserved. East Sussex County Council 100019601.2006

- 4.3.2 The Countryside Agency's map of landscape character areas (above) shows five different landscapes in East Sussex: High Weald, Low Weald, South Downs, Pevensey Levels and Rye Levels (part of the Romney Marsh landscape character area which is mainly in Kent).

4.3.3 A detailed assessment of each of these landscape character areas can be found as Appendix E.

4.4 The State of the Network

4.4.1 There is no comprehensive data relating to the current condition of the public rights of way network in East Sussex, with no full survey having been undertaken for at least 40 years. Therefore, the condition of the network can only be estimated.

4.4.2 However, a survey of 5% of the network is carried out annually to produce a Best Value Performance Indicator (BVPI). A random sample of paths are surveyed using specific criteria to assess the proportion of paths which are available and easy to use. The survey uses a standardised methodology, recognised and used by the majority of local highway authorities. The results are provided to the Audit Commission.

4.4.3 The method has been used to generate the BVPI figure since 2001/02. Whilst the relatively small sample makes it impossible to properly identify trends, the results provide a relatively consistent picture over the six years since being adopted. However, due to circumstances such as weather conditions (for example flooding) there can be years when the figure is unusually low or high. This may have been the situation in 2004/05 and 2006/07 when high and low results were recorded and only by looking at the results over a long period can a more realistic overview of the network be gained. Averaging the figures below across the six years that the survey has been undertaken suggests that about 64.4% of the county's rights of way network is easy to use.

Year of survey	2001/02	2002/03	2003/04	2004/05	2005/06	2006/07
Paths easy to use	63.5%	63.6%	67.9%	72.2%	66.5%	52.8%

4.4.4 These figures seem to suggest that the path network has got noticeably worse over the last two years. However, since 2005 the survey methodology has been reviewed and refined and is now interpreted and implemented more strictly and consistently across the whole county.

4.4.5 As well as providing an overall snapshot of the network the survey also gives an indication of the nature of the problems that exist. These can broadly be broken down into enforcement and maintenance issues.

4.4.6 The County Council is aiming to undertake a full survey of the public rights of way network by the end of 2008/09 which will give accurate base line data against which future performance can be measured.

South Downs

4.4.7 In East Sussex there are approximately 338 miles of public rights of way that are within the Sussex Downs Area of Outstanding Natural Beauty (AONB), 46% (155 miles) of which are public bridleways. These are

SD

managed on a day-to-day basis by the South Downs Joint Committee (SDJC). Due to the dedicated management and nature of the Downs (being mainly well drained chalk) the surface of the rights of way network is generally considered to be in a good condition.

- 4.4.8 **SD** Volunteers acting on behalf of the SDJC carry out a 100% survey of the network within the AONB. This survey showed that in 2005/06 the percentage of public rights of way which were easy to use was 96.5%. However, this survey does not use the same methodology as the County Council's BVPI survey, therefore it's very difficult to make direct comparisons between the figures for East Sussex and the South Downs.

Rest of East Sussex

- 4.4.9 Away from the South Downs, the majority of significant surface problems are concentrated on the byway and bridleway network and as such are not necessarily reflected by the small sample of the BVPI survey.
- 4.4.10 The problems are prevalent across the county in areas where the sub-soil is weald clay and arise as a consequence of the naturally poor drainage conditions and an historic lack of surface and ditch maintenance. It is estimated that approximately 38 miles of byways and bridleways require significant surface improvement work. Given that the average cost of surfacing a bridleway or byway is estimated to be in the region of £150,000 per mile, the cost of surfacing the identified 38 miles of bridleways and byways could total approximately £5.7 million.
- 4.4.11 Whilst there are surface problems on public footpaths, these tend to be of a relatively minor nature, occurring on rural paths as a result of localised drainage problems. However, problems arising on metalled urban or urban fringe paths tend to be both high cost and of a high priority owing to their level of use.
- 4.4.12 The maintenance of the existing public rights of way network is seen as a priority by many user groups and, indeed, it is the County Council's duty. The Rights of Way Improvement Plan is not directly concerned with such maintenance, the future management of the public rights of way network is dealt with in more detail in 4.5 below. However, the Plan is designed to build upon that duty.
- 4.4.13 More detail on the condition of the public rights of way network in East Sussex can be found in Appendix H.

