

REPORT OF THE CORPORATE DIRECTOR, PLACE

RIGHTS OF WAY MANAGEMENT PLAN FOR NOTTINGHAMSHIRE (2018-2026)

Purpose of Report

1. To report the outcome of the consultation on Nottinghamshire's Draft Rights of Way Management Plan (2018-2026), to approve the proposed revisions and to incorporate them in the final document for consideration and adoption by the Authority's Policy Committee.

Information

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.
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.

6. Following approval by the Authority's Communities and Place Committee on 7th December 2017, the draft ROWMP was placed on public deposit for a 12-week period between 18th January and 12th April 2018.
7. Consultees were asked to complete an online questionnaire which consisted of 10 questions (see **Appendix 1**). The form had open and closed questions and the opportunity to make general observations. Consultees were also invited to prioritise on the actions detailed in the Plan's Statement of Action. A summary report has been produced highlighting each comment and the County Council's response (see **Appendix 1**).

Consideration of Responses

8. During the consultation period, 34 comments were received from organisations and individuals. 32 completed online forms were received. Other general comments were presented by e-mail and letter.
9. In summary, 97% of those who replied on the comments form 'supported the general principles of the ROWMP.
10. The County Council has considered each of the comments. Nottinghamshire Local Access Forum (LAF) has also contributed to the production of the Plan, as required by statute.
11. As a result of the consultation, a small number of modifications to the Draft Plan are proposed. Many of the comments received focused on small text changes and factual updates.

Nottinghamshire's ROWMP

12. 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.
13. 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 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.
14. 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. In paragraph 8 of the previous report to this Committee, it was stated that an Equality Impact Assessment (EqIA) would be undertaken during the period of public consultation. However, in order to ensure that the EqIA took into account any comments received as part of that consultation and of this Committee's consideration of the draft ROWMP, officers will now undertake an EqIA before the draft ROWMP is considered by Policy Committee.
15. A draft Executive Summary is included as **Appendix 2** and the final draft document as **Appendix 3**.

What happens next?

16. If approved by Communities and Place Committee, the Plan will be presented to the Authority's Policy Committee in September 2018 for final approval and adoption.
17. An annual report will be produced highlighting the progress of the actions as set out in the Plan's Statement of Action.
18. The adopted Rights of Way Management Plan covers an eight year period up to 2026 and will be reviewed in line with the next Nottinghamshire Local Transport Plan (2026).

Other Options Considered

19. None – the County Council is required by law to hold and to revise its ROWMP.

Reason/s for Recommendation/s

20. 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

21. 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

22. As per paragraph 14 above an Equality Impact Assessment (EqIA) will be undertaken prior to the ROWMP being presented to the Authority's Policy Committee in September 2018.

Implications for Sustainability and the Environment

23. 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.

RECOMMENDATIONS

It is recommended that Committee:

- 1) Approve the proposed revisions to the draft Consultation Rights of Way Management Plan as set out in **Appendix 3**.
- 2) Approve the submission of the final draft Plan to Policy Committee for consideration and adoption.

Adrian Smith
Corporate Director, Place

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Constitutional Comments [SJE – 19/06/2018]

24. 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 Management Plan' currently delegated to the Planning & Licensing Committee. Formal approval of the final 'Rights of Way Management Plan' is reserved to Policy Committee.

Financial Comments [DJK 09.07.2018]

There are no specific financial implications arising directly from this 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 2018 - 2026

Electoral Division(s) and Member(s) Affected

All