

CABINET ITEM COVERING SHEET PROFORMA

AGENDA ITEM

REPORT TO CABINET

4 DECEMBER 2008

**REPORT OF CORPORATE
MANAGEMENT TEAM**

COUNCIL DECISION

Regeneration and Transport - Lead Cabinet Member – Councillor R Cook

RIGHTS OF WAY IMPROVEMENT PLAN

1. Summary

The Rights of Way Improvement Plan (ROWIP) is a requirement of the Countryside and Rights of Way Act 2000 and is intended to be the prime means by which the Council will identify changes to be made in respect of the management and improvement of the local rights of way network over the next 10 years.

The purpose of this report is to seek Members' approval for adoption of the Rights of Way Improvement Plan (2008-2018) for Stockton. The ROWIP is attached at **Appendix A**.

2. Recommendations

It is recommended that:

1. Cabinet approve the Stockton Rights of Way Improvement Plan.
2. Cabinet approve the implementation of the Rights of Way Action Plan to be funded from existing resources available through the Local Transport Plan and Public Rights of Way Budget supplemented by any landowner or grant contributions that may become available.

3. Reasons for the Recommendations/Decision(s)

To allow the Council to comply with sections 60 and 61 of the Countryside and Rights of Way Act 2000.

4. Members' Interests

Members (including co-opted Members with voting rights) should consider whether they have a personal interest in the item as defined in the Council's code of conduct (**paragraph 8**) and, if so, declare the existence and nature of that interest in accordance with paragraph 9 of the code.

Where a Member regards him/herself as having a personal interest in the item, he/she must then consider whether that interest is one which a member of the public, with

knowledge of the relevant facts, would reasonably regard as so significant that it is likely to prejudice the Member's judgement of the public interest (**paragraphs 10 and 11 of the code of conduct**).

A Member with a prejudicial interest in any matter must withdraw from the room where the meeting considering the business is being held -

- in a case where the Member is attending a meeting (including a meeting of a select committee) but only for the purpose of making representations, answering questions or giving evidence, provided the public are also allowed to attend the meeting for the same purpose whether under statutory right or otherwise, immediately after making representations, answering questions or giving evidence as the case may be;
- in any other case, whenever it becomes apparent that the business is being considered at the meeting;

and must not exercise executive functions in relation to the matter and not seek improperly to influence the decision about the matter (**paragraph 12 of the Code**).

Further to the above, it should be noted that any Member attending a meeting of Cabinet, Select Committee etc; whether or not they are a Member of the Cabinet or Select Committee concerned, must declare any personal interest which they have in the business being considered at the meeting (unless the interest arises solely from the Member's membership of, or position of control or management on any other body to which the Member was appointed or nominated by the Council, or on any other body exercising functions of a public nature, when the interest only needs to be declared if and when the Member speaks on the matter), and if their interest is prejudicial, they must also leave the meeting room, subject to and in accordance with the provisions referred to above.

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SUMMARY

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RECOMMENDATIONS

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DETAIL

Background

1. Under sections 60 and 61 of the Countryside and Rights of Way (CROW) Act 2000, the Council is required to develop a Rights of Way Improvement Plan (ROWIP).
2. Under section 94 of the CROW Act 2000, all Highway Authorities in England and Wales set up 'Local Access Forums' to advise both local authorities and the Countryside Agency (now called Natural England) on access issues and the Rights of Way Improvement Plan. In 2003, the Tees Valley Local Access Forum (TVLAF) was established and has been involved in the development and preparation of the ROWIP since the early stages. Responses to the consultation process and discussion with the TVLAF, have formed the basis of the final draft of the ROWIP.
3. The ROWIP identifies the current issues affecting the use, management and maintenance of the local rights of way network, together with the actions that the Council proposes to undertake, both on its own and in partnership with others, in order to improve the existing network and to ensure that its potential is fulfilled over the next 10 years.

4. The legislation sets out the following requirements regarding the ROWIP:
 - The extent to which local rights of way meet the present and likely future needs of the public;
 - The opportunities provided by local rights of way (and in particular by footpath cycle tracks, bridleway and restricted byways) for exercise and other forms of outdoor recreation and enjoyment of their area; and
 - The accessibility of local rights of way to blind or partially sighted persons and others with mobility problems.

