

CHESHIRE EAST COUNCIL

REPORT TO: RIGHTS OF WAY COMMITTEE

Date of meeting:	15 th June 2015
Report of:	Public Rights of Way Manager
Title:	Public Rights of Way Annual Report 2014-2015 and Work Programme 2015-2016

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 2014-2015 and sets out the proposed work programme for the year 2015-16. Details are set out in Appendices 1, 2, 3 and 4.

2.0 Recommendations

- 2.1 That Members note the Annual Report for 2014-2015 and approve the proposed Work Programme for the Public Rights of Way Team 2015-2016.

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 (ROWIP) (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, 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 has been one claim against the Council in 2014/15, for surface defects. The case has not been concluded and we are of the view that the path was of an acceptable level of maintenance and the claim unjustified.

10.0 Background

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 three 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

10.3 Each area is examined individually, below but with the specific successes of 2014/15 together with targets for 2015/16 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 target 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.

11.3 661 path problems have been logged throughout the year 2014/2015 which is an increase on the 611 problems that were logged throughout the year 2013/2014 and 509 in the previous year. 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 2013/2014. Fig 3 shows that the number of priority 1 (public safety) issues has remained reassuringly low, 2, compared to the previous year's 3.

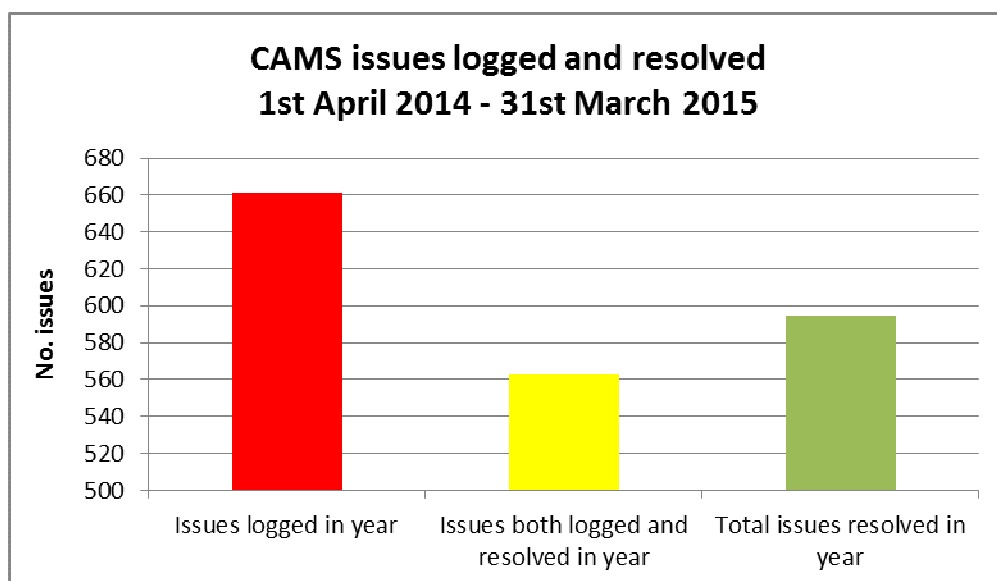


Fig 1.