4.5 Management and Maintenance of the Rights of Way Network

- 4.5.1 There are many challenges facing the County Council in maintaining and improving the public rights of way network. It is committed to increasing the proportion of the network in good condition, but this must be done whilst meeting the demands of routine maintenance.
- 4.5.2 Inevitably, problems will continue to arise and it is important that these are prioritised to reflect the relative importance of the affected paths in respect

of public demand and safety. Previously, there has been no recognised system to determine that priority. However, the County Council has now adopted a structured priority system based on a scoring system.

- 4.5.3 Problems on the network are at present identified by public reports and officer inspections. Maintenance is undertaken on a re-active basis. In addition to the need to prioritise outstanding problems, there is a clear need for a full survey of the network to enable a more strategic and proactive approach in addressing both enforcement and maintenance issues. A regular network inspection programme is also viewed as being essential for the management of the Council's assets, particularly its bridge stock.
- 4.5.4 These are key elements of a systems review currently being undertaken by the Rights of Way and Countryside Management team, as part of a wider comprehensive business planning process. The review has focused on the identification of a computerised system to meet the team's needs, which will also address the need for a report management system.
- 4.5.5 Reports of problems on the network are currently handled by four area Rights of Way Officers and the majority of these officer's time is spent logging and responding to that correspondence. As many as 800 reports or items of rights of way correspondence are dealt with on a monthly basis. From 1 October 2007 these are being dealt with through the Contact Centre, which is a huge support to the officers. It is also important that the processes available to the public for reporting and obtaining feedback on issues are made as easy and effective as possible.
- 4.5.6 As well as reviewing systems, the business planning process will look at the wider working processes and the overall delivery of the service. Whilst it is already felt to be providing good value for money, the staff will identify any scope for improvement and ensure that the aims of the team are clearly defined and measurable.
- 4.5.7 A restructure of the Rights of Way and Countryside team in 2007 has meant several changes, including the creation of a new post of Rights of Way Manager. This post will bring direction and support to the officers. Additionally, Ranger teams in each of the four officer areas have been created, in order to support the team to be more proactive.
- 4.5.8 Over a number of years the County Council has helped and benefited from a number of town and parish councils and other voluntary groups carrying out small scale maintenance work on public rights of way. The work these organisations and groups undertake is highly valued by the County Council. In many cases local groups are better able to respond to, and resolve, small scale day-to-day problems in their locality, than the County Council.
- 4.5.9 After a recent review of health and safety procedures for volunteers, the County Council is now actively seeking to increase the work these organisations undertake. There are currently eight fully active groups operating under the Rights of Way volunteer scheme, with a total of 115 individuals carrying out volunteer work on the rights of way network.

Volunteer groups carry out many rights of way work tasks including clearances and installing gates, stiles and signposts.

Objective 2.a.

Encourage and assist volunteers to help with work on public rights of way, including improvement work as well as basic maintenance.

Objective 5.a.

Improve and make more accessible the information held on the Definitive Map of public rights of way.

4.6 The Definitive Map

- 4.6.1 It is a statutory duty of the County Council to keep its Definitive Map and Statement of public rights of way under continuous review. It needs to be modified to take account of legal events, such as diversions and extinguishment orders, reclassifications and public path creation agreements. The maps and statements are also modified as a result of evidential orders, when there has been the discovery of evidence that a public right of way should be added to the Definitive Map.
- 4.6.2 The County Council has an on-going programme of modifying its records to take account of legal changes as they occur. The maps must be periodically republished to reflect those changes. This work was brought up to date between 1998 and 2003, having been neglected for some thirty years. During that period each of the three main district maps (Rother, Wealden and Lewes) were updated to account for all legal changes made since the late 1960's.
- 4.6.3 Whilst the legal data is basically up-to-date, the base maps on which the paths are shown are relatively small scale (mainly 1:10,560) Ordnance Survey maps dating from, at the latest, 1960. This leads to difficulties in interpreting the data. There are also a significant number of drafting errors in the depiction of the paths that need to be addressed.
- 4.6.4 An essential aid to updating the Definitive Map will be to capture and refine the data digitally, an exercise which has been undertaken by most other authorities.
- 4.6.5 The County Council receives applications (known as claims) from members of the public or organisations, which generally seek to add public rights of way to the Definitive Map and Statement. The nature of this work is such that as one set of claims is determined more claims are submitted. At present there are around 24 formal claims awaiting resolution.
- 4.6.6 In certain cases negotiations result in claims being dealt with relatively quickly, whether by landowners agreeing to dedicate the claimed route as a

public path, or by agreeing to a licensed route being established. Over the last year progress on claims has continued to improve and a new target for determining twelve claims per year has been met.

