

CYNGOR SIR POWYS COUNTY COUNCIL

County Council
19th October 2017

REPORT AUTHOR: Portfolio Holder for Housing & Countryside Services

SUBJECT: Question from County Councillor Roger Williams

Question

How many applications for public footpath diversions has the Council currently registered and how many are for diversions out of working farmyards?

Answer

Background:

The question posed by Councillor Williams refers to applications to divert public rights of way. Diversion, extinguishment or creation of a public rights of way is generally achieved through a public path Order. This is a type of legal Order that allows for voluntary changes to be made to the route of a public path, although cannot be used to change byway open to all traffic.

Public path Orders can be a very useful tool for the Council, in managing and improving the public rights of way network. However, making these Orders is a discretionary power, not a statutory duty. The Council can initiate proposals itself; the Council can also choose to accept applications for public path Orders from members of the public, but is not required to do so.

The law does not impose any timescale within which we must deal with individual applications for public path Orders. Nor does it give any certainty that applications will be successful. The process is highly democratic and open to formal challenge, in which case the outcome may be decided by the Planning Inspectorate (not the Council.) Even unopposed and uncomplicated proposals take a minimum of 6 months to process to completion, due to the procedures that must be followed.

There is no dedicated officer dealing solely with public path Order casework. It is one of many demands that compete for officer time and statutory casework must take priority. As such, the officer time available to process applications for diversion of public rights of way has been, and continues to be very limited. Unfortunately, this has resulted in a backlog of applications awaiting processing.

Individual public path Order cases are allocated a priority, in line with the approach to prioritisation that was presented to the former Rights of Way Committee in 2010. At the stage when pre-application advice is sought, applicants are advised as to the general level of priority given to each type of application and the likely timescale for considering their application. Applications to divert paths out of working farmyards are given medium priority.

To try to reduce the backlog of applications and frustration experienced by applicants, Countryside Services has been developing a system that developers to carry out their own initial consultation, following a site meeting with officers. As that has proved broadly successful, it is now being extended to other applicants, with those who have been waiting longest being offered that opportunity first.

Current situation:

There are currently a total of 182 applications for public path Orders on file, at various stages of processing. With current resources and processes, this is estimated to represent 10-11 years' work. Of those, 53 are proposals to move paths out of working farmyards.