



Report of the Rights of Way Section on its activities January 2013 to January 2014

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 2013, and in so doing give Panel the opportunity to comment.

2. Responsibilities

The list of statutory duties and primary responsibilities are listed separately at the end of this Appendix, (page 4).

3. Definitive Map & Statement

- 3.1 Work has progressed on the Ward Review for Bitterne Park, with research being undertaken regarding the history of each of the 25 routes so far identified as potential public rights of way.
- 3.2 There have been no additions, deletions or changes to the Definitive Map & Statement since the publication of the second version, 30th April 2012. (Appendix 2 reflects the present state of the Definitive Map)

4. Planning

- 4.1 The final hurdle of the new **Arts Complex** was the making and confirmation of a Public Path Extinguishment Order which was successfully achieved 5th November, allowing the start of the development.
- 4.2 Planning Consent given to the development of the **Lidl's Distribution Centre** at Redbridge necessitates a public path diversion order to relocate Southampton Footpath No 16 which has now been made and is presently in the "Public Notification" stage.
- 4.3 A Pre-application has been received from Network Rail relating to the diversion of the footpath between **Central and Millbrook Stations** so that an additional rail can be installed under Mountbatten Way Flyover as part of the "Freight Train Lengthening" Project.



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- 4.4 The Application to develop the **Water Treatment Works** at Woolston included provision for a riverside walkway which has been the subject of site meetings and communication as to its viability. The application has been considered by Panel at its meeting 14th January 2014.
- 4.5 Other applications to which the rights of way section has had input include the development of **Central Station North, West Quay (Watermark), East Street, Weston Lane Precinct** and **Helvellyn Road/Cumbrian Way Precinct**.

5. Cross Boundary Routes

- 5.1 Southampton's **Restricted Byway No 28**, Coxford Road, leaves the northern City boundary, currently becoming Chilworth Footpath No 3. However, a recent report, made to Hampshire County Council's Regulatory "A" Committee to upgrade to Restricted Byway status, was successful in that the Committee agreed to the upgrade.
- 5.2 Due to continual fly-tipping at the northern part of RB28, suitable barriers have now been installed, a collaborative course of action with Environmental Health.

6. Other Actions

- 6.1 The proposed redevelopment of **Queens Park** will require changes to the status of the lower, southerly end of Latimer Street and surrounding highways, with the rights of way section having assisted in the preparation of working sketches and draft plans.
- 6.2 The rights of way section has had input into the consultation on the **Anti-Social Behaviour Bill** which, as an Act, would have direct impact on the use of Gating Orders, currently powers under the Highways Act 1980, Part 8A, sections 129A to G which would be repealed.
- 6.3 The Law Society is proposing to change the forms used as the basis for **Land Charges Searches** by adding questions relating to Registers statutorily kept for Highways Section 31(6) Declarations and the recently required Commons Register of Landowner Statements.
- 6.4 The associated tasks to implement the changes to both Registers involve relevant amendments to the Councils Website, including the on-line mapping facility, both presently drafted by the rights of way section.
- 6.5 The Law Society have also proposed that those questions relating to Public Rights of Way, currently "optional questions", to become Compulsory.



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- 6.6 The rights of way service carries out an annual **Local Performance Indicator**, being an 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, with a Pass rate of 94% for 2012/13, with the operative Gating Order for Footpath No 7, Gover Road to Studland Road being the main cause of failure.
- 6.7 An annual audit carried out by **Woods for People** relating to the amount of woodland that is accessible to the public was completed June 2013. The information supplied by Woods for People is used towards enhancing data already held by the rights of way section which assists in carrying out assessment of accessibility to areas of recreational open space.
- 6.8 Between 1st January and 31st December 2013 the rights of way section has responded to 284 **Land Charges Searches**, (Optional Question 8), relating to public rights of way.
- 6.9 Two **Freedom of Information** requests, pertaining to public rights of way, were dealt with during the year.
- 6.10 The rights of way section has not had to take any **Enforcement** action pertaining to public rights of way.

7. On-going

- 7.1 As stated at 3.1 the **Ward Review** of Bitterne Park is on-going with historic research nearing completion. It will then be a matter of public consultation and prioritising the routes into potential "successes" towards adding them to the Def Map.
- 7.2 Preliminary work has been carried out towards the revision of the **Rights of Way Improvement Plan**, a statutorily required document under the Countryside & Rights of Way Act 2000 and which Southampton first produced by the required date in 2007. The lifespan is 10 years so is due for a revised version in 2017 and which will have to take into account the public's aspirations, a further analysis of access to Recreational Open Spaces and the wider countryside, as well as reviewing the action plan that the first version included.
- 7.3 Southampton City Council remains represented at the **Hampshire Countryside Access Forum** by the rights of way officer. (Having its own or being joint member of a Local Access Forum is required under the CROW Act 2000). The Councillor Member seat is shared between Southampton and Portsmouth City Councils, (currently Portsmouth).
- 7.4 Monitoring the progress of National England's actions towards opening up **Coastal Access**, under Part 9 of the Marine & Coastal Access Act 2009, as and when applicable to Hampshire / the Solent. (Appendix 3 reflects the present state of opening up Coastal Access along England's coastline).

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List referred to at 2 above

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);
- The Growth & Infrastructure Act 2013; and
- All other legislation that impacts on public rights of way within the City.

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 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.

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;
- response to all enquiries from the public, Council Members, Council Officers, outside bodies, Government Departments and other Local Authorities;
- Representing and/or acting as a witness on behalf of the City Council at the Magistrate's Court as and when required; and
- Representing and/or acting as a witness on behalf of the City Council at Public Inquiries as and when required.