- 4.6.7 The County Council is no longer required to reclassify roads used as public paths (RUPPs). As of May 2006, all remaining RUPPs are now classified as restricted byways and carry a public right of way to all traffic, except motor vehicles.
- 4.6.8 Applications to divert public rights of way are common place. Landowners may apply to divert a path for reasons of privacy and security or for better management of the land. The County Council charges for its costs incurred in processing a diversion application (which are subject to public consultation and not guaranteed to be successful). Occasionally, a diversion application may include an improvement to the path network by providing a better route or by creating an additional path. In cases where a diversion application is considered to be in the public interest, the County Council may waive all or part of the costs.

4.7 National Trails, Long Distance Paths, European Paths, Long Distance Bridle Routes and National Cycle Network

- SD** 4.7.1 One National Trail, the South Downs Way, passes through East Sussex from Eastbourne to Ditchling (and on to Winchester in Hampshire). It is the only National Trail that is open to cyclists and horse riders being mainly bridleway. There is an alternative footpath section running from Alfriston to Eastbourne via Cuckmere Haven, the Seven Sisters and Beachy Head. National Trails are considered to be nationally important routes usually themed on an outstanding landscape feature.
- SD** 4.7.2 The South Downs Way Management Plan sets out the priorities for the management of the Trail over the next five years and will then help to direct resources to the right projects and works along the Trail corridor. The Plan sets out the objectives for the Trail, the policies that will guide our work and the actions that will achieve the objectives. The Plan is designed to achieve a clear direction for all partners as to how the South Downs Way is to be managed to improve the whole Trail experience, including access, landscape and conservation. A consultation draft of the new South Downs Way Management Plan is scheduled to be available by the end of October 2007.
- 4.7.3 As well as the South Downs Way and in common with most other parts of England, East Sussex has a number of Long Distance Paths (LDPs), most of them based on public rights of way (linked in places by short stretches of road). These are considered to be an important part of the network, particularly in terms of:
- acting as a flagship for improved standards of rights of way maintenance and to attract external funding;
 - attracting long stay visitors from outside the county, thereby helping the rural economy;

- encouraging local residents and visitors to start walking more (through exploring short sections of the LDPs), and;
 - linking the rights of way in East Sussex with those in neighbouring counties.
- 4.7.4 The most strategically important LDPs in East Sussex, which are prioritised in terms of maintenance and promotion, include one National Trail, the South Downs Way. Regional priorities are the Sussex Ouse Valley Way, 1066 Country Walk, Wealdway, High Weald Landscape Trail (including part of the Tunbridge Wells Circular Walk), and the Saxon Shore Way (including part of the Royal Military Canal Path). For the purposes of the Improvement Plan these LDPs are collectively referred to as Primary Long Distance Paths (PLDPs).
- 4.7.5 Other LDPs, such as the Sussex Border Path, Sussex Diamond Way and Vanguard Way, do not currently have a maintenance priority above that of normal rights of way. These routes are referred to as Secondary Long Distance Paths (SLDPs) for the purposes of the Improvement Plan.
- 4.7.6 The network of LDPs available to walkers in East Sussex is considered to be largely complete. The creation of new paths of this kind is unlikely to be supported, due to the demands on resources and the desire to avoid duplication of routes. This does not apply to new routes open to horse riders and cyclists, the network of which is at an earlier stage of development.
- 4.7.7 Most LDPs are shown on Ordnance Survey Explorer (1:25,000 scale) and Landranger (1:50,000 scale) maps, and are marked on the ground with special signs and waymarks. East Sussex County Council publishes some leaflets informing the public about LDPs in the county, but the production of detailed guidebooks is normally left to the commercial sector.
- 4.7.8 Certain LDPs, including some in East Sussex, have been nominally combined into a network of European wide routes by the European Ramblers' Association (ERA). However, there is little evidence to suggest that this initiative holds any widespread appeal to users, and there are no plans to waymark them in East Sussex as 'E' routes (as proposed in the past by ERA). Suggestions to this effect would probably be resisted in the interests of minimising signage.
- 4.7.9 In addition to the South Downs Way two other long distance bridle routes pass through East Sussex:
- High Weald Horse Route – 75 miles from the South Downs Way at Jevington to the Downs Link Path at Copsale (West Sussex) via the Forest Way.
 - Forest Link Bridle Route – 36 miles from the South Downs Way at Black Cap (west of Lewes) to Limpsfield Chart (Surrey) via Ashdown Forest.
- 4.7.10 Whilst riding the entire length of these routes is not as common as walking the full length of LDPs, they can be popular as part of a shorter circular ride.

