

# CHESHIRE EAST COUNCIL

## Public Rights of Way Committee

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**Date of meeting:** 13<sup>th</sup> June 2016  
**Report of:** Public Rights of Way Manager  
**Title:** Public Rights of Way Annual Report 2015-2016 and Work Programme 2016-2017

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### **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 2015-2016 and sets out the proposed work programme for the year 2016-17. Details are set out in Appendices 1, 2,3 and 4. It follows the same format and layout as previous years with similar commentary to allow ease of statistical comparison year on year.

### **2.0 Recommendations**

- 2.1 That Members note the Annual Report for 2015-2016 and approve the proposed Work Programme for the Public Rights of Way Team 2016-2017.

### **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 CO<sub>2</sub> 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 no claims against the Council in 2015/16 for surface defects on the network managed by the PROW team although there has been one case relating to an urban path in Knutsford that is being handled by the Insurance Team on behalf of the Highways Service as it is a path managed by them. At the moment the case has not been concluded.

## **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 former 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 2015/16 together with targets for 2016/17 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.
- 11.3 601 path problems have been logged throughout the year 2015/2016 which is a decrease on the 661 problems that were logged throughout the year 2014/2015. 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 2014/2015. Fig 3 shows that the number of priority 1 (public safety) issues has remained reassuringly low with 2 issues reported and compares favourably with previous years with just a small handful of issues to deal with.

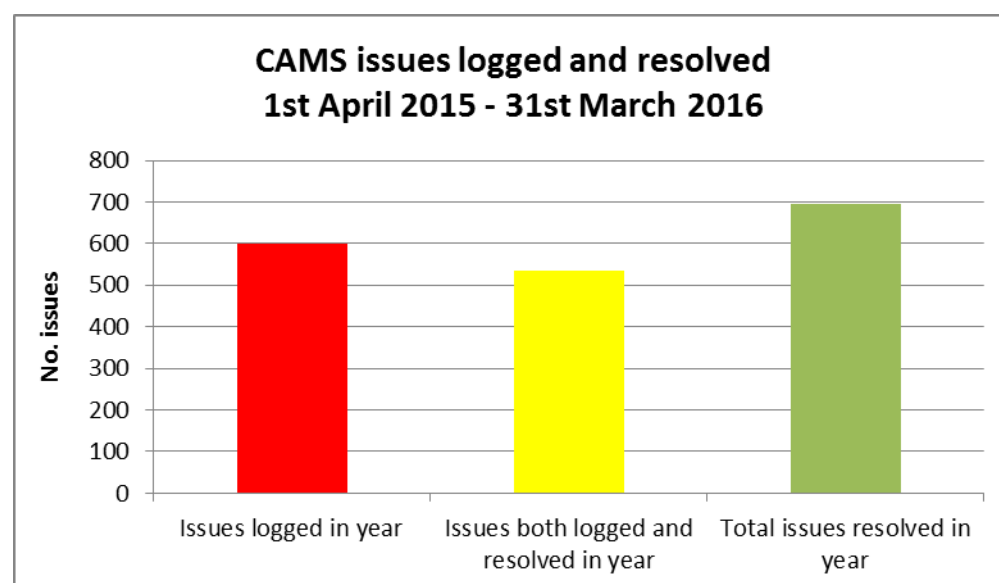


Fig 1.