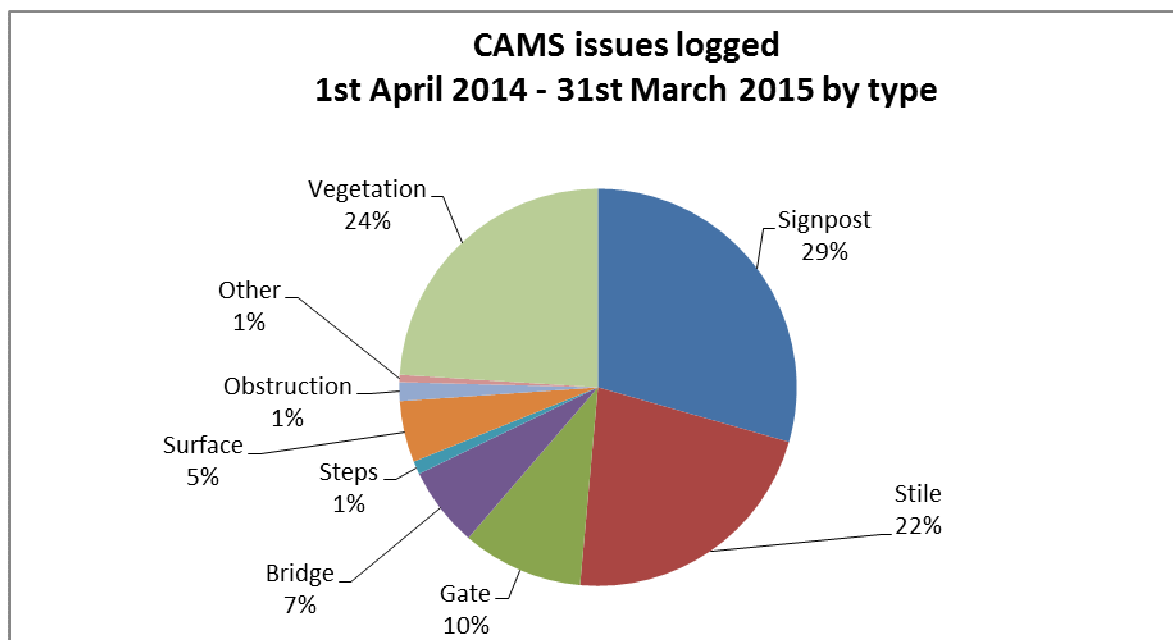


Fig 2.