These routes are not usually specially waymarked and do not tend to be treated as a maintenance priority.

- 4.7.11 There are two National Cycle Network (NCN) routes passing through East Sussex, which include a number of off-road sections. The off-road sections include the Cuckoo Trail (Polegate to Heathfield) and the Forest Way (East Grinstead to Groombridge). These are almost entirely on dismantled railways. More detail on the NCN in 5.4.

Objection 7.a.

Promote a strategic network of primary LDPs which are maintained and promoted to a high standard.

Objective 7.b.

Record and maintain secondary LDPs (such as the Vanguard Way and Sussex Border Path) to a reasonable and consistent standard.

4.8 Locally Promoted Paths

- 4.8.1 There are a number of locally promoted paths across the county. These are mainly circular routes devised and promoted by the County Council, but there are other routes set up by organisations such as district and borough councils, town and parish councils and local walking groups.
- 4.8.2 The County Council's circular routes are mostly walks, improved and waymarked to a high standard and promoted via leaflets and website information. These have been created over the last 20 years, though most notably between 2003 and 2006, when 47 new circular walks were developed as part of the County Council's Paths to Prosperity project.
- 4.8.3 Evidence suggests that both circular walks, and to a lesser extent, long distance paths, do a good job in encouraging people out into the countryside who do not normally have the confidence to use the wider rights of way network. There are also spin-off benefits for the rural economy. This was a major driver behind Paths to Prosperity.
- 4.8.4 The main problem with recreational routes is maintenance, especially over the long term, when there may be a temptation to move onto something new rather than keep existing initiatives going. Many people visit the countryside using maps and leaflets which are many years old, and there can be few experiences more likely to deter future attempts to use rights of way than a walk, or ride, which promises ease and enjoyment, but which turns out to be an overgrown orienteering challenge!

Objective 7.c.

Promote a variety of circular walks which are maintained to a high standard.

Objective 7.d.

Record and maintain circular walks promoted by non-County Council sources (for example other authorities, walking groups, organisations or independent guide books) to a reasonable and consistent standard.

Objective 7.e.

Seek the provision of facilities to complement the LDPs and circular routes.

4.9 Public Open Space and Sites with Public Access

- 4.9.1 Otherwise known as natural greenspace, public open space offers a visitor experience which is different from that provided by public rights of way. Because it allows roaming away from a defined route, it is more suitable for a number of activities, including wildlife watching, picnicking and children's play. Nevertheless, in practice many visitors choose to use linear routes across open access land and link these with adjacent public rights of way. The two types of access are therefore closely linked, and each complements the other.
- 4.9.2 There is a great variety of different types of open access land, including Country Parks, Forestry Commission woodlands, much National Trust land, many Nature Reserves and some farmland which is in an agri-environment scheme. This land is held by a variety of owners, although the majority is in the control of local authorities, particularly county and district councils, government agencies (such as the Forestry Commission and English Nature) and non-governmental organisations (such as the National Trust and local Wildlife Trusts).
- 4.9.3 In some cases the access is by legal right, for example on the access land designated under the Countryside & Rights of Way Act 2000 (see 4.10 below). However, in many cases it is agreed as part of the policies of the organisation owning the land, and occasionally it is informal, without the explicit agreement of the owner. In most cases the type of access allowed is limited to that on foot, although in some instances other types of recreation are possible (for example cycling and horse riding in Forestry Commission woods, although horse riding is often by permit).
- 4.9.4 The best known and most visited open access sites in East Sussex are probably the Ashdown Forest, Hastings Country Park, Seven Sisters Country Park (together with neighbouring Crowlink and Seaford Head) and the Eastbourne Downland (including Beachy Head).
- 4.9.5 Countywide, there is quite an uneven distribution of this type of land, with concentrations in the South Downs, and at either end of the High Weald, notably Ashdown Forest in the west and Hastings Country Park plus a number of accessible woodlands in the east. There are few substantial

areas of open access in the centre of the High Weald or in the Low Weald, and towns such as Bexhill, Heathfield and Rye have poor proximity to such access along with a number of villages.