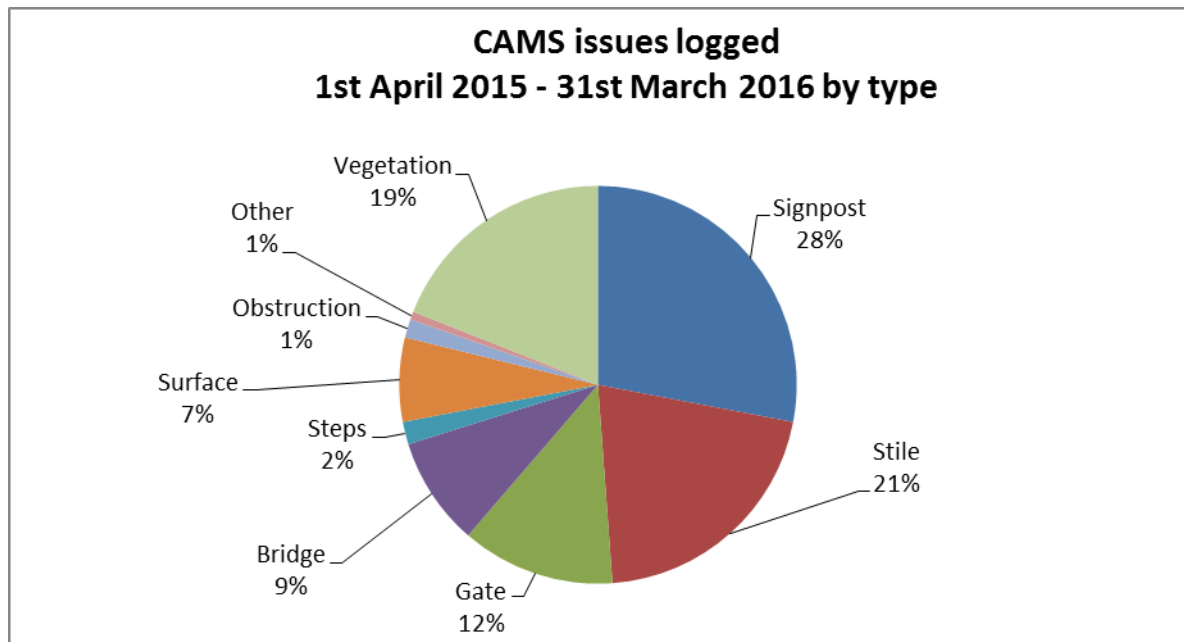


Fig 2.

