

CHESHIRE EAST COUNCIL

Public Rights of Way Committee

Date of Meeting:	16 th June 2014
Report of:	Public Rights of Way Manager
Subject/Title:	Public Rights of Way Annual Report 2013-2014 and Work Programme 2014-2015

1.0 Report Summary

- 1.1 This report records the achievements of the Council in terms of its public rights of way functions during the year 2013-2014 and sets out the proposed work programme for the year 2014-15. Details are set out in Appendices 1, 2 and 3.

2.0 Recommendations

- 2.1 That Members note the Annual Report for 2013-2014 and approve the proposed Work Programme for the Public Rights of Way Team 2014-2015.

3.0 Reasons for Recommendations

- 3.1 As set out in the background and options section of the report (section 10).

4.0 Wards Affected

- 4.1 All

5.0 Local Ward Members

- 5.1 All Members

6.0 Policy Implications

- 6.1 The development of the Rights of Way Improvement Plan (see Appendix 3) is aligned with the health and wellbeing objectives and priorities of the Council as stated in the Corporate Plan (2.1.1 Encouraging healthier lifestyles) and the Council's commitment to the Change4Life initiative.
- 6.2 In addition, the ROWIP, as an integrated part of the Local Transport Plan, is set within the context of indicators concerning sustainable transport, air quality and CO₂ emissions.

7.0 Financial Implications

- 7.1 None arising.

8.0 Legal Implications

8.1 None arising

9.0 Risk Management

9.1 There have been two claims against the Council in 2013/14, both for surface defects. Whilst neither has been concluded we are of the view that both paths were of an acceptable level of maintenance.

10.0 Background and Options

10.1 The work programme for the Public Rights of Way Team is usually approved by the Rights of Way Committee at the first committee meeting of the financial year, in the form of a series of targets. Targets are set in the context of the Countryside Agency's (now Natural England) National Targets for public rights of way, which have as their aim that the rights of way network in England and Wales should be:

- Legally Defined
- Properly Maintained
- Well publicised

10.2 In addition to those targets, and reflecting the range of new work imposed by the Countryside and Rights of Way (CROW) Act 2000, targets in relation to four other areas are also set:

- Implementation of the Rights of Way Improvement Plan
- Implementation of the CROW Act 2000: New Duties and Powers
- Countryside Access Development and Initiatives
- General Support and Administration

10.3 Each area is examined individually, below, with the successes of 2013/14 contained within the relevant appendices.

11.0 Network Management – Maintenance and Enforcement

11.1 The Network Management and Enforcement Team consists of three full-time officers who deal with the protection and maintenance of the network. They operate on an area basis, with each officer responsible for approximately 630 kilometres of the network. Within their area, they are responsible for maintenance and enforcement to remove obstructions and keep the path network available for use.

11.2 An outline report and work programme for the Maintenance and Enforcement Team is attached at Appendix 1. The component tasks represent the "Milestones" identified in the former Countryside Agency's National Targets.

11.3 611 path problems have been logged throughout the year 2013/2014 which compares with the 509 problems that were logged throughout the year 2012/2013. The charts below illustrate the numbers and types of problems reported. In Fig 2 the numbers and distribution of different types of issues are very similar to 2012/2013. Fig 3 shows that the number of priority 1 (public safety) issues has reduced significantly from the previous year from 16 to 3.

