

REPORT TO:	Council
REPORT NO:	HEP/24/19
DATE:	27 March 2019
LEAD MEMBER:	Councillor David A Bithell Lead Member for Place – Environment and Transport
CONTACT OFFICER:	Martin Howorth (Tel 729630)
SUBJECT:	Wrexham Rights of Way Improvement Plan
WARD:	All

1. PURPOSE OF THE REPORT

To approve the Rights of Way Improvement Plan (ROWIP) following the statutory public consultation.

2. EXECUTIVE SUMMARY

- 2.1 Wrexham County Borough Council published its ten year plan, the statutory Public ROWIP in November 2007.
- 2.2 Under section 60(3) and (4) of the Countryside and Rights of Way Act 2000 (CRoW Act) local highway authorities are required to make a new assessment and review their ROWIP. This work has involved an assessment of the condition and suitability of the public rights of way network and associated policies. As part of the process of creating the new ROWIP, the rights of way policies related to enforcement, maintenance and management of the definitive map and public path orders (diversions) were updated and considered by the Homes and Environment Scrutiny Committee in November 2016 (HEP/69/16S) and May 2018 (HEP/42/18S).
- 2.3 Homes and Environment Scrutiny Committee considered the comments on the draft ROWIP, following the statutory consultation period on 16 January 2019 (HEP/05/19S). Executive Board considered the ROWIP on 12 March 2019 (HEP/14/19).

3. RECOMMENDATIONS

- 3.1 **That Members approve the Wrexham County Borough Rights of Way Improvement Plan.**

REASONS FOR RECOMMENDATIONS

- (i) There is a statutory requirement for Local Authorities under section 60(3) and (4) of the Countryside and Rights of Way Act to make a new assessment, review their Rights of Way Improvement Plan and make a decision on amendments, not more than 10 years after publishing the previous plan. It is a requirement of the legislation that the approval of the Rights of Way Improvement Plan is a decision of the Council (Local Authorities (Executive Arrangements) (Functions and Responsibilities) (Wales) Regulations 2007).

4. BACKGROUND INFORMATION

- 4.1 The ROWIP is a strategic document which will help the Authority to manage the rights of way network for the residents of Wrexham County Borough and visitors to the area. The Council, as a Highway Authority, is required (under Section 60 of The Countryside and Rights of Way Act 2000) to develop and publish a ROWIP.
- 4.2 The first ROWIP has seen huge improvements in the accessibility of the public rights of way across Wrexham. The percentage of public rights of way which are easy to use has risen from 35% in 2005/6 to 70% in 2018/19. This improvement has been largely due to sustained investment in the network, through grant aid, mainly from Welsh Government.
- 4.3 The new Plan (Appendix 1) lays out how the Council will deliver improvements to the rights of way network and how we will continue to improve the management of rights of way over the next ten years.
- 4.4 The assessment phase of the new ROWIP was carried out between December 2016 and December 2017. This reviewed the work of the previous ROWIP and considered its successes and failures. It undertook targeted consultation work with interest groups and people with sight impairments, as required in the national guidance (Guidance for Local Authorities on Rights of Way Improvement Plans, July 2016, Welsh Government). A consultation on the use of Wrexham's public rights of way was undertaken as part of the public consultation on the Council portal. It was also sent out to the subscribers of Consultations, Wrexham Panel, or Your Voice Wrexham Panel, (2128 recipients), Wrexham Local Access Forum and Community Councils. A review of the condition of the rights of way network was also undertaken and a bridges survey completed.
- 4.5 As part of the process of creating the new ROWIP, the rights of way policies related to enforcement, maintenance and management of the definitive map and public path orders (diversions) were updated and considered by the Homes and Environment Scrutiny Committee in November 2016 (HEP/69/16S) and May 2018 (HEP/42/18S). Members supported the prioritisation outlined in the Enforcement and Maintenance Policies and Management of the Definitive Map and Public Path Orders Policies.
- 4.6 The Draft ROWIP was circulated for consultation to all Community Councils in Wrexham County Borough, adjacent local authorities and organisations with an interest in access, from June to the end of October 2018. Information was also put into the local media about the draft plan and an item written for the Council news website, again to encourage public response to the draft plan.