- 4.9.6 However, proposals for a large countryside park at Pebsham (between Bexhill and St Leonards) are being developed. If implemented, this will add a significant area of public open space (1,480 acres or 600 hectares) to the east of the county. The park at Pebsham is proposed to include facilities for cyclists and horse riders as well as walkers and also include educational facilities. Unusually, the park is also proposed to include an area of cliff, beach and foreshore at Glyne Gap.
- 4.9.7 In addition to the proposals at Pebsham, East Sussex County Council owns or directly manages several sites around the county that provide areas of open access. These include:
- Chailey and Markstakes Commons
 - Ditchling Common Country Park
 - Weir Wood Local Nature Reserve
 - Park Wood, Hellingly
 - West Park and several smaller sites at Uckfield
 - Forest Way Country Park
 - Riverside, Newhaven
 - Shinewater, Eastbourne
 - Seven Sisters Country Park
 - Rye Harbour Local Nature Reserve
- 4.9.8 During 2005 and 2006, a study was carried out on 'Accessible Natural Greenspace' in South East England by Patrick McKernon, the South East AONBs Woodland Officer. The study identifies the availability of accessible natural greenspace (such as country parks, open woodland, access land, and so on) to local residents and highlights population centres where there is a lack of accessible natural greenspace.
- 4.9.9 The results of this study show that East Sussex is comparatively well-off for areas of natural greenspace compared to other counties in the South East of England. However, the study will be useful in identifying areas of East Sussex where future provision of public access to natural greenspace may need to be targeted.

Objective 1.c.

Seek to secure benefits to areas of open access.

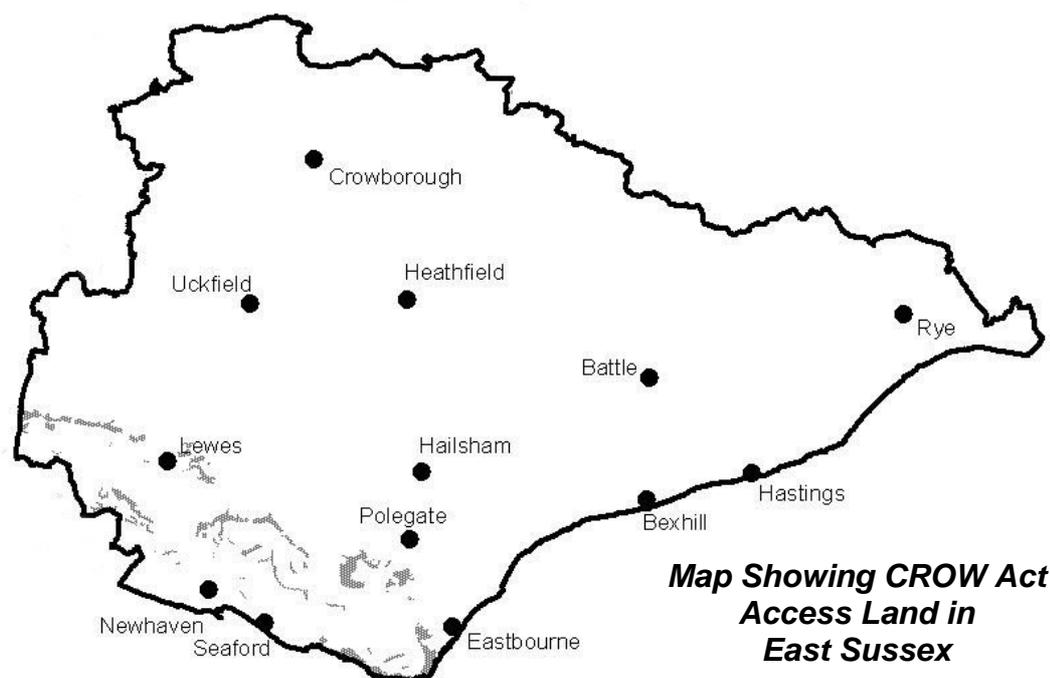
4.10 Access to Open Country and Registered Common Land

- 4.10.1 East Sussex was within the first region where the statutory right of access, established under the Countryside & Rights of Way Act 2000 (CROW Act), was opened in September 2004. The Act establishes a right of access on foot for the public to mapped open country (mountain, moor, down and heath) and registered common land.