The Rights of Way Improvement Plan

5. Given the above, the Council has prepared a ROWIP, based on the need to create a 'joined up' network of paths across the Borough; in good condition; accessible to all users for leisure and other everyday needs; which assists in increasing the levels of exercise that people take; and on which people feel safe.
6. The Plan is one of the 'Daughter Strategies' supporting the Second Stockton-on-Tees Local Transport Plan (LTP). The Department for Transport (DfT) has stated that the ROWIP must show clear links to the priorities set out in the LTP, as well as helping to deliver the objectives set out under the five key themes of the Central/Local Government Shared Priority for Transport. From 2010 onwards, it is a statutory requirement that the ROWIP is fully integrated with the LTP.
7. The Plan has two key sections. The first contains an assessment of the state of the existing public rights of way network and the present and likely future needs of the public. The second contains an Action Plan setting out a programme to improve the network over the next 10 years.

The Assessment

8. The assessment of whether the existing network meets the public's needs was made in two parts:
 - An examination of the size and connectivity of the network and its general condition, together with the procedures and policies that determine how the network is maintained and developed; and
 - An extensive consultation exercise, in order to identify the existing and future needs of both users and non-users.

Action Plan

9. The Action Plan, attached at **Appendix B** to this Report, is the most important part of the ROWIP. The Action Plan identifies seventeen potential improvements to the existing path network in order to provide greater opportunities for use of the network by residents of, and visitors to, the Borough.

Consultation

10. In order to prepare the ROWIP, a period of consultation was undertaken. In order to maximise engagement, this exercise took a number of different forms, including Viewpoint surveys, press releases and a web-based questionnaire.
11. In addition to residents of the Borough, the following groups and organisations were consulted:
 - a) Elected Members (all Members were sent a 'hard' copy of the draft Plan);
 - b) User Groups;
 - c) Town and Parish Councils;
 - d) Neighbouring Local Authorities;
 - e) Partner Organisations;
 - f) Landowners/Representatives;
 - g) Stockton Renaissance; and
 - h) Relevant Service Areas within the Council itself.
12. The Draft ROWIP was published in June 2008 and the 12-week public consultation ended on 27 October 2008. There were 12 responses to the draft plan, which are summarised in **Appendix C**.
13. All representations received regarding the draft Plan have been taken into account during preparation of the final Plan.

FINANCIAL IMPLICATIONS

14. There are no direct financial implications associated with the recommendations contained within this Report. The improvements set out in the Action Plan will be progressed as and when financial resources allow.

LEGAL IMPLICATIONS

15. Producing a ROWIP is a statutory requirement under sections 60 and 61 of the Countryside and Rights of Way (CROW) Act 2000.

RISK ASSESSMENT

16. The activities flowing from the recommendations contained within this report are categorised as low to medium risk. Existing management systems and daily routine activities will be sufficient to control and reduce risks.

SUSTAINABLE COMMUNITY STRATEGY IMPLICATIONS

17. The strategy set out in the ROWIP will contribute towards achievement of a number of the Core Themes and Ambitions set out in the Sustainable Community Strategy, as summarised in the Table below:

Core Theme	Ambition
Economic Regeneration & Transport	<ul style="list-style-type: none">• Better use of the River Tees.• Improved transport networks.
Environment & Housing	<ul style="list-style-type: none">• Create better open spaces.• Tackle climate change.• Deliver design quality.

Children & Young People	<ul style="list-style-type: none"> • Provide positive health opportunities through the use of rights of way.
Healthier Communities & Adults	<ul style="list-style-type: none"> • Promote healthy living.

Community Safety Implications

18. Personal safety has been highlighted as a concern by both users and non-users of the public rights of way network. The Council is addressing these concerns by:
- a) Working with local landowners to ensure that paths are well maintained and that vegetation is pruned on a regular basis; and
 - b) Actively promoting the benefits of the network to all sectors of the community, with the aim of increasing the number of people using it.

EQUALITY IMPACT ASSESSMENT

19. This Report has been subject to an Equality Impact Assessment and has been judged to have a neutral effect. No remedial actions are required.

CONSULTATION INCLUDING WARD/COUNCILLORS

See points 9, 10, 11 and 12.

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Background Papers

- I. s.60 & 61 The Countryside and Rights of Way Act 2000.
- II. Government Guidance: Defra 11/2002: Rights of Way Improvement Plans, Statutory Guidance to Local Highways Authorities in England.

Ward(s) and Ward Councillors:

All.