

meeting **RIGHTS OF WAY COMMITTEE**

date **16 June 2010**

agenda item number

9

REPORT OF CORPORATE DIRECTOR (COMMUNITIES)

COUNTRYSIDE ACCESS (ENFORCEMENT) PROGRESS REPORT

Purpose of the Report

1. To provide Rights of Way Committee Members with a summary of the work of the Rights of Way (RoW) Enforcement Officer during the period November 2009 to April 2010 inclusive.

Background

2. The RoW Enforcement Officer undertakes enforcement activity on a countywide basis. The Enforcement Officer becomes involved in issues when attempts by Area RoW Officers to work cooperatively with farmers and property owners have failed. Enforcement work is part of the Council's statutory duty under section 130 of the Highways Act 1980. A major part of the Enforcement Officer's work is as a consequence of the proactive approach of the Cultivation & Cropping Strategy. Other enforcement activity consists of taking action using a variety of powers contained within the Highways Act 1980.

Cultivation & Cropping Strategy

3. The strategy was initiated in April 2004 in order to improve compliance rates with the requirements of the Rights of Way Act 1990. Surveys of the path network indicated that obstruction by arable crops and a failure to mark out paths after cultivation were significant problems in Nottinghamshire. The strategy was developed to improve compliance proactively by educating landowners with advice and guidance. Each Spring and Autumn a reminder letter and good practice note is sent to each landowner known to have public RoW on arable land. This is followed up 4 weeks later with path inspections undertaken by trained volunteers and staff in up to 65 selected parishes. The survey results are processed and the Enforcement Officer carries out follow up work

to ensure paths which fail the survey are brought into a compliant condition. The survey results are reported as a local performance indicator on PRIDE as DP08a (Spring Survey) and DP08b (Autumn survey) as *'the proportion of rights of way on arable land found to be compliant on first inspection with the requirements of the Highways Act,'* expressed as a percentage

4. This approach is a cost effective way of ensuring that a significant proportion of the path network is open and available to the public. More farmers comply with the requirements of the legislation voluntarily thus allowing officers to concentrate resources on reoccurring problems. By educating and working with farmers, officers have been able to establish good working relationships which in turn has lead to increased cooperation and assistance with other path issues.

November 2009 Cultivation Survey

5. In the period covered by the report the Autumn phase of the strategy was undertaken. The enforcement activity undertaken as a consequence of this is shown in the table in appendix A.

Other Enforcement Activity

6. In the period covered by the report enforcement activity was carried out under powers contained in the Highways act 1980 and other relevant legislation. This activity is shown in appendix B

Statutory and Policy Implications

7. This report has been compiled after consideration of implications in respect of finance, equal opportunities, personnel, crime and disorder and those using the service and where such implications are material they have been described in the text of the report.

RECOMMENDATION

It is RECOMMENDED that the report be noted.

TIM MALYNN

Corporate Director (Communities)

Comments of the Service Director – Finance

There are no financial implications arising from the contents of the report.
[KP - 12/05/10]

Legal Services' Comments

This report is for noting only. [SJE – 13 May 2010]

Background Papers Available for Inspection

Case Files

Electoral Division(s) and Member(s) Affected

All

PSP.RP/RH/ROW24
7 May 2010

Case officers;

Bob Knowles, Enforcement Officer ext. 74739
Rob Percy, Senior Rights of Way Officer ext.73428

Appendix A

| | Action | Crossfield | Field Edge | Total |
|----------|--|-------------------------------|----------------------------|-------------------------------|
| 1 | No. of farmers contacted with reminder letter | | | 554 |
| 2 | Number of paths inspected | 265 | 175 | 440 |
| 3 | No. of paths (including sections of paths) compliant at first inspection | 113 | 168 | 281 |
| 4 | Percentage of paths/sections compliant at first inspection | 42.6% | 96% | 63.8% |
| 5 | No. of 14 day letters sent* | 81 letters covering 135 paths | 8 letters covering 8 paths | 89 letters covering 143 paths |
| 6 | No. of 7 day letters sent** | 7 letters covering 11 paths | none | 7 letters covering 11 paths |
| 7 | No. of default enforcement actions taken | 2 landowners covering 2 paths | none | 2 landowners covering 2 paths |

* 14 day letter is a letter sent by the enforcement officer to a landowner asking them to take action on a path and giving a 14 day time span to complete this.

** 7 day letters include an enforcement notice and give a landowner 7 days to make the path compliant

APPENDIX B

| Enforcement Activity | Total No. of Actions | Actions Leading to Resolution | | | | |
|---|----------------------|------------------------------------|---|--------------------|--------------------|-----------------|
| | | Informal Contact: visit/phone call | 1 st Letter (request action) | Enforcement Notice | Enforcement Action | Costs Recovered |
| Wilful Obstruction (by item) | 4 | 2 | 1 | 1 | 0 | 0 |
| Structure out of Repair (by structure) | 5 | 4 | 1 | 0 | 0 | 0 |
| Hedge encroachment/dangerous tree (by owner) | 29 | 2 | 24 | 3 | 1 | pending |
| Damage to surface | 0 | 0 | 0 | 0 | 0 | 0 |
| Barbed wire nuisance | 0 | 0 | 0 | 0 | 0 | 0 |
| Misleading/illegal signs | 1 | 1 | 0 | 0 | 0 | 0 |
| Encroachment on width of highway | 3 | 1 | 2 | 0 | 0 | 0 |
| Deposition nuisance | 0 | 0 | 0 | 0 | 0 | 0 |
| TOTALS | 42 | 10 | 28 | 4 | 1 | 0 |