

**CYNGOR SIR POWYS COUNTY COUNCIL.**

**CABINET EXECUTIVE  
5th March 2019**

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

**SUBJECT:** Draft Rights of Way Improvement Plan

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**REPORT FOR:** Decision

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**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 Proposal is set out as the Draft ROWIP within Appendix 1 and its associated appendices.
- 2.2 The report seeks Cabinet's approval and decision for the Draft ROWIP following conclusion of a 3 month consultation process. The Key Findings Report of the consultation is set out in Appendix 2. According to the Council's constitution, the ROWIP will require final approval by full Council.

**3. Options Considered / Available**

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

**4. Preferred Choice and Reasons**

- 4.1 That Cabinet approves the Draft ROWIP.
- 4.2. In addition to the Draft ROWIP, a "Delivery Plan" will be published, 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 It is not necessary to consult on the Delivery Plan at this stage, as this is technically a separate document that can only be developed once the ROWIP has been adopted by full Council. This has been verified by Welsh Government.

**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

- 8.1 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. No specific comments from the Services have been received.

**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 media 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 – Professional Lead supports the proposals to adopt the ROWIP to ensure compliance with a statutory obligation.
- 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 / ~~No~~?

- 11.1 The Scrutiny Committee on 23<sup>rd</sup> May 2018 commented on the ROWIP before the 3 month consultation took place. There has not been any fundamental changes as a result of the consultation. The comments and observations of Scrutiny Committee are included as Appendix 3.
- 11.2 The Draft ROWIP has been amended following Scrutiny to elaborate on 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, as recommended.
- 11.4 Scrutiny also recommended that an executive-style summary document be provided for easy reference once the ROWIP has been adopted. This will be completed once Full Council approve the Draft ROWIP.
- 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. Data Protection**

If the proposal involves the processing of personal data then the Data Protection Officer must be consulted and their comments set out below.

**13. Statutory Officers**

The views of both the Strategic Director Resources (Section 151 Officer) and the Monitoring Officer **must** be set out below

The S151 Officer notes the comments made 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.”

#### 14. **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.

<b>Recommendation:</b>	<b>Reason for Recommendation:</b>
To approve the Draft Rights of Way Improvement Plan set out in appendix 1 to the report and to recommend approval to full Council.	For the Council to uphold its statutory duty to review the Rights of Way Improvement Plan.

<b>Relevant Policy (ies):</b>	
<b>Within Policy:</b>	<b>Y</b>
<b>Within Budget:</b>	<b>Y</b>

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

<b>Is a review of the impact of the decision required?</b>	<b>N</b>
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#### **Background Papers used to prepare Report:**

Guidance for Local Authorities on Rights of Way Improvement Plans – July 2016. Welsh Government.

Appendices:

1. Draft Rights of Way Improvement Plan.
2. Key Findings Report.
3. Scrutiny Committee Report
4. Impact Assessment