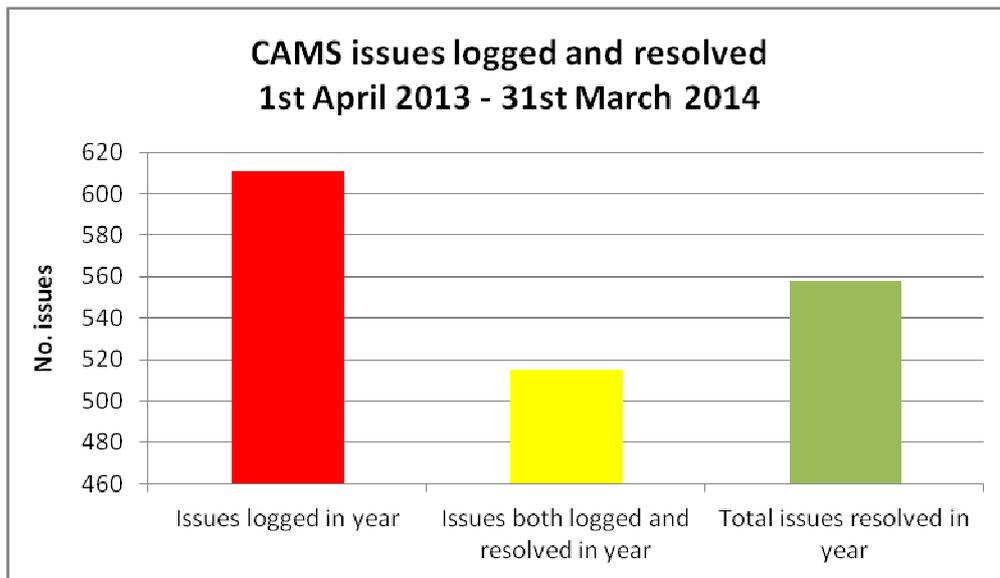


Fig 1.

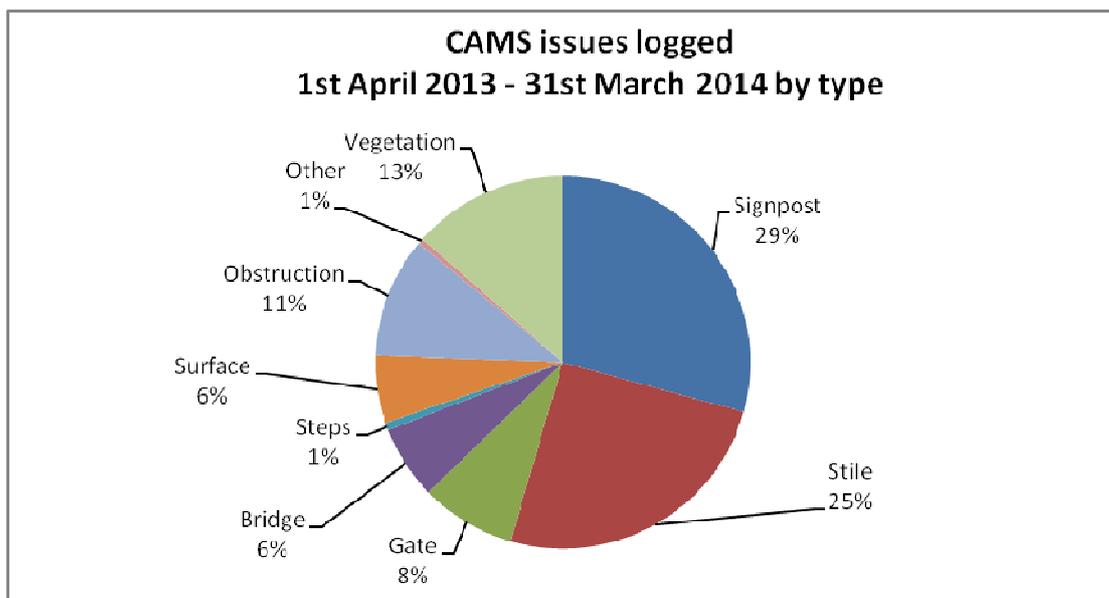


Fig 2.

