

1. Introduction

- 1.1 This report complies with the resolution, recorded as minute 38 of the Planning & Rights of Way Panel meeting 8th January 2008; that an update report be received annually by the Panel, with interim e-mail updates to Panel Members.
- 1.2 At its Meeting 15th February 2011, Panel informed the Rights of Way Officer that it would no longer require the quarterly update reports, (sent via email), 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 update Panel on the activity and general progress of the Rights of Way function since February 2011, thereby giving 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);
 - 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.
- 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 1981.
- 2.3 Other Responsibilities include the:-
 - 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 enquiries from the public, Council Members, Council Officers, outside bodies, Government Departments and other Local Authorities.

3. Definitive Map & Statement; Ward Review

- 3.1 Following the Ward Review for Bassett, (resulting in an additional 19 rights of way being added to the Definitive Map & Statement), there were two outstanding routes that were subject to objections and had been referred to the Secretary of State for determination by the Planning Inspectorate.
- 3.2 The Decision Letter from the Planning Inspector, June 2011, confirmed the Order unmodified, agreeing with all arguments that this Council had put forward in defence of making the Order and in support of the Order being confirmed. These are now shown on the Definitive Map & Statement as Restricted Byways numbered 46 and 47.

4. Definitive Map & Statement; Legal Events

- 4.1 Following the determination by Panel of Research Project 116 as a Right of Way Footpath, (Sainsbury's at Lord's Hill District Centre, minute 93 of Panel Meeting 23rd November 2010), a Public Path Diversion Order is to be made. This will stop-up the old route that entailed crossing over the wide and very busy entrance to the Delivery Service Area. The route will be diverted onto a new footpath that is to be created, leading off Lords Hill Centre East, and running along the southern perimeter fence of the Service Area entrance and which will be known as Southampton Footpath No 49.
- 4.2 The Diversion Order is being processed in parallel to a planning application, (11/01165/FUL), that detailed the type and height of fencing that will be used to demarcate the new footpath, as well as retaining the overall width of the Service Area by realigning the northern kerb-line.
- 4.3 Footpath Number 9 at Lord's Hill Recreation Centre has been the subject of a Public Path Diversion Order because of the development of the Oasis Academy that required land over which part of the footpath crossed. This successful Diversion Order is the "legal event" that prompted a DMMO authorising its depiction on the definitive map.

5. Definitive Map & Statement; Consolidation towards new version.

- 5.1 The first and only Definitive Map for Rights of Way in Southampton was produced with a relevant date of 9th December 1999, illustrating and describing 8 rights of way; 7 footpaths and 1 byway open to all traffic, ("BOAT").
- 5.2 Since then, this has increased to 52, with an additional right of way pending for inclusion, (see 4.1 and 4.2). This footpath, to be known as footpath 49, lies to the rear of Sainsbury's at Lord's Hill and reflects the successful application by members of the public to have it shown on the definitive map, (see 4.1 & 4.2 above). It is currently the subject of a diversion order which, once confirmed, will

then be subject to a modification order that will authorise it to be shown on the definitive map, as illustrated on appendix 2.

- 5.3 As a consequence of all the changes that have occurred in the intervening years since 1999, it has been decided that the time is right to consolidate all changes and produce a new version of the Definitive Map & Statement.
- 5.4 Trials have taken place as to an improved format for both documents and drafts have been produced, both to be at A3 size and in a landscape style. These are presently being scrutinised to ensure that they meet legal requirements, as well as being acceptable for public display.

6. Other Actions

6.1 Rights of Way Maintenance

- 6.1.1 Since 2008, the rights of way function has been proactive in securing a regular maintenance regime that would assess and carry out remedial works that cleared rights of way from vegetation over/up-growth.
- 6.1.2 With the assistance of Parks & Open Spaces teams, this has worked very well, with fewer reports being received from the public requesting such actions.
- 6.1.3 Further development of this programme has allowed the rights of way to be segregated; those on adopted highway land and those that fall on “private”. The former are now catered for under the Highways Services Partnership with Balfour Beatty, the latter remaining with the P&OS Teams.

