

CABINET

Date of Meeting	Tuesday, 21 June 2016
Report Subject	Public Rights of Way Priorities
Cabinet Member	Deputy Leader and Cabinet Member for Environment
Report Author	Chief Officer (Planning and Environment)
Type of Report	Operational

EXECUTIVE SUMMARY

This report makes recommendations for the introduction of a hierarchical approach to rights of way maintenance; responding to complaints; and the review of the definitive map, which should ensure that resources are deployed more cost-effectively.

RECOMMENDATIONS

1	<p>For Cabinet to endorse a hierarchical approach to:</p> <ul style="list-style-type: none"> • processing definitive map modification and public path orders; • public rights of way maintenance; and • responding to complaints.
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REPORT DETAILS

1.00	EXPLAINING THE PUBLIC RIGHTS OF WAY PRIORITIES
1.01	Welsh Office Circular 5/93 on public rights of way recommends that the County Council periodically publish a statement setting out how it will bring and keep up to date the definitive map and statement. There is no further guidance on what information this statement should contain.
1.02	Although no such statement has yet been prepared by this Council or its predecessor surveying authority, Clwyd County Council, there is a wealth of information on progress with the review of the definitive map contained in the Rights of Way Improvement Plan (ROWIP) published by Flintshire County Council in October 2008.
1.03	The review of the definitive map is effected incrementally through the making of Definitive Map Modification Orders (DMMOs). The County Council also has important powers to divert, create, or stop up public footpaths and bridleways.
1.04	The ROWIP identified a large backlog in many aspects of this work and recommended that additional staff be recruited to address this, over and above the two additional staff who were appointed in 2002 to assist in the implementation of the Countryside & Rights of Way Act 2000. The ROWIP also identified similar backlogs in relation to the County Council's responsibilities for public rights of way maintenance and the removal of obstructions.
1.05	As one means of addressing the backlog, the ROWIP confirmed that the County Council would conduct a review into how the various elements involved in the management of public rights of way would operate. This review was concluded in January 2012, and new structures are now in place in which there is an integrated approach to public rights of way management.
1.06	Progress with the implementation of the ROWIP is monitored by a group comprising County Council officers and members of organisations such as the Ramblers and the British Horse Society, which meets quarterly. The ROWIP is due to be formally reviewed next year, but is updated on an annual basis.
1.07	In addition to the measures outlined in paragraph Nos. 1.05 and 1.06 above, it is imperative that the Council manage its public rights of way work in the most effective way within its existing resources, so that when the public apply to divert a path on their land, or make a complaint about an obstructed right of way or one that is out of repair, they are aware of how the County Council will prioritise this work.
1.08	The hierarchy recommending the relative importance the Council should accord each aspect of this work is set out in Appendices 1, 2 and 3 to this report.

1.09	There is a sound basis for a hierarchical approach to public rights of way management, particularly at a time of limited resources.
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2.00	RESOURCE IMPLICATIONS
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2.01	The rights of way service has a revenue and capital budget to deal with work on the public rights of way network and this report will assist in the prioritisation and delivery of activity on Flintshire's rights of way network.
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3.00	CONSULTATIONS REQUIRED / CARRIED OUT
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3.01	The Local Access Forum has been consulted and has proposed amendments to the order and wording of some of the priorities, which have been incorporated into the appendices to this report.
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4.00	RISK MANAGEMENT
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4.01	None.
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5.00	APPENDICES
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5.01	Appendix 1 - Definitive map modification and public path order priorities Appendix 2 - Public Rights of Way maintenance priorities Appendix 3 - Public Rights of Way complaints priorities
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6.00	LIST OF ACCESSIBLE BACKGROUND DOCUMENTS
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6.01	Contact Officer: Stephen Bartley Senior Rights of Way Officer Telephone: 01352 704622 Email: steve.bartley@flintshire.gov.uk
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7.00	GLOSSARY OF TERMS
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7.01	<p>(1) Definitive map and statement of public rights of way – the official record of public rights of way held and kept up to date by the County Council, as surveying authority.</p> <p>(2) Definitive map modification order – an order made by the County Council to amend the definitive map and/or the statement.</p> <p>(3) Public path order – an order to create, divert or to extinguish (permanently close) a public footpath or a public bridleway.</p> <p>(4) Rights of Way Improvement Plan (ROWIP) - a statutory document</p>
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	prepared by the County Council, setting out how it intends to deliver improvements to the rights of way network.
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