

1. Introduction

- 1.1 This report complies with a resolution 8th January 2008, that an update report be received annually by the Panel, with interim e-mail updates to Panel Members, (minute 38).
- 1.2 At its meeting 15th February 2011, Panel instructed that quarterly update reports, (sent via email), were no longer necessary but that it would still require an annual report. (This is not referred to in minute 119 of that meeting).
- 1.3 The purpose of this paper is to précis, and thereby update Panel, on the activities and general progress of the Rights of Way function since January 2012, and in so doing give Panel the opportunity to comment.

2. Responsibilities

- 2.1 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 49);
 - The Countryside Act 1968, (CA 68);
 - The Highways Act 1980, (HA 80);
 - The Wildlife & Countryside Act 1981, (W&CA 81);
 - The Countryside & Rights of Way Act 2000, (CROW 2000);
 - The Marine & Coastal Access Act 2009, (MCA 09); and
 - All other legislation that impacts on public rights of way within the City.
- 2.2 Primary duties include the:-
 - review and maintenance of a Definitive Map & Statement;
 - (preparation, publication), implementation and monitoring of the Rights of Way Improvement Plan (2007-17);
 - representing of the City Council on the Local Access Forum, (the Hampshire Countryside Access Forum) and other bodies as required and
 - consideration, assessment and investigation of Schedule 14 applications submitted by the public under section 53(5) of the W&C Act 81.
- 2.3 Other Responsibilities include the:-
 - preparation, implementation, recording and reporting on a Local Performance Indicator, (ex BVPI 178);
 - 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 81;
 - 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 enquiries from the public, Council Members, Council Officers, outside bodies, Government Departments and other Local Authorities.

3. Delegated Responsibilities

- 3.1 As a Surveying Authority, this Council has a duty to maintain and keep under constant review a Definitive Map & Statement of the public rights of way within its area, (the W&C Act 81, s.53 refers).
- 3.2 Those necessary functions, duties and powers are delegated to the Senior Manager, Planning Transport & Sustainability, (Economic Development Directorate), and are listed at 3.3.16, 3.3.17 and 3.3.18 in Part 10 of the Constitution, "Officer Scheme of Delegation", May 2012.
- 3.3 With the transfer of the rights of way service from Economic Development Directorate to Corporate Directorate, the matter of delegated authority was addressed.
- 3.4 In compliance with paragraph 3 of the General Notes to the Constitution, written authority has been given to the rights of way officer post so that said duties can be continued.
- 3.5 The written authority will apply for such a period of time as those functions, duties and powers remain with the Senior Manager, Planning, Transport and Sustainability, but which will not affect the delegation of those duties to the Senior Manager post.

4. Definitive Map & Statement; new version.

- 4.1 Following the successful Diversion Order for the footpath that lies to the rear of Sainsbury's, Lordshill, a Legal Event Modification Order was confirmed on 13th April 2012, allowing the footpath, Southampton Footpath Number 49, to be shown on the Definitive Map & Statement.
- 4.2 As a consequence of all the changes that have occurred in the intervening years since the first version of a Definitive Map & Statement were published in 1999, new versions were needed.
- 4.3 This was achieved early in the year when new versions were produced with a relevant date of 30th April 2012, and which can be seen in any of the City's libraries or in the rights of way section, Civic Centre. The data is also available on-line through the Council's website or intranet.
- 4.4 Appendix 2 shows a summary of all rights of way now shown on the Definitive Map & statement.

5. PATHH Project

- 5.1 *Providing Access To Hampshire's Heritage*, (PATHH), was initiated by the **Hampshire Countryside Access Forum**, the project being managed by the Hampshire and Wight Trust for Maritime Archaeology, supported by Hampshire County Council and the New Forest Access Forum. It is the local successor of the national "Discovering Lost Ways" Project which was dissolved in 2007.
- 5.2 Following last years report outlining this Project, volunteers have now identified routes within Southampton and which may eventually prove to be rights of way.
- 5.3 The researched evidence has now been handed to the Rights of Way Officer and initial progress has been made towards reviewing **Bitterne Park Ward**.
- 5.4 Based on the processes and procedures adopted for the successful Ward Review for Bassett, 2010/11, the evidence collated through PATHH is now being utilised in the initial stages of the review of Bitterne Park, (see Appendix 3).
- 5.5 It is anticipated that it will take approximately 12 months to complete the investigation into the 25 routes, but at this stage, there is no guarantee that all will be successful in being added to the Definitive Map & Statement.
- 5.6 The Final Report for the PATHH project has been finalised, with an extract being at Appendix 4, describing the involvement of Southampton City Council.