6.2 Rights of Way Improvement Plan, (RoWIP).

- 6.2.1 Progress has been made within most of the generic actions that were identified within the Action Plan of the RoWIP
- 6.2.2 Work resumed on the Procedures and Management Framework document that was identified as a requirement within the Action Plan, I.D. C2, but has again been deferred until other on-going projects have been concluded, e.g. the consolidation of a new Definitive Map & Statement.

6.3 Coastal Access

Whilst still an active topic nationally, there has been no involvement required of Southampton in the last year, and the likelihood of any over the next two to three years appears highly unlikely.

6.4 Planning & Development

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 developments of the ex Tyrrell & Green Site, the Oasis Academy at Lord's Hill and other regeneration projects.

6.5 Cross Boundary Routes

6.5.1 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. Hampshire produced 7 Rights of Way Improvement Plans for differing geographical parts of the County, terming them Countryside Access Plans, (CAP's).

6.5.2 The purpose of the Solent CAP Working Group is to facilitate and carry out the improvements that were identified within the Solent CAP area; SCC's involvement being to address those issues that cross-boundary with Southampton.

6.6 PATHH Project

6.6.1 Following last years report outlining this Project, further discussions and Steering Group Meetings have taken place. There have been 4 volunteers identified who wish to look specifically at Southampton, but there has been no further action at this time pending the refurbishment of the City's Archives Department which is due to open early January.

6.6.2 *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 and 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.

6.7 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 May 2011. 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.

7. Resources

7.1 Due to Divisional Restructuring late 2010, and the loss of the Assistant Right of Way Officer post, investigations took place as to improving the service, primarily looking at what additional resourcing could be made available.

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- 7.2 A proposed Service Level Agreement with Hampshire, encompassing the transfer to / partnership working with the County's Rights of Way Department, did not prove viable.
- 7.3 A more local solution has been identified with the rights of way function presently seconded to sit within the Southampton & Fareham Legal Services Partnership to see if such a move would be beneficial and workable.