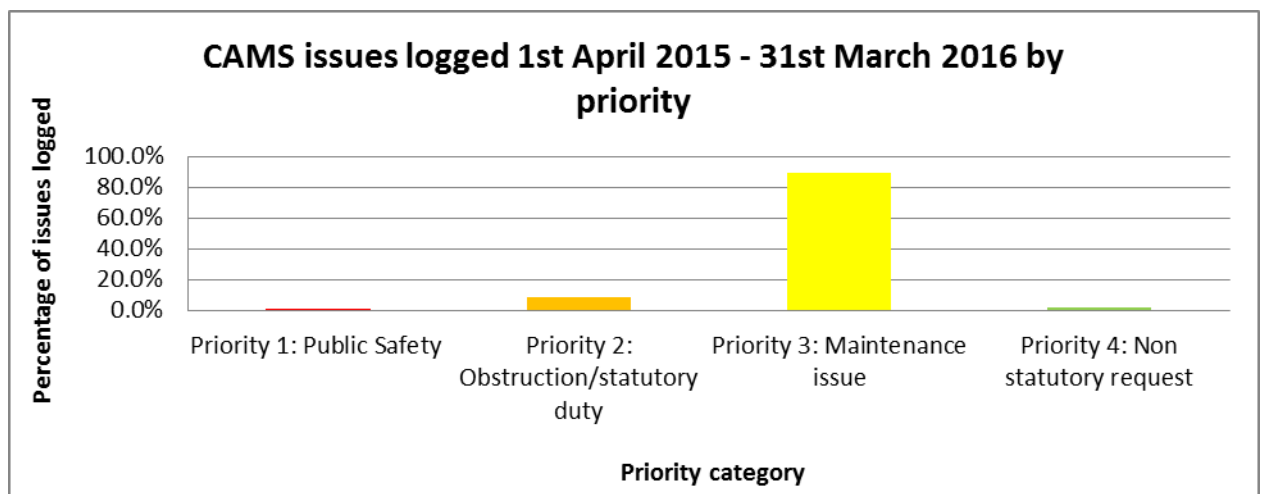


Fig. 3

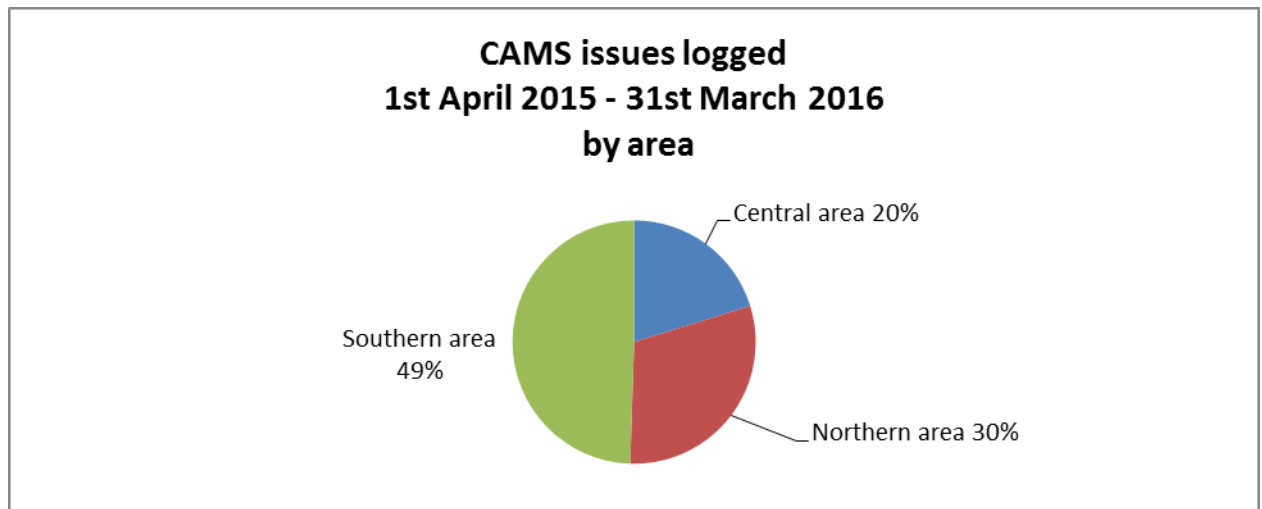


Fig 4.

## 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 81%, which compares favourably with a pass rate of 77% in 2014, and an average of 82% over the last five years. It is reassuring that last year's lower figure has stabilized. Whilst budget pressures can impact on this area, last year additional funds were injected into this area of work at the expense of other areas which may have contributed to arresting any decline, allowing the team to increase the output of minor tasks that may have had a positive affect on the statistics. Whilst the small nature of the sample may throw up inconsistencies or temporary spikes the sequence of years 2010 to 2015 shows results overall that are normally in the low 80%.

## 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 Form. 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 237 to 253 and 123 land search requests were processed following developers and solicitors enquiries. Additionally 66 temporary closure orders were processed, predominantly on behalf of developers and 7 Town and Country Planning Act S257 diversion orders have been processed to enable development to go ahead. These applications take precedence over conventional Highway Act diversions due to the tight timetables involved. 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 and Highways Act diversions.
- 14.4 During the year discussions have continued 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.
- 14.5 The team's fee generating capacity has been extended to include pre-application meetings and consultations with developers in order to generate additional income. Investigations are underway at the moment to re-assess the true cost of processing diversions especially associated with development which tends to generate a greater amount of 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
- 15.2 The imminent implementation of the Deregulation Act 2015 will require an appraisal of processes and policies for dealing with Definitive Map Modification Orders and Highways Act diversions. Tight timescales are being introduced

requiring their processing within time limits and additionally the processing of Highways Act diversion will become a duty rather than a discretionary service. A policy response to these changes is being developed at the moment.

## **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, English Heritage, 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 again been successful in making improvements for walkers, cyclists and horse riders in the design of road schemes across the borough. Working groups have continued to pursue the forum's stated priorities of improving safety on rural lanes and promoting access for all, with publications this year including [Driving Safely on Rural Lanes](#) and [More Walks for All](#) leaflets.
- 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 2015/16 and 2016/17 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. To facilitate an increased work output a small additional resource not exceeding £15,000 has been made available from other areas.

	<b>2015/16</b>	<b>2016/17</b>
<b>Total PROW revenue budget</b>	£394,000	£394,000
<b>Network maintenance budget</b>	£48k revenue + £100k capital	£57k revenue + £100k capital
<b>Maintenance budget per PROW km</b>	£76.0/km	£81/km
<b>Other funding</b>	• £300k LTP ROWIP/ Cycling capital budget	• £300k LTP ROWIP/ Cycling capital budget

## **18.0 Conclusion**

- 18.1 As with previous years the team has delivered a high standard throughout the year. The budget stability has allowed the current hard work to be reflected in the condition of the network. However there are pressures, imposed by the increasing amount of work dealing with development that has had a major impact on the output of work associated with DMMOs and Highways Act diversions. The backlog for Highways Act diversions is approaching 50 cases which equates to at least a 3 year waiting list whilst the DMMO backlog is now over 30 which at current performance levels equates to approaching 10 years. Given that the Deregulation Act will introduce short timescales for dealing with both, then proposals for dealing with the implications of the Deregulation Act and the potential of acquiring additional duties associated with town and Village Greens will have to accommodate these backlogs. The proposals will also have to manage the increasing work pressures associated with development which is increasing at a rate that has seen planning consultations more than double in three years and requests for temporary closures increase by 50% in the same period.

## **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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