

<b>DECISION-MAKER:</b>	PLANNING AND RIGHTS OF WAY PANEL		
<b>SUBJECT:</b>	PUBLIC RIGHTS OF WAY: UPDATE REPORT		
<b>DATE OF DECISION:</b>	19 JANUARY 2010		
<b>REPORT OF:</b>	HEAD OF PLANNING AND SUSTAINABILITY		
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**STATEMENT OF CONFIDENTIALITY**

N/A

**SUMMARY**

This report introduces an appendix that provides an update on the main activities of the City Council's statutory Rights of Way function and is supplementary to the two quarterly update reports sent by email to Panel members during 2009.

The Appendix outlines;

- The ward review and legal events affecting the Definitive Map and Statement; and
- Other actions carried out by the Section.

**RECOMMENDATION**

That the Panel note the contents of the Report and Appendix as a means of bringing it up-to-date with some of the current key issues affecting the Rights of Way function

**REASONS FOR REPORT RECOMMENDATIONS**

1. It was resolved by the Planning and Rights of Way Panel at its meeting on 8<sup>th</sup> January 2008 that an update report be received annually with interim e-mail updates to the Panel members (Minute 38).
2. To consolidate the two interim e-mailed update reports sent to Panel Members during 2009.
3. To inform Panel of those activities and issues that have developed since the last quarterly report in September 2009.

**CONSULTATION**

4. A draft (version 1) of this report and appendix was sent to officers within Legal, Finance, Travel and Transport Policy and the Cabinet Member with Portfolio for Environment and Transport.

**ALTERNATIVE OPTIONS CONSIDERED AND REJECTED**

5. There were no alternatives considered as the topics outlined in the Appendix are statutory duties and the action of reporting to Panel complies with a previous resolution of January 2008.

## **DETAIL**

6. The overall duty of the Rights of Way Section is to fulfil the City Council's statutory responsibilities in respect of:-
  - The National Parks & Access to the Countryside Act 1949, (NP&AC);
  - The Countryside Act 1968, (CA);
  - The Highways Act 1980, (HA);
  - The Wildlife & Countryside Act 1981, (W&C);
  - The Countryside & Rights of Way Act 2000, (CROW);
  - The Marine & Coastal Access Act 2009, (MCA); and
  - All other legislation that impacts on public rights of way within the City.
7. Primary duties include the:-
  - review and maintenance of a Definitive Map & Statement;
  - (preparation, publication), implementation and monitoring of a Rights of Way Improvement Plan;
  - representing the City Council on the Local Access Forum, (the Hampshire Countryside Access Forum) and other bodies as required;
  - consideration, assessment and investigation of Schedule 14 applications submitted by the public under section 53(5) of the W & C Act 1981;
  - preparation, implementation, recording and reporting on a Local Performance Indicator, (ex BVPI 178, now obsolete in favour of National Indicators that do not include any for public rights of way);
  - enforcement to remove obstructions from rights of way;
  - historic research and investigation of routes that are potentially rights of way as part of the continuous review of the Definitive Map and Statement as directed by section 53(3)(c) of the W & C Act 1981;
  - guidance to planning officers and others in respect of developments that impact on rights of way or potential rights of way; and
  - response to all manner of enquiries from the public, Council Members, Council Officers, outside bodies, Government Departments and other Local Authorities.

## **FINANCIAL/RESOURCE IMPLICATIONS**

### **Capital**

8. There are no capital implications resulting from this report, its recommendation or its appendix.

### **Revenue**

9. Funding for the Rights of Way service is currently contained within the Environment and Transport Revenue Estimates.

### **Property**

10. There are no implications resulting from this report, its recommendation or its appendix.

## **Other**

11. There are no implications resulting from this report, its recommendation or its appendix.

## **LEGAL IMPLICATIONS**

### **Statutory power to undertake proposals in the report:**

12. Whilst there are no proposals within this report, there are various Acts that direct the rights of way function;
- Sections 53(2) and (3) of the Wildlife & Countryside Act 1981;
  - Sections 60 and 61 of the Countryside & Rights of Way Act 2000;
  - Section 61(1)(e) of the Countryside & Rights of Way Act 2000;
  - Section 94 of the Countryside & Rights of Way Act 2000;
  - Section 17 of the Crime & Disorder Act 1998;
  - Natural Environment & Rural Communities Act 2006;
  - The Highways Act 1980, as amended by various statutes including the Clean Neighbourhoods & Environment Act 2005; and
  - The Human Rights Act 1998 and anti-discrimination legislation.

### **Other Legal Implications:**

13. None

## **POLICY FRAMEWORK IMPLICATIONS**

14. Whilst the publication of an Improvement Plan and maintenance of a Definitive Map & Statement are statutory duties, the tasks associated with these and much of the work carried out by the rights of way section endeavours to meet the aims and objectives of several plans and strategies that constitute the Policy Framework:-
- The City Performance Plan
  - Community Strategy
  - Community Safety Strategy
  - Local Transport Plan
  - Medium Term Plan
  - Green Spaces Strategy

**SUPPORTING DOCUMENTATION**

**Appendices**

1.	Report of the Rights of Way Section on its activities since January 2009
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**Documents In Members' Rooms**

1.	None
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**Background Documents**

Title of Background Paper(s)

Relevant Paragraph of the  
Access to Information  
Procedure Rules / Schedule  
12A allowing document to be  
Exempt/Confidential (if  
applicable)

1.	Quarterly interim reports, sent via e-mail to Panel Members, July and September 2009	
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**Background documents available for inspection at:** N/A

**FORWARD PLAN No:** NONE      **KEY DECISION?** NO

<b>WARDS/COMMUNITIES AFFECTED:</b>	<b>ALL</b>
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