End DP Blakeway

January 2012

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Action Plan: by ID

ID	Action	Priority	Spend	When	Involving	Year	07	08	09	10	11	12	13	14	15	16	17
M1	Investigate the use of Field Operatives to monitor and assess seasonal vegetation growth and general route conditions.	H	REV	2007 - 08	RoW / Hwys		C										
M2	To carry out a feasibility study towards instigating a programme of general maintenance and cutback, (including height clearance for cyclists & horse riders), which is independent of current practices involving other divisions.	H	REV	2007 - 09	RoW / NP / P & OS			C									
M3	To establish maintenance regimes around wildlife and ecological considerations, e.g. nesting birds.	M	CAP	2008 - 10	RoW / P & OS / Hwys				C								
M4	Upgrade surfaces where appropriate to accommodate less mobile users.	M	REV	2010 - 13	RoW / P & OS / Hwys												
M5	Where appropriate and conducive, install waste bins for both litter and dog waste.	L	CAP	2013 - 17	RoW / P & OS / Hwys												
M6	Where appropriate and conducive, improve lighting along routes with consideration to wildlife, e.g. bats.	L	CAP	2013 - 17	RoW / SL / Hwys												
A1	Where appropriate and conducive, assess removal of barriers, stiles or gates that obstruct free use by wheelchairs and similar, but with reservation that in some cases barriers assist in the reduction of anti-social and criminal behaviour.	M	REV	2010 - 17	RoW / P & OS / Hwys												
A2	During the continuous review of the Definitive Map, to place more strategic importance on routes that link open space, schools, shops and other local amenities and that link to the wider countryside.	H	REV	2007 - 17	RoW					I/H							
A3	Negotiate for the upgrade of suitable routes to Bridleway or Restricted Byway, where practical, to extend the equestrian and cycle networks with consideration to ecological issues.	L	REV	2012 - 17	RoW / BHS / Users												
A4	Ensure that routes affected by proposed development are considered in the planning application and development control process.	H	REV	2007 - 17	RoW / P & DC					I/H							
A5	Prepare guidance notes for planners and developers that advise on routes and public rights of way affected by proposed developments.	M	REV	2008 - 11	RoW / P & DC					I/H							
A6	To assess and advise on the creation of new routes as part of the planning and development process.	H	CAP	2007 - 17	RoW / P & DC					I/H							
A7	To advise on any proposals that develop waterside areas where it is possible to create links to other existing or planned routes.	M/H	REV	2009 - 10	RoW / P & DC					I/H							
A8	To liaise with the Planning Ecologist when creating, upgrading or working on routes when in ecologically sensitive areas.	M	REV	2007 - 17	RoW / PEco / P&DC					I/H							
A9	To strengthen links to water user groups and develop improvements to access to water via known public hards, quays and slipways, and make better use of non-tidal waterways.	M	REV	2009 - 11	RoW / Hwys / Users												
A10	To upgrade and improve the quality of signposts to better combat vandalism.	H	REV	2007 - 09	RoW					I/H							
A11	To carry out a sign and route condition audit to better identify signing needs and improvements.	H	REV	2007 - 09	RoW		C										
A12	To improve road safety at road crossings where rights of way and link routes meet main carriageways.	M	CAP	2011 - 17	RoW / Hwys / HCC												
A13	To work more closely with adjoining Local Authorities on actions within this RoWIP that involve cross-boundary issues.	M	REV	2007 - 17	RoW / HCC					I/H							
A14	To research internal and external opportunities for funding projects to improve the rights of way network and other access issues.	H	REV	2007 - 17	RoW					I/H							
C1	Strengthen links with local community groups to ensure they are aware of / involved in the overall management of rights of way and access issues by closer involvement with Neighbourhood Partnerships.	H	REV	2007 - 09	RoW / NP / Users					I/H							
C2	To prepare and present to the relevant Council committee proposals for a comprehensive policy document on rights of way, to involve the Local Access Forum, (Hampshire Countryside Access Forum) during preparation stage.	H	REV	2007 - 10	RoW / NP / Users / HCAF / L & DS					I/H							
C3	To prepare and publish a new reformatted version of the Definitive Map & Statement by late 2009.	H	REV	2007 - 09	RoW					I/H							
C4	To prepare leaflets on rights of way; their meaning, status, where they are and the Definitive Map.	M	REV	2008 - 10	RoW / P & OS / PEco / P & DC					I/H							
C5	To prepare leaflets that promote walks to and within open spaces, outlining topics of interest, such as flora and fauna, and which are available to different users in other languages or medium.	L	REV	2011 - 13	RoW / P & OS / PEco												
C6	To prepare leaflets aimed at promoting responsible use of the network, and the rights and responsibilities of users and landowners.	M	REV	2009 - 11	RoW												
C7	To revise internal procedures for responding to allegations of misleading signs on or along rights of way.	M	REV	2011 - 13	RoW												
C8	To encourage use of the network by including destination, distance and user information on signposts.	M	CAP	2011 - 13	RoW												
C9	To produce a biannual rights of way newsletter for all interested groups and individuals.	H	REV	2007 - 08	RoW			C									
C10	To increase the amount of rights of way information available on the City Council's web pages.	H	REV	2007 - 09	RoW / IT				C								
C11	To undertake a feasibility study into creating an interactive Definitive Map facility for Southampton.	M	CAP	2010 - 13	RoW / IT					C							

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HCAF Hampshire Countryside Access Forum
HCC Hampshire County Council,
(Rights of Way Section)
Hwys (Highways) Balfour Beatty Group

IT Information Technology Unit
L & DS Legal & Democratic Services,
Southampton City Council
NP Neighbourhood Partnerships

P & DC Planning & Development Control,
Southampton City Council
P & OS Parks & Open Spaces,
Southampton City Council
PEco Planning Ecologist,
Southampton City Council

RoW Rights of Way Section,
Southampton City Council
SL Street Lighting
Users User groups
C COMPLETED or IN HAND,
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CAP Capital Spend
REV Revenue Spend
→ On-going

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