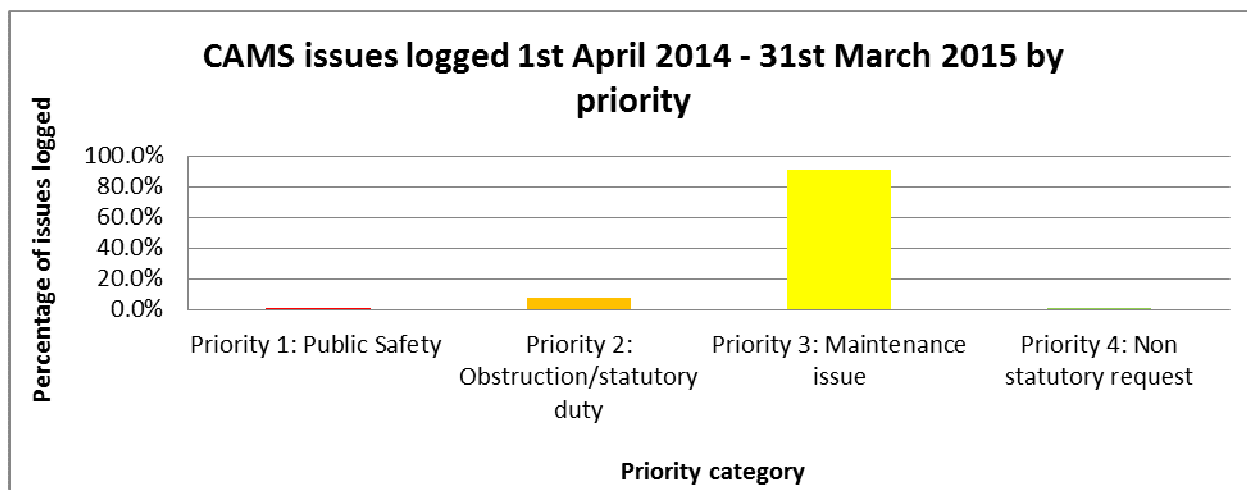


Fig. 3

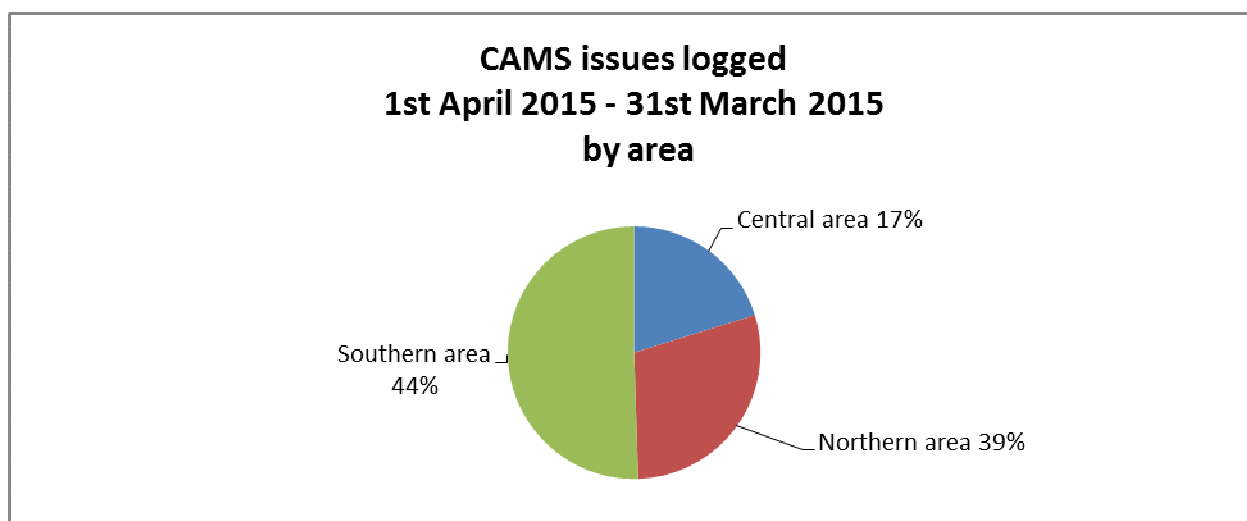


Fig 4.

12.0 Path Inspection

- 12.1 A path inspection scheme 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. The survey is carried out on a randomly generated basis of 5% of the network. The team duly carried out the BVPI 178 inspection this year: the percentage pass rate was 77%, which compares with a pass rate of 83% in 2013, 80% for 2012, 84% for 2011, 85% in 2010 and 84% for 2009. The reason for this is unclear at the moment. It may be a statistical error due to the sample size or may indicate an actual issue. This will need to be monitored in order to establish whether this is a temporary spike or whether it may represent the beginning of a trend that will need to be considered in relation to the resources applied..

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 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, seeking 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 215 to 237 and 142 land search requests were processed following developers and solicitors enquiries. 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.
- 14.3 This has been compounded by a member of staff taking 12 months maternity leave. Whilst maternity cover has been authorised by Recruitment Watch it will only be implemented for 6 months due to budget constraints. As a consequence this has further impacted on the team's ability to deal with Definitive Map Modification Orders.
- 14.4 During the year discussions have been held with Legal Services towards extending the team's areas of responsibility to include the Council's duties with regard to the Commons and Town and Village Green Register and Village Green applications. Investigations are underway to explore the potential of extending the team's fee income to resource this additional work.

15.0 Policy development

- 15.1 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 primary purpose of the Forum is to provide advice to Cheshire East Borough Council, and other bodies, such as Government departments, Natural England, the Forestry Commission, Historic England Sport England and Town and Parish Councils, on how to make the countryside more accessible and enjoyable for open air recreation, in ways which address social, economic and environmental interests. The Forum consists of volunteer members.
- 16.2 The Forum has commented upon a number of road schemes and planning applications, where these impact upon access and Public Rights of Way. Working groups have been active in pursuing the forum's stated priorities of improving safety on rural lanes and promoting access for all, while the Forum's publicity officer has continued to work to raise the Forum's profile locally.
- 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.
- 16.3 The Consultative Group meetings are 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 The annual budget for the years 2014/15 and 2015/16 are set out below. During this year, as in the previous year the budgets have remained as set throughout the year allowing the team to both plan spending and clear some of the previous backlog that had arisen between 2010 and 2013.

	2014/15	2015/16
Total PROW revenue budget	£386,000	£394,000
Network maintenance budget	£42k revenue + £100k capital	£48k revenue + £100k capital
Maintenance budget per PROW km	£73.0/km	£76.0/km
Other funding	<ul style="list-style-type: none"> •£300k LTP ROWIP/ Cycling capital budget •£5k bridges capital spent 	<ul style="list-style-type: none"> •£300k LTP ROWIP/ Cycling capital budget

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 the current budget stability continues into the years ahead which allows the current hard work to continue and be reflected in the condition of the network. It is to be hoped that additional resources are secured to both to accommodate the additional duties associated with the Commons Register and Village Green applications as well as allowing the team to increase the amount of work associated with investigating Schedule 14 applications to modify the Definitive Map.

19.0 Access to Information

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

Name: Mike Taylor
 Designation: Public Rights of Way Manager
 Tel No: 01270 686115
 Email: mike.taylor@cheshireeast.gov.uk