

7th December 2017

Agenda Item: 4

REPORT OF CORPORATE DIRECTOR OF PLACE DEPARTMENT

RIGHTS OF WAY MANAGEMENT PLAN FOR NOTTINGHAMSHIRE

Purpose of the Report

1. To seek approval to commence public consultation on a draft Rights of Way Management Plan (ROWMP) for Nottinghamshire.

Information and Advice

2. Under Section 60 of the Countryside and Rights of Way Act 2000 (the CROW Act), all highway authorities had to prepare and publish a statutory Rights of Way Improvement Plan (ROWIP) by November 2007. On the 1st November 2007 Nottinghamshire County Council adopted its inaugural ROWIP.
3. The CROW Act states that a ROWIP must contain:
 - An assessment of the extent to which local rights of way meet the present and likely future needs of the public,
 - an assessment of the opportunities provided by local rights of way for exercise and other forms of open air recreation and enjoyment of the authority's area,
 - an assessment of the accessibility of local rights of way for blind and partially sighted people and others with mobility problems,
 - a statement of action. This outlines strategic actions an authority will take for the management of rights of way and for securing improvements to the network, taking into account issues identified in the network assessments.
4. The County Council is required, in exercising functions under the Highways Act, to have regard to provisions within its ROWIP. It is also required to revisit its ROWIP at intervals not longer than every 10 years and, if it is to be amended, to publish a revised plan. A revised plan has been drafted (see Appendix 1 for the Executive Summary). The intention, once the final form is agreed, is to run this alongside the County's Local Transport Plan until 2026.
5. While the document will be the County Council's ROWIP in legal terms, the actual title of the draft document has changed to Rights of Way Management Plan to reflect a plan more focused

on the management of the network rather than the focus on more ‘aspirational’ improvements contained within the inaugural ROWIP. The Authority has, as required, consulted and worked closely with Nottinghamshire Local Access Forum (LAF) during the production of the draft ROWMP. Responses from the LAF have been considered and the proposed ROWMP amended accordingly.

6. The ROWMP will provide the Authority with a statutory and strategic plan outlining the Council’s aims and objectives for the management of a modern and changing rights of way network and it recognises the interests of agriculture, forestry and other land occupiers in the management of rights of way.
7. Public rights of way and countryside access have a key role in helping deliver and complement the Council’s key priorities in the County Council’s Strategic Plan (2017-2021), the developing Place Department Strategy and the Local Transport Plan (2011-2026). The ROWMP will serve as the over-arching focus for the protection, creation and, where possible, enhancement of responsible countryside access in Nottinghamshire.
8. The Authority will develop and manage the countryside network for all, enabling opportunities for the widest possible type and number of users contributing to Nottinghamshire’s economy, health, social well-being and environment. An Equality Impact Assessment (EqIA) will be undertaken during public consultation.
9. If approved, public consultation and associated publicity would commence for a period of 12 weeks. As well as the general public and both affected and neighbouring local authorities, all rights of way statutory consultees will be consulted e.g. users groups, landowner representatives, utilities and other agencies. Stakeholders will be contacted directly and the draft proposed plan will be available to view at <http://www.nottinghamshire.gov.uk/enjoying/countryside/rights-of-way/improvement-plan>. All comments received will be collated and a revised draft plan will be presented to the Communities and Place Committee for consideration, and finally for approval at Policy Committee. The final adopted Plan will then be reviewed in line with the next Local Transport Plan in 2026.

Other Options Considered

10. None – the County Council is required by law to hold and to revise its ROWIP.

Reason/s for Recommendation/s

11. The review of the County Council’s Rights of Way Improvement Plan is a statutory duty under Section 60 of the Countryside and Rights of Way Act 2000.

Statutory and Policy Implications

12. This report has been compiled after consideration of implications in respect of crime and disorder, data protection and information governance, finance, human resources, human rights, the NHS Constitution (public health services), the public sector equality duty, safeguarding of children and adults at risk, service users, smarter working, sustainability and the environment and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

Public Sector Equality Duty implications

As per paragraph 8 above an Equality Impact Assessment (EqIA) will be undertaken during the Plan's public consultation.

Implications for Sustainability and the Environment

Public rights of way and wider countryside access can play a key and important role in providing access to both essential services and recreational facilities providing wider physical and mental health benefits.

RECOMMENDATION/S

- 1) It is recommended that Committee;
 - a) approve the commencement of a 12 week public consultation on Nottinghamshire's draft Rights of Way Management Plan (ROWMP) and associated publicity.
 - b) resolve that the revised Plan be presented to a future meeting of the Communities and Place Committee and then for final approval by the Policy Committee.

Adrian Smith
Corporate Director for Place

For any enquiries about this report please contact:

Neil Lewis
Team Manager Countryside Access
neil.lewis@nottscc.gov.uk, 0115 977 3169

Constitutional Comments (SJE – 06/11/2017)

13. This decision falls within the Terms of Reference of the Communities & Place Committee to whom responsibility for policy development in relation to the planning, management and maintenance of highways has been delegated, with the relevant regulatory functions referred to in the draft Rights of Way Improvement Plan currently delegated to the Planning & Licensing Committee. Formal approval of the final Rights of Way Improvement Plan once the consultation period has closed is reserved to Policy Committee.

Financial Comments (RWK 06/11/2017)

14. There are no specific financial implications arising from the report.

Background Papers and Published Documents

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

- Nottinghamshire's Rights of Way Improvement Plan 2007
- Draft Nottinghamshire Rights of Way Management Plan 2017 - 2026

Electoral Division(s) and Member(s) Affected

- All