

CYNGOR SIR POWYS COUNTY COUNCIL

CABINET EXECUTIVE

10th July 2018

**REPORT AUTHOR: County Councillor Aled Davies
Portfolio Holder for Finance, Countryside and Transport**

SUBJECT: Draft Rights of Way Improvement Plan

REPORT FOR: Decision

1. Summary

- 1.1 A Rights of Way Improvement Plan (ROWIP) is a statutory document as contained within s.60 Countryside and Rights of Way Act 2000, and every Local Authority is obliged to prepare and implement a ROWIP.
- 1.2 The ROWIP sets out how the Council is to manage and improve the public rights of way network.

2. Proposal

- 2.1 The Draft ROWIP is set out in Appendix 1 and its associated appendices.
- 2.2 The report seeks Cabinet's approval to undertake a statutory 12 week public consultation in connection with the draft ROWIP, and the results will be duly considered on whether the draft ROWIP needs to be amended. The final amended Draft ROWIP will then be brought back to Cabinet to be approved, and then according to the Council's constitution the ROWIP will need to be taken to full Council for final approval.

3. Options Considered / Available

- 3.1 There are no other options available. The County Council has a duty to prepare and publish a ROWIP.

4. Preferred Choice and Reasons

- 4.1 That Cabinet approves that Countryside Services undertake a 12 week consultation on the Draft ROWIP.
- 4.2. In addition to the Draft ROWIP is the "Delivery Plan" which consists of:
 - a) An Evaluation of Progress in delivering the ROWIP and previous Action Plans.
 - b) A Review of Policies.

c) Work Plan.

- 4.3 That Cabinet is not asked to approve that Countryside Services undertake a consultation on the Delivery Plan. It is not considered acceptable or prudent to consult on the Delivery Plan, as this is technically a separate document and can only be developed and consulted upon once the ROWIP has been adopted by full Council. This has been verified by Welsh Government.
- 4.4 Following public consultation, a further report will be brought back to Cabinet for conclusion and decision.

5. Impact Assessment

- 5.1 Is an impact assessment required? Yes /~~No~~
- 5.2 If yes is it attached? Yes /~~No~~

6. Corporate Improvement Plan

- 6.1 The Draft Rights of Way Improvement Plan (Section 1.5) highlights how the Council's Vision 2025 will be supported, and therefore its Corporate Improvement Plan.

7. Local Member(s)

- 7.1 The Draft Rights of Way Improvement Plan applies to the whole County.

8. Other Front Line Services

Does the recommendation impact on other services run by the Council or on behalf of the Council? Yes/~~No~~

The affected front line services have already been consulted, namely Planning Services, Highways Transport and Recycling, Regeneration Services, Active Travel Officers. Section 7 highlights how the draft ROWIP interacts with its internal and external partners. The Services that are affected by the ROWIP will be included within the 12 week consultation.

9. Communications

Have Communications seen a copy of this report? Yes/~~No~~

This report is of public interest and requires a news release and use of appropriate social to publicise Cabinet's decision.

If the recommendation is approved, the statutory consultation will also be of public interest and will need publicising via a news release and appropriate social media.

10. Support Services (Legal, Finance, Corporate Property, HR, ICT, Business Services)

- 10.1 Legal - "The Highways and Enforcement Solicitor endorses the proposal in order to comply with the statutory duty."
- 10.2 Finance – The contents of the report are noted with the costs contained within existing budgets.
- 10.3 Corporate Property (if appropriate) – Not required.
- 10.4 HR (if appropriate) – Not required.
- 10.5 ICT (if appropriate) – Not required.

11. Scrutiny

Has this report been scrutinised? Yes

- 11.1 The Learning, Skills and Economy Scrutiny took place on 23rd May 2018. The comments and observations of Scrutiny Committee is included as attached as Appendix 2.
- 11.2 The Draft ROWIP has been amended following Scrutiny to elaborate the Council's approach on least restrictive access.
- 11.3 The Draft ROWIP has also been amended within Section 3.14 to make the document easier to read.
- 11.4 Scrutiny also recommended that an executive-style summary document be provided for easy reference once the ROWIP has been adopted.
- 11.5 Scrutiny also made an observation as to the value of improving relationships with Building Control, so as to prevent unauthorised development over public rights of way.

12. Statutory Officers

The Head of Financial Services (Deputy Section 151 Officer) notes the contents of the report and the comment provided by Finance.

The Solicitor to the Council (Monitoring Officer) commented as follows :
" I note the legal comments and have nothing to add to the report."

13. Members' Interests

The Monitoring Officer is not aware of any specific interests that may arise in relation to this report. If Members have an interest they should declare it at the start of the meeting and complete the relevant notification form.

Recommendation: To approve the Draft Rights of Way Improvement Plan in Appendix 1 to be subjected to the statutory 12 week public consultation. A report will be presented to Cabinet following consultation in due course.	Reason for Recommendation: For the Council to uphold its statutory duty to review the Rights of Way Improvement Plan.
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Relevant Policy (ies):			
Within Policy:	Y	Within Budget:	Y

Relevant Local Member(s):	None
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Person(s) To Implement Decision:	Mark Stafford-Tolley
Date By When Decision To Be Implemented:	Effective immediately.

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Background Papers used to prepare Report: Nil