6. Other Actions

6.1 Coastal Access

- 6.1.1 With the successful completion of the Weymouth stretch of the new coastal path in time for the 2012 Olympics, Natural England had identified "lessons learned". It subsequently published a consultation document which outlined proposed changes to the processes and procedures adopted in its approved Scheme of March 2010.
- 6.1.2 At this time, there are no implications on, or involvement required by, Hampshire County or Southampton City Councils, as those parts of the coast are not yet to be included, with no proposed dates as to when this might happen.
- 6.1.3 It is planned to start on five new adjoining stretches of coast during 2012 and 2013, then to continue extending from these existing "hubs" on the coast until various stretches link up into a single national route:
- Cumbria - Whitehaven to Silecroft
 - Dorset - Portland, Rufus Castle to Lyme Regis
 - Kent - Folkestone to Camber
 - Norfolk - Sea Palling to Hopton on Sea
 - Hartlepool - Hartlepool to Speeton

6.2 Planning & Development

- 6.2.1 The rights of way section, as an internal consultee, has been involved in several planning applications and pre-applications that impact on rights of way or potential rights of way, including proposed major developments of the
- ex **Tyrrell & Green Site**, (the new **Arts Complex**),
 - **Oasis Academy** at Lord's Hill,
 - **East Street Shopping Centre**,
 - the proposed **Lidl's Distribution Centre** at Lower Brownhill Road
 - ex **Ordnance Survey** site and
 - **Meggeson Avenue** and similar regeneration projects.
- 6.2.2 The rights of way section also contributed to the consultation on **Southampton's Green Spaces Guide, "Respected Places"**, October 2012, and the **Test Lane Information and Development Brief**, November 2012.
- 6.2.3 Early in the year, initial discussions took place relating to the footpath between **Central Station and Millbrook Station** between this Council and Network Rail, who wish to divert part of the footpath so that widening of the tracks can be accommodated under Mountbatten Way Flyover. The matter is on-going with the lead officer being a Civil Engineer within Capita.

6.3 Cross Boundary Routes

- 6.6.1 Hampshire produced 7 Rights of Way Improvement Plans for differing geographical parts of the County, terming them Countryside Access Plans, (CAP's). The rights of way section is an active participant in the Solent CAP Working Group, a subgroup of the Hampshire Countryside Access Forum to which Southampton is a tripartite member.
- 6.6.1 The purpose of the Solent CAP Working Group is to facilitate and carry out those improvements that were identified within the Solent CAP area; SCC's involvement being to help address cross-boundary issues between Southampton and Hampshire, (specifically the adjoining areas of Test Valley and Eastleigh).
- 6.6.1 Presently, there is on-going discussion and participation relating to Hampshire County Council's intent to upgrade a footpath, (Chilworth No 3), to a Restricted Byway which would link onto Southampton's Restricted Byway No 28 at Coxford Road.

6.4 Woods for People

An annual audit carried out by Woods for People relating to the amount of woodland that is accessible to the public was completed June 2012. With information supplied by Woods for People being used towards enhancing data already held by the rights of way section, this greatly assists in carrying out RoWIP actions relating to accessibility to areas of recreational open space.

6.5 Performance

- 6.5.1 The rights of way service carries out an annual assessment of 'the percentage of paths that were easy to use' for all its definitive rights of way, originally under the Best Value Performance Indicator No 178.
- 6.5.2 Since BVPI 178 was made obsolete in 2008, the annual assessment has been continued as a local indicator which for the year 2011/12 had a pass rate of 68%.
- 6.5.3 The reasons for the severe drop being that three routes failed:
- Gover Road Footpath (No 7), at 520 metres, (due to it being the subject of a Gating Order under section 129A of the Highways Act 1980);
 - Bridleway 12 through Lords Wood, at 2274 metres, (because the bridge that spanned Tanners Brook had been demolished by vandalism), and
 - Footpath 37, Crabbe Lane West, (because adjoining fencing belonging to a private property had collapsed over, and thereby totally obstructing, the footpath).
- 6.5.4 Remedial actions have taken place regarding Bridleway 12 and Footpath 37 and whilst the "Pass" result compared poorly with previous years, it is fully anticipated that the result for 2012/13 should again be well into the 90+%, (see Appendix 5).
- 6.5.5 The annual assessment for 2012/13 has not yet taken place, (scheduled for March 4th – 7th), so precise figures are unavailable.

6.6 Enforcement

- 6.6.1 The rights of way section has not had to take any enforcement action pertaining to public rights of way.
- 6.6.2 However, it was instrumental in identifying who had installed an obstruction across a permitted waterfront walkway in Woolston on leased land owned by this Council.
- 6.6.3 Consequently, the matter was referred to the Council's Valuation Consultancy, as the obstruction contravened the terms of the lease.

6.7 Statutory Registers

6.7.1 Both the statutorily required Registers, relevant to Public Rights of Way, have been updated and are available online;

- Register of Statutory Declarations under Section 31(6) of the Highways Act 1980, and
- Register of Schedule 14 Applications under section 53 of the Wildlife & Countryside Act 1981.

6.7.2 The section has been assisting in updating and correcting the Registers of Common Land and Town & Village Greens.

6.8 Land Charges Searches

Since 1st January 2012 the rights of way section has responded to 265 Land Charges Searches, (Optional Question 8), relating to public rights of way.

End DP Blakeway

January 2013