

DECISION-MAKER:	PLANNING AND RIGHTS OF WAY PANEL
SUBJECT:	PUBLIC RIGHTS OF WAY: ANNUAL UPDATE REPORT
DATE OF DECISION:	15 FEBRUARY 2011
REPORT OF:	HEAD OF PLANNING AND SUSTAINABILITY
STATEMENT OF CONFIDENTIALITY	
None	

BRIEF SUMMARY

This report introduces an appendix that provides an update on the main activities of the Rights of Way function and is supplementary to the quarterly update reports sent by email to Panel members during 2010.

RECOMMENDATION:

That 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 8th January 2008 that an update report is received annually with interim e-mail updates to the Panel members (Minute 38).
2. To consolidate the three interim e-mailed update reports sent to Panel Members during 2010.
3. To inform Panel of those activities and issues which have developed since the last quarterly report September 2010.

DETAIL (Including consultation carried out)

Consultations

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

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.

Statutory Responsibilities

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 and Access to the Countryside Act 1949 (NP&AC);
 - The Countryside Act 1968 (CA);
 - The Highways Act 1980 (HA);
 - The Wildlife and Countryside Act 1981 (W&C);

- The Countryside and Rights of Way Act 2000 (CROW);
- The Marine and Coastal Access Act 2009 (MCA); and
- All other legislation that impacts on public rights of way within the City.

Statutory Duties

7. Primary duties include the:-

- review and maintenance of a Definitive Map and 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 and
- consideration, assessment and investigation of Schedule 14 applications submitted by the public under section 53(5) of the W & C Act 1981.

Other Responsibilities

8. Some of the non statutory work undertaken includes the:-

- preparation, implementation, recording and reporting on a Local Performance Indicator, (ex BVPI 178; made 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.

RESOURCE IMPLICATIONS

Capital/Revenue

9. **Capital:** None

10. **Revenue:**

- The responsibilities to which this report refers result from statutory duties placed on the Council by various legislation and therefore any financial implications have not been taken into account.
- Funding for the rights of way service is currently contained within the Environment and Transport Revenue Estimates, under the Planning and Sustainability Division.

Property/Other

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

LEGAL IMPLICATIONS

Statutory Power to undertake the proposals in the report:

12. None

Other Legal Implications:

13. Those Acts that direct the rights of way function;
- Sections 53(2) and (3) of the Wildlife and Countryside Act 1981;
 - Sections 60 and 61 of the Countryside and Rights of Way Act 2000;
 - Section 61(1)(e) of the Countryside and Rights of Way Act 2000;
 - Section 94 of the Countryside and Rights of Way Act 2000;
 - Section 17 of the Crime and Disorder Act 1998;
 - Natural Environment and Rural Communities Act 2006;
 - The Highways Act 1980, as amended by various statutes including the Clean Neighbourhoods and Environment Act 2005; and
 - The Human Rights Act 1998 and anti-discrimination legislation.

POLICY FRAMEWORK IMPLICATIONS

14. Whilst the publication of an Improvement Plan and maintenance of a Definitive Map and 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 of Southampton Strategy: A 20-year vision
 - Corporate Improvement Plan 2010/13
 - City of Southampton Local Plan Review 2006
 - Community Safety Strategy
 - City of Southampton Local Transport Plan 2006/11
 - Medium Term Plan
 - Green Spaces Strategy 2008

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SUPPORTING DOCUMENTATION

Appendices

1.	Report of the Rights of Way Section on its activities since September 2010
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Documents In Members' Rooms

1.	None
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Integrated Impact Assessment

Do the implications/subject/recommendations in the report require an Integrated Impact Assessment to be carried out.	NO
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Other 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)
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1.	None	
Integrated Impact Assessment and Other Background documents available for inspection at:		N/A
WARDS/COMMUNITIES AFFECTED:	ALL	