

RIGHTS OF WAY IMPROVEMENT PLAN

Report by the Service Director (Environment and Sustainability)
Executive Member for Environment, Sustainability and Climate Change

Purpose

The Countryside and Rights of Way Act 2000 placed a duty on relevant Highway Authorities to produce a Rights of Way Improvement Plan (ROWIP). Initially it appeared that the London Boroughs were to be exempt from this duty but later the Outer London Boroughs were included. The Plan should include an assessment of the current rights of way network, evaluate the needs of the various user groups and develop an action plan for its improvement. This exercise started in late 2008 and followed the procedure laid out in the DEFRA guidance. After various consultation steps a draft plan was presented to the Neighbourhood Committees in the June cycle as a final opportunity for Members and the public to influence its contents. This led to additional information and a further Annex of locations identified for 'improvement' being included in the Plan and other minor amendments to the text. The final Plan (enclosed separately) now requires the Executive's approval prior to implementation.

Action proposed by the Executive Member for Environment, Sustainability and Climate Change:

The Executive is requested to:

approve the Rights of Way Improvement Plan.

Reason for action proposed

To comply with the statutory requirement and provide a framework for the future improvement of the Borough's rights of way network.

BACKGROUND

1. The Countryside and Rights of Way Act 2000 (CROW Act) requires the local Highway Authority to assess its current rights of way (ROW) network and produce, after formal consultation, a Rights of Way Improvement Plan. This was required to be undertaken and completed by November 2007 but, due to resource restrictions, this was not possible. As there is a possibility that English Nature, who is overseeing compliance with the Act for the Government, could take formal action against the Council if we fail to produce a plan, temporary resources were engaged.
2. Before preparing the Draft Rights of Way Improvement Plan, S.61 of the CROW Act required local authorities to consult those parties specified in the CROW Act to assess how the Rights of Way Network could be developed to:
 - Meet the present and likely future needs of the public.
 - Improve the opportunities provided by local rights of way for exercise and other forms of open-air recreation and the enjoyment of the authority's area.
 - Improve the accessibility of local rights of way to blind or partially sighted persons and others with mobility problems.

3. This consultation took the form of a questionnaire. The questionnaire was distributed to an extensive list of stakeholders (listed in the Plan) that extended well beyond RBK's statutory obligations. Responses to the questionnaire assisted in the development of an 'Action Plan', which forms the focal point of the Rights of Way Improvement Plan. The 'Action Plan' outlines how RBK might approach the management, maintenance, and improvement of the Rights of Way Network.
4. The draft Rights of Way Improvement Plan was then made available for public representations. The draft Plan was advertised in two local papers, as per RBK's statutory obligations. RBK also advised an extensive list of stakeholders that the Draft Plan was available for inspection and representations, this included: RBK Councillors, RBK Residents Associations, walking organisations, cycling organisations, horse riding organisations, visually impaired groups/individuals, groups/individuals with mobility impairments, and more.
5. Representations were considered by Officers and, where appropriate, the draft Plan was amended. The Rights of Way Improvement Plan was then published. As a last stage in the consultation process the draft Plan was presented to the four Neighbourhood Committees. Their comments and those of the public were, as far as possible, added to and/or included in the final draft.

LEGAL REQUIREMENTS

6. The Rights of Way Improvement Plan is a requirement of the Countryside and Rights of Way Act 2000. Failure to produce the Improvement Plan could result in formal/legal being action taken against the Council by English Nature.

EQUALITIES IMPLICATIONS

7. It is clear, as with other aspects of the highway network, that the access and usability of parts of the footpath network is difficult for the less mobile groups, i.e. disabled, the young and old. Most of the footpath network within the Borough is within an urban environment so the paths are of a hard construction (metalled) with a good surface. However, those paths in the more rural areas, especially those on farmland and open spaces, tend to have a 'natural' surface which does not provide the same quality of surface. This will affect access and usability for wheel chairs, pushchairs, etc.
8. It is also common in the rural environment to protect livestock and/or prevent abuse of the paths to use stiles as access points. These too will restrict universal use.
9. It is not considered reasonable or practical, at this time, to expect all paths to be open and usable to all members of the community. The Improvement Plan will help to identify where access improvement can be achieved which, in the long term, will enable the network to be more inclusive.

FINANCIAL IMPLICATIONS

10. Other than the cost of producing the Plan, which was met within existing budgets, there are no direct financial implications. Although there is a duty to produce the plan there is, as yet, no statutory requirement to implement the 'Action Plan'. Resources will be required to implement the plan but opportunities for

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improvements regularly become available during the normal course of events e.g. the LIP, private developments, Section.106, maintenance programmes, etc. As long as these opportunities are acted upon, it is not envisaged that any specific/additional finance will be required.

TIMESCALE FOR IMPLEMENTATION

11. Subject to the I call-in procedure, the Plan will be effective immediately after approval.

NETWORK IMPLICATIONS

12. There will be no direct implications but clearly the enhancement of our rights of way network can encourage the use of more sustainable forms of transport and achieve further modal shift.

ENVIRONMENTAL IMPLICATIONS

13. There will be no direct environmental implications as a result of this report. Direct environmental implications may arise from individual actions, schemes, etc, but these will be dealt with as and where those decisions are made.

Background papers: held by the author of the report, David White, Service Manager (Highways Asset), 0208 547 5909, email david.white@rbk.kingston.gov.uk

1. First draft of plan
2. List of organisation notified
3. Questionnaire responses
4. Definitive Map and Statement (1965)
5. Equalities Impact reviews