4.10.2 The vast majority of new access land in the county is on downland, within the Sussex Downs AONB (see map below). The County Council worked **SD** with the Sussex Downs Conservation Board (now the South Downs Joint Committee) to secure funding during years one and two of the Access Management Grant Scheme (funded by the Countryside Agency) to install signs and structures to make this new access land available to the public.

4.10.3 The impact of the CROW Act has been minimal in the rest of East Sussex. The mapped open country, in places such as Ashdown Forest and Chailey Common, has already been established under previous legislation as publicly accessible, and therefore under the CROW Act the right of access established does not apply.

4.10.4 The County Council's reconstituted register of common land did not come into effect until 2005. As a result, this land will not appear on the Countryside Agency's mapping of access land until a review of the maps takes place (due sometime before 2014).



© Crown Copyright. All rights reserved. East Sussex County Council 100019601.2006

4.10.5 Within the South Downs, the new right of access has opened up some areas of land which were not previously accessible by the public using public rights of way, by permission or by other means. In some areas this has provided an important addition to the total network of public access within the Downs. However, the criteria used for mapping downland as open country (and therefore access land) has led to access land in the South Downs being fragmented and often confined to the steep scarp slopes. **SD**

4.10.6 Under the CROW Act landowners are able to dedicate land as access land which gives occupiers limited liability. This is a process that organisations such as the Forestry Commission have used.

4.11 Permissive Access

4.11.1 Permissive access is where a landowner allows the public to use his or her land for the time being, but with the intention that any path should not become a public right of way. It can therefore be closed at short notice by the landowner, although in practice the majority of such paths continue from one year to the next.

4.11.2 Most access arrangements come in the form of licensed and permissive paths. The former are covered by a formal agreement between the landowner and local authority, while there is no such documentation in place for the latter.

4.11.3 There are a number of different circumstances in which a licensed or permissive path may arise:

- Where the local authority wishes to negotiate a new link in the rights of way network for the safety or convenience of the public, and the landowner is prepared to agree this but does not wish to commit to it permanently.
- Where a landowner seeks help in managing trespass on his land by channelling it along agreed routes.
- Where a landowner wishes to encourage the use of an alternative to a public right of way, but is unwilling or unable to secure a formal diversion (it should be noted that in such instances the public right of way does, of course, need to be left signed and unobstructed).
- Where a land manager, often a local authority, grants public access but wishes to retain more flexibility in terms of moving or closing paths during site maintenance than is possible with public rights of way.
- Where a landowner grants new access on a fixed term basis under an agricultural or forestry scheme.

4.11.4 There are at least 50 licensed or permissive paths in East Sussex, the longest of which are those built by local authorities on disused railway lines, notably the Cuckoo Trail (between Polegate and Heathfield) and the Forest Way (between East Grinstead and Groombridge). The permissive status of these routes are for operational convenience and they are intended to be permanent access arrangements.

4.11.5 Other well used paths of this type are the Lewes Riverside Path (along the west bank of the Ouse) and the Barcombe Mills bridleway (along the disused railway between Barcombe Mills and Anchor Lane). There is an on-going campaign (the Wealden Line Campaign) to reinstate the rail link between Lewes and Uckfield. The potential effect of reinstating this railway on the local rights of way network, and in particular the licensed bridleway at Barcombe Mills, will have to be considered if the proposal goes ahead.