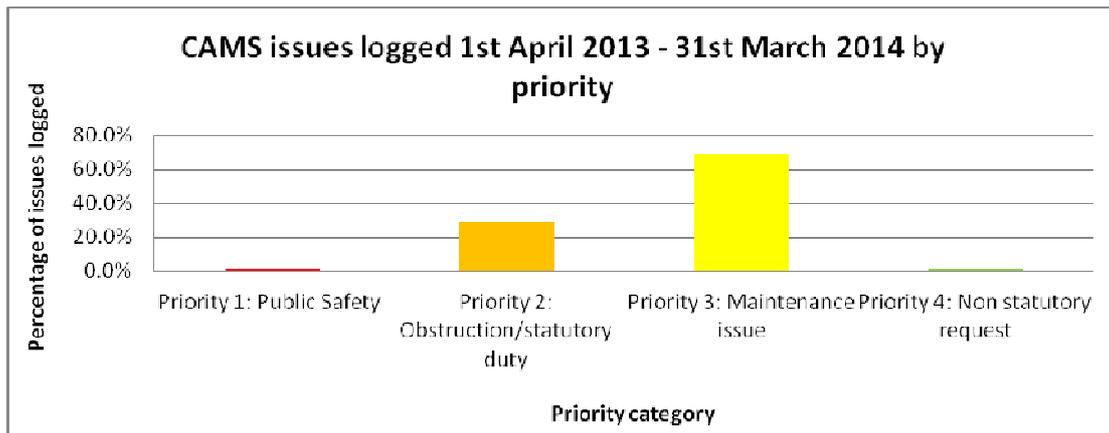


Fig. 3

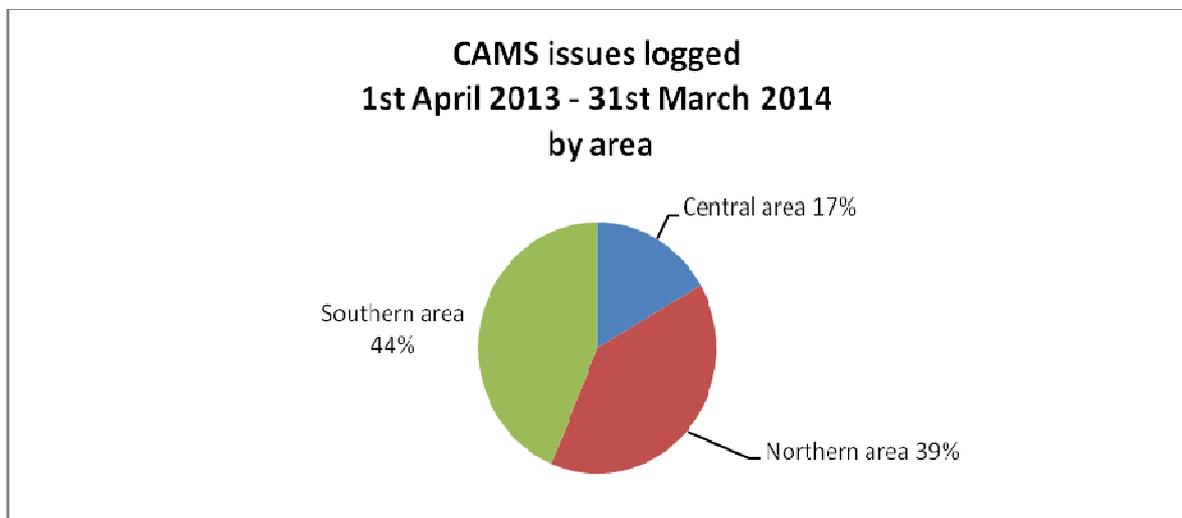


Fig 4.

11.4 For the first time in three years the initial set budget has been available without a spending freeze allowing significant inroads to backlogs to be made.

12.0 Path Inspection

12.1 Path inspection exists in the form of the former National Best Value Performance Indicator 178: percentage of paths deemed 'easy to use'. Although councils are no longer required to report on BVPI178 in Cheshire it has been collected as a local indicator for the Local Transport Plan - LTP 13. The team duly carried out the BVPI 178 inspection this year: the percentage pass rate was 83%, which compares with a pass rate of 80% for 2012, 84% for 2011, 85% in 2010 and 84% for 2009.