- 4.7 There were 9 responses to the Draft Plan, 5 of which were Community Councils. There was general support for the Plan and the request to balance the needs of landowners and walkers. There was an acknowledgement of reduced resources and the suggestion of working with neighbouring authorities.
- 4.8 Amendments to the Draft Plan included updating the current position with the Wrexham Local Development Plan and the newly published Public Services Board Plan. Natural Resources Wales had not published their area statements at the time of writing the Plan. Some minor amendments relating to the Area of Outstanding Beauty have been incorporated into the plan.
- 4.9 The new ROWIP needs to be set in the context of a period of austerity and budget restrictions in the Council. After 10 years of funding the ROWIP, Welsh Government have indicated there will be no rights of way funding for the ROWIP in the foreseeable future. The new plan reflects this position.
- 4.10 Partnership working is essential to deliver the ROWIP. The Plan seeks to work more closely with Community Councils, voluntary organisations and landowners to encourage a much greater involvement in improving rights of way by local people.

5. IMPLICATIONS

- 5.1 **Policy Framework** – The policy context for the ROWIP is set out in detail in the Plan under Policy Context. The relevant sections of the Council Plan that integrate with the ROWIP are:-
PE5 (People theme) – Enabling access to leisure and cultural activities
PI4 (Place theme) – Well-connected and sustainable communities
- 5.2 **Budget** – There are no budgetary implications for the report. The ROWIP sets out Wrexham County Borough Council policies in terms of rights of way. The Rights of Way Improvement Delivery Plan will set out in detail what the local authority will deliver with timescales, targets and budget. This is likely to be an annual plan.
- 5.3 **Legal** – The Rights of Way Improvement Plan is a strategic plan and adoption of a ROWIP is a statutory requirement as set out in the body of the report. The Local Authorities (Executive Arrangements) (Functions and Responsibilities) (Wales) Regulations 2007 (amended in 2009) stipulate that approval of the Rights of Way Improvement Plan is a matter which cannot be the sole responsibility of the Executive Board and it must, therefore, be submitted to Council for final approval.
- 5.4 **Staffing** – There are no staffing implications for the report.
- 5.5 **Equality/Human Rights** – Members are advised of their duty to consider the full Equality Impact Assessment which is available at <http://vmwinqld/equalityisalive/Menu.aspx> report number EP/EIA00012/2016. Members of the public can request a copy of the full Equality Impact Assessment from the Contact Officer named in the header box of this report.

A summary of the Equality Impact Assessment is attached as Appendix 2.

- 5.6 **Risks** – The Council has a statutory obligation to review the existing ROWIP. There are risks in terms of possible challenges if the Council does not comply with the legislative guidance. The Council has a statutory duty as Highway Authority to

maintain the rights of way system and Definitive Map and protect the public use of the network. There are risks associated with not fulfilling the statutory duties.

6. CONSULTATION

- 6.1 Consultation on rights of way was undertaken with stakeholders at an initial stage. This was followed by consultation with targeted groups, such as the sensory impaired and Wrexham Local Access Forum. A consultation on the use of Wrexham's public rights of way was undertaken as part of the public consultation on the Council portal. It was also sent out to the subscribers of Consultations, Wrexham Panel, or Your Voice Wrexham Panel, (2128 recipients). A 3 month statutory consultation period on the Draft ROWIP was completed between May and October 2018.
- 6.2 Homes and Environment Scrutiny Committee considered the ROWIP in November 2016 (HEP/69/16S), May 2018 (HEP/42/18S) and January 2019 (HEP/05/19S). See minutes from the January meeting below.

During discussion, the following issues were highlighted, in particular:

- The predecessor plan had been successful in delivering improvements in rights of way provision.
- The new plan reflected the current times of austerity including budget cuts within the Council and reduced funding from Welsh Government.
- Whilst the Council had a statutory duty as the Highway Authority to maintain the rights of way system, support from Community Councils through, for example, volunteer groups and the seeking of funding, was welcomed.
- Although there were fewer resources available work would still be undertaken to improve rights of way. The major impact would be that the rate of improvement will lessen.
- Historic claims for pre-1949 rights of way were addressed and worked through as required.

AGREED – The Committee recommends the adoption of the Wrexham Public Rights of Way Improvement Plan by the Executive Board.

BACKGROUND PAPERS	LOCATION	WEBSITE INFO
None		