- 4.11.6 Several others provide crucial links in the network of rights of way and access land, for example a path linking Old Lodge Warren, a Woodland Trust reserve near Crowborough, with Palesgate Lane to the south, a path across Lewes Golf Course between Malling Down Nature Reserve and Chapel Hill, and a bridleway which avoids a road completing a circular ride around the grounds of Herstmonceux Castle.
- 4.11.7 The total length of licensed and permissive paths is however tiny compared with the size of the rights of way network, and in the negotiation of new paths it is usually better for the public if a permanent right of way can be gained. Nevertheless, the ability to offer a licensed or permissive path can be a valuable tool in unlocking new access, and such paths are likely to have a key role in implementing parts of the Improvement Plan.
- 4.11.8 Local authorities have the power under the Highways Act 1980 to make public path creation orders. These can be used to create a public right of way where the authority feels there is a clear need for a public path. Up until recently the County Council has preferred to enter into agreements with landowners to create new permanent or permissive paths. However, creation orders will be considered where the Council feels there is a clear need to establish a permanent public right of way.
- 4.11.9 In addition to licensed and permissive paths are Tolls Rides, set up specifically for horse riders, and access arrangements through Defra's Countryside Stewardship scheme. Both of these offer the land owner payment for the access. Riders using a Toll Ride must pay (usually an annual fee) for the use of the ride. With Countryside Stewardship, the landowner receives a grant from Defra for providing freely available public access. Additional public access through Countryside Stewardship (on which the County Council is normally consulted) can help fill gaps in the public rights of way network.

4.12 Cross-Boundary Issues

- 4.12.1 East Sussex County Council shares boundaries with four other highway authorities (who are responsible for public rights of way). The main boundaries are with Kent and West Sussex County Councils and Brighton & Hove City Council (a unitary authority). There is also a very short boundary with Surrey County Council.
- 4.12.2 There is a generally good day-to-day working relationship with officers from neighbouring authorities and maintenance issues that cross the boundary are satisfactorily dealt with.
- 4.12.3 During the development of the Rights of Way Improvement Plan various links have been made with officers responsible for the Plans in neighbouring authorities. This has developed from South East England regional workshops and meetings, allowing for an exchange of ideas and information.

4.12.4 For East Sussex there are two principal areas of cooperation. Firstly, in relation to the South Downs, East Sussex County Council has been working with Brighton & Hove City Council, West Sussex and Hampshire County Councils and the South Downs Joint Committee. This relationship has led to the Joint Committee, supported by all four authorities, setting up the South Downs Access Forum in 2003 and to embark on a survey of land owner and manager opinion throughout Sussex and Hampshire. The results of the survey are described in 6.2.

4.12.5 Secondly, East Sussex and Kent share a 56 mile long boundary, the longest for both counties, and most of the boundary is defined by various rivers, streams and ditches – known collectively as the Kent Ditch or Kent Water. This leads to specific day-to-day maintenance issues, mainly bridge repair and replacement, and there is a great deal of cooperation between the two authorities on this matter.

4.12.6 The vast majority of the county’s cross-boundary mapping anomalies are with Kent. A number of paths either stop at the county boundary without continuation or change status when crossing the boundary. Information on these paths has been shared with Kent County Council and, in East Sussex, will be dealt with as part of an ongoing process to resolve definitive map anomalies.

4.13 Urban Areas

4.13.1 As stated in 4.3 above, the main urban areas in East Sussex are concentrated along the coast. This includes the boroughs of Eastbourne and Hastings (including St Leonards) and the towns of Bexhill, Seaford, Newhaven, Peacehaven and Telscombe (including Telscombe Cliffs and East Saltdean). Away from the larger coastal towns are urban areas at Battle, Crowborough, Hailsham, Heathfield, Lewes, Polegate, Rye and Uckfield.

4.13.3 The rights of way network in these towns has developed in different ways. Peacehaven and Telscombe were formerly parishes within the Chailey Rural District and, as a result, the network here is still mainly rural. Similar cases exist in the inland rural towns of Battle, Crowborough, Hailsham, Heathfield, Polegate and Uckfield. Bexhill, Lewes, Newhaven, Rye and Seaford are former Municipal Boroughs or former Urban Districts. Here, the rights of way network performs an important utility role within these towns.

4.13.4 The former County Boroughs of Eastbourne and Hastings were not obliged to draw up a definitive map of public rights of way under the National Parks and Access to the Countryside Act 1949. As a result, Eastbourne did not have a definitive map until the late 1990s and the network is almost entirely based on the rural downland. However, Hastings has had a definitive map for several decades and has an extensive rights of way network throughout both the rural and urban parts of the borough.

