

# *Bushey and District Footpaths Association*

Incorporating Watford Fieldpath Association (Founded 1899)

REGISTERED CHARITY No 1014684

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## CONSULTATION ON REGISTERS RIGHTS OF WAY

Name	Telephone number
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Organisation	Address
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### Your response:

Preliminary. BADFA is a registered charity involved in all aspects of rights of way. We are a Parish Path Partner. We do definitive map work, lost ways work, field work such as stile to gap conversions and erection of benches; we run a walks programme. We have close on 300 members and a web site at [www.badfa.org.uk](http://www.badfa.org.uk).

### We welcome the setting up of these registers.

We have two preliminary observations which probably come under your head 'other comments':

1. Firstly there appears to be an error in law at your paragraph 1.3 "These will be processed to a conclusion by virtue of being recorded on the register" We have not heard of any proposal to cause the fact of being on the register to allow them to be processed to completion. And even if you simply meant to say "...by virtue of proper claims having been made" the phrase 'will be processed' should have read 'may be processed'. We expect many others have pointed this out.

2. We have a further observation about your para 1.5. You have put that in bold and we are not clear why that is. We think the registers should include the dates if not the substance of the WCA process.

### Question: 1

#### Do you agree with these general guiding principles?

Whilst generally agreeable, there are some matters that prevent us saying we agree with the general guiding principles.

1. We think that [1.9 second blob] "impose the minimum burden ..whilst providing a service..." is rather unrealistic (a service at little burden) and if taken literally allows that to be a very poor service.

**We would like to see the word 'comprehensive' or at least 'good' between 'providing a' and**

‘service’.

2. We request that **in 1.9 para 2 (first blob) the ‘or’ on the second line is made an ‘and’ or that the meaning of that ‘or’ be made clear beyond doubt.**
3. **We would like to see positive encouragement to list non-statutory applications** (your para 1.7).
4. We see a need for the information to be free from copyright restriction so that it may be promulgated elsewhere, for example extracts for particular areas on user groups websites (eg ours at [www.badfa.org.uk](http://www.badfa.org.uk)) or in local publications. It may well be that there are no issues here. But **we would like the regulations to confirm this more external use.**
5. To enable 4 (above) **the registers on local authorities’ web sites should be required to be downloadable and editable.** This is important in its own right, but becomes more important still when the area of interest to individual or group straddles more than one authority with inevitably different formats.
6. The question of **hard copy availability should be more explicitly addressed.**
7. The registers would not be complete if they didn’t include **cases which were not triggered by applications but were cases known to the local authority.** To insist on all such might be too great a burden, but **authorities should be encouraged to include them.**

Given these we would support the guiding principles.

#### **Question: 2**

**Do you agree that the proposed content of Sections 53B, 31A and 121B registers meet the principles of minimising the regulatory burden on authorities while providing helpful information for the public?**

**With the proviso** that that aim requires strengthening (see our answer to Q1 above) **and also if** the issues below under question 3 are at least mostly resolved, **yes. If not, no.**

#### **Question: 3**

**Do you agree with the proposed content of Sections 53B, 31A and 121B registers?  
If not, how would you like to see the contents changed?**

**Since we ask for changes to all three then** we suppose we must be recorded as **not agreeing with the contents of any of them**, but we do agree with much of the content of course.

#### **53B**

We would like to see the full decision letter published. Also any inquiry proof and list of documents relied on. That would be very useful despite being near the edge of ‘Registration’. At the very least planned dates and locations for any consultation deadlines and inquiries should be listed.

In your section 2.5 para 3 **the bracketed phrase should come between ‘and’ and ‘path’** to avoid the interpretation that the parish name may be omitted if the path is not on the map. And it should be name(s) and number(s) unless that is covered by the statutory interpretation rules.

In S 2.5 para 4 you have put i.e. rather than e.g. so you need to make it more complete by **requiring details of width and of limitations and conditions.**

Also in S 2.5 you seem to be duplicating requirements between paras 2 and 4: 'description' and 'effect'. **We suggest you consider merging them or clarifying the distinctions, preferably merge.**

We haven't seen how long the information is to be displayed for. We think that **paths should be left on indefinitely if the application is processed to failure** as that will be very useful information to landholders to counter future claims and to users to know that work may have been done or that a landholder might want to use a stopping-up or diversion in an all-win mini path deal.

We would like to see **some of the dates and locations referred to in your 1.5 incorporated in this section** as they do not appear to be so.

### **31A**

We notice 3.1 says "Every map and statement..." must be put on the register. But 3.5 only says "A copy of the map and key" which seems to allow for some pruning. **3.5 might follow 3.1 closer.**

### **121B**

We have never understood the exact difference between applying for a diversion and asking for one. We do not think there is a fundamental difference, only one of degree, though of course one is statutory and the other is not. Accordingly **we think whilst you might not be able to require authorities to list both types, we believe that you should urge them to do so.**

We would like to see **most of the dates and locations for decisions, consultation and inquiries incorporated in this section** as they do not appear to be explicitly mentioned and would take little officer time.

### **Question 4**

**How long will authorities need to set up**

**S 53B register**

**S 31A register**

**S 121B register**

We hope there would be scope for co-operation between authorities to speed up this process. We would like to see it first go public on a provisional basis to help to iron out the inevitable teething problems.

In our area a provisional S31A register could be set up in days, by one competent person using low resolution maps, because some effort has been made to collect them together. But of course we don't know how well that collection was done because there is no public register !! A more thorough trawl and a transfer to higher resolution should be possible in a few months at most.

Section 53B basic information ought to be available, but our authority hasn't published the 2004 Statement of Priorities yet, we don't know why, so can't say how long a register would take.

Section 121 new applications could start as soon as the sections are introduced, meanwhile the publishing of a provisional list of non-statutory applications (in most authority areas not a very large number we think) could test out the system and be done within a few months.

End of BADFA submission