13.0 Rights of Way Improvement Plan - Access Development

- 13.1 There is one full-time member of staff dedicated to the implementation of ROWIP and access development projects. Work has continued this year in delivering access projects from the existing ROWIP: Appendix 3 contains an outline annual report and work programme.
- 13.2 The Countryside Access Development Officer is responsible for the administration of the Cheshire East Local Access Forum. The post holder also facilitates the Rights of Way Consultative Group, attends multiple groups and forums on behalf of PROW/Countryside, comments on planning applications and seeks planning gains, and responds to general enquiries and requests for information.

14.0 Legal Orders Team

- 14.1 The legal orders team comprises four officers (3 x full-time, 1 x part-time) who operate on a caseload basis and deal with public path orders, (diversions and extinguishments), definitive map modification orders, (changes to the definitive map) emergency and temporary closures, land searches, planning applications and day to day enquiries. One post deals exclusively with Public Path Orders based on public applications. This post, created in 2010 is funded by the fees from those applicants and nets nil on the budget.
- 14.2 The year has seen the previous increase in planning applications that the team have been consulted on continuing at a high level and increasing from 201 to 215. The need to respond to these and the consequent work generated liaising with developers and colleagues in the Planning Department has had a significant knock on effect on other areas of work, reducing the amount of time available for core Definitive Map Modification Orders investigations.

15.0 Policy development

- 15.1 Cheshire East Council inherited a raft of County Council policies relating to the public rights of way function. Where necessary, these have been amended for Cheshire East and approved by the Rights of Way Committee and are set out below. Policy development always reflects the changing circumstances within which it has to work and in 2013/2014 the Growth and Infrastructure Act 2013 introduced changes to the way highways Act 1980 s31 statutory declarations are managed including the introduction of a cost recovery charge for the function.
- 15.2 The policies currently in place reflect the following activity.
- Maintenance and Enforcement Protocol
 - Statement of Priorities for Definitive Map Modification Orders
 - Charging Policy for Public Path Orders, Searches & Temporary Closures and HA 80 S31 declarations.

- Policy for Structures on Public Rights of Way
- Standard Response Times for Different Categories of Problem on the Network

16.0 Local Access Forum and ROW Consultative Group

- 16.1 The first Annual Report of the new Cheshire East Local Access Forum is attached as Appendix 4.
- 16.2 Since Local Government Review in 2009 the Forum has covered both Cheshire East and Cheshire West and Chester Council areas. However in 2012 CWAC decided that their interests would be best served by a Local Access Forum for their own area and consequentially the Cheshire Local Access Forum was dissolved and two forums set up, one for Cheshire East Council area and one for Cheshire West. The first meeting of the Cheshire East Local Access Forum was held on 25th April 2013.
- 16.3 The Cheshire East Local Access Forum is complemented by the Cheshire East Rights of Way Consultative Group which meets twice yearly.
- 16.4 The Consultative Group operates to achieve the following purposes:-
- to enable interest groups (users, landowners and others) to engage in constructive debate and discussion about issues of law, policy, principle and work programming with members and officers of the Cheshire East Council;
 - to encourage understanding of each others' concerns; and,
 - to participate in the consultation process and ongoing monitoring associated with the Rights of Way Improvement Plan.
- 16.5 The Consultative Group meetings have now been extended to allow user group representatives to meet Network Management officers on a one to one basis in order to discuss work priorities and individual case issues. This allows user groups and the council to agree prioritisation of issues and works.

17.0 Budget

- 17.1 Whilst the team has suffered, along with the rest of the council from a reduction in base revenue budgets over the last few years the work output remains impressive. During this year the budgets have remained as set throughout the year allowing the team to both plan spending and clear some of the previous backlog.
- 17.2 Despite the pressures on the budget the team have managed to perform to an impressive level and the "ease of use" BVPI 178 percentage, (see 12.1 above) of 83%, reflects this.

18.0 Conclusion

18.1 As with previous years the team has delivered to a high standard throughout the year and it is to be hoped that we now experience a period of budget stability which allows that hard work to continue and be reflected in the condition of the network.

19.0 Access to Information

19.1 The background papers relating to this report can be inspected by contacting the report writer:

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