4.14 Roads

- 4.14.1 The public rights of way network is a part of the wider highway network. Generally, what are known as 'public rights of way' do not have a sealed surface (what are normally referred to as roads and pavements). There are exceptions, however, especially in urban areas.
- 4.14.2 Whilst the term 'road' can legally refer to any way, track or path, it is most commonly used to refer to carriageways (adopted public highways). The County Council, as highway authority, has responsibility for the majority of the road network in the county.
- 4.14.3 However, trunk roads (the A27, sections of the A259 between Pevensey and Glyne Gap and east of Bachelor's Bump, the A21 north of Baldslow and the A26 south of Beddingham) are nationally important routes. These are the responsibility of central government and are managed by the Highways Agency.
- 4.14.4 At the time the Definitive Map was first drafted in the 1950s, volumes of motor traffic were considerably less than today. Pedestrians and equestrians could comfortably use most roads without undue concern for their safety. Today, rather than contributing to the network of public rights of way, roads can often form barriers to the public's enjoyment of the countryside – making lengths of paths impractical or dangerous to users.
- 4.14.5 However, there are a number of quieter lanes that do meet the needs of rights of way users and provide a valuable addition to the access network. There is also potential for making better use of roadside verges to create links in the rights of way network and the County Council intends to make use of this.
- 4.14.6 A grey area between the established highway network and the definitive public rights of way network is highways that are not maintained at the public expense. These are known as unadopted public highways and white roads.
- 4.14.7 There are a number of roads that are 'unadopted public highways' (often referred to as 'private streets'). With these roads the County Council has a duty to enforce the highway right, but no duty or jurisdiction to maintain the surface. Responsibility lies instead with the land owner(s). In some areas, a number of land owners have a formal agreement to pay towards a joint maintenance fund. Unadopted public highways usually occur in older built up areas and mainly serve private residential property, but they can often also form a link in the local public rights of way network.
- 4.14.8 In addition to unadopted public highways, the County Council has identified four lanes in East Sussex that are not shown as definitive public rights of way, unadopted public highways or maintained highways. Roads such as these are often referred to as 'white roads'.

4.14.9 Although these roads meet the definition of byway open to all traffic, none are in a suitable condition to sustain vehicular use. The status and future maintenance of these white roads needs to be settled before their future maintenance is planned.

4.15 Access to Water

4.15.1 In recent years the issue of access to water has been brought to the attention of many local authorities involved in rights of way improvement planning, and a presentation on this subject was made to the East Sussex Local Access Forum in 2005.

4.15.2 At the moment there is a general right of navigation on all tidal waters. Other than the open sea there are nearly 23 miles of tidal waters in East Sussex which include:

- River Ouse from Barcombe Mills to the sea at Newhaven (13 miles)
- Cuckmere River from Milton Lock to the sea at Exceat (5 miles)
- River Rother from Scots Float to the sea at Rye Harbour (4 miles)
- River Brede from Brede Lock Sluice to the River Rother (½ mile)
- River Tillingham from Tillingham Sluice to the River Brede (¼ mile)

4.15.3 There are also navigation rights on a few non-tidal rivers (those sections of rivers upstream of the normal tide limit) such as the River Rother downstream of Bodiam and on the meanders at Cuckmere Haven.

4.15.4 The main demand at the moment appears to be from the British Canoe Union for the establishment of more sections of non-motorised navigation, in particular canoeing, to non-tidal waters, and to establish suitable access points to navigable waters, especially from car parks.

4.15.5 The County Council has supported the Canoe Barn at Seven Sisters Country Park for many years and would welcome more provision, where possible, for such activities on other inland waters where there is an existing right of navigation.

4.15.6 However, rights of navigation is a very complex issue. Whilst recognising that this recreation activity is of importance to many people, the County Council does not, at this stage, propose to dedicate rights of way improvement planning resources to this subject.

4.15.7 The South Downs Joint Committee is working on a mapping project for waterborne activities within the South Downs. This should give the

SD Committee and local authorities a better understanding of provision and use of local waters for recreation in this part of the county.

4.15.8 Defra has asked the Environment Agency to work with regional partners to deliver strategic plans for increased access to inland waters in England. The plans will identify what access is needed, and where. The Agency will deliver plans for the first two regions (Anglian and the South West) in 2007.