

**FLINTSHIRE COUNTY COUNCIL**

**REPORT TO:** **FLINTSHIRE LOCAL ACCESS FORUM**  
**DATE OF MEETING:** **18<sup>th</sup> APRIL 2016**  
**REPORT BY:** **CHIEF OFFICER (PLANNING & ENVIRONMENT)**  
**SUBJECT:** **PUBLIC RIGHTS OF WAY PRIORITIES**

**EXECUTIVE SUMMARY**

This report makes recommendations for the introduction of a hierarchical approach to rights of way maintenance, responding to complaints and the review of the definitive map, which should ensure that resources are deployed more cost-effectively.

**RECOMMENDATIONS**

For the Forum to endorse a hierarchical approach to:

- processing definitive map modification and public path orders;
- public rights of way maintenance; and
- responding to complaints.

**REPORT DETAILS**

**1.00 EXPLAINING THE ISSUES**

- 1.01 Welsh Office Circular 5/93 on public rights of way recommends that the County Council periodically publish a statement setting out how it will bring and keep up to date the definitive map and statement. There is no further guidance on what information this statement should contain.
- 1.02 Although no such statement has yet been prepared by this Council or its predecessor surveying authority, Clwyd County Council, there is a wealth of information on progress with the review of the definitive map contained in the Rights of Way Improvement Plan (ROWIP) published by Flintshire County Council in October 2008.
- 1.03 The review of the definitive map is effected incrementally through the making of Definitive Map Modification Orders (DMMOs). The County Council also has important powers to divert, create, or stop up public footpaths and bridleways.
- 1.04 The ROWIP identified a large backlog in many aspects of this work and recommended that additional staff be recruited to address this, over and

above the two additional staff who were appointed in 2002 to assist in the implementation of the Countryside & Rights of Way Act 2000. The ROWIP also identified similar backlogs in relation to the County Council's responsibilities for public rights of way maintenance and the removal of obstructions.

- 1.05 As one means of addressing the backlog, the ROWIP confirmed that the County Council would conduct a review into how the various elements involved in the management of public rights of way would operate. This review was concluded in January 2012, and new structures are now in place in which there is an integrated approach to public rights of way management.
- 1.06 Progress with the implementation of the ROWIP is monitored by a group comprising County Council officers and members of organisations such as the Ramblers and the British Horse Society, which meets quarterly. The ROWIP is due to be formally reviewed next year, but is updated on an annual basis.
- 1.07 In addition to the measures outlined in paragraph Nos. 1.05 and 1.06 above, it is imperative that the Council manage its public rights of way work in the most effective way within its existing resources, so that when the public apply to divert a path on their land, or make a complaint about an obstructed right of way or one that is out of repair, they are aware of how the County Council will prioritise this work.
- 1.08 The hierarchy recommending the relative importance the Council should accord each aspect of this work is set out in Appendices 1, 2 and 3 to this report.
- 1.09 There is a sound basis for a hierarchical approach to public rights of way management, particularly at a time of limited resources.

## **2.00 RESOURCE IMPLICATIONS**

- 2.01 The rights of way service has a revenue and capital budget to deal with work on the public rights of way network and this report will assist in the prioritisation and delivery of activity on Flintshire's rights of way network.

## **3.00 CONSULTATIONS REQUIRED / CARRIED OUT**

User groups such as Ramblers Cymru and the British Horse Society.

## **4.00 RISK MANAGEMENT**

None.

## **5.00 APPENDICES**

- 5.01 1, 2 and 3

## **Appendix 1**

### **Definitive map modification and public path order priorities**

#### **Introduction**

The hierarchy setting out the relative importance the Council will attach to public path and definitive map orders falls into seven categories, with number one the highest priority, No. 2 the second highest and so on. It was devised to rank highly those issues that were likely to be most urgent: hence, the highest priority given to paths that are in imminent danger of being 'lost' through development and schemes that have been targeted for grant-aid. Also ranking highly are those paths that have been obstructed by long-term residential development. The footpaths may have not been open to the public for many years, but they still legally exist and can act as a blight on any potential property sale.

More consideration will be given to ways that, once opened, will lead to wider improvements to the rights of way by, for example, making a greater length of PROW available to the public or by increasing accessibility for other classes of users, such as horse-riders and cyclists and those with mobility problems.

<b>Priority No.</b>	<b>Response/Action</b>
1.	Ways that are in danger of being lost through imminent development (i.e. at the planning application stage)
2.	Orders affecting ways that are targeted for external funds, whose expenditure is time-limited and where the proposals are achievable within that time frame
3.	Path(s) that are obstructed by housing, which require an order or orders to resolve the situation
4.	Applications for modification orders
5.	Public path orders that are wholly or primarily in the public's interest
6.	Mapping anomalies
7.	Public path orders that are wholly or predominantly for the benefit of private individuals

## **Appendix 2**

### **Public Rights of Way maintenance priorities**

#### **Introduction**

The hierarchy sets out the relative importance that the Council will accord this work, falling into 10 broad categories. It was devised to rank highly those issues that were likely to be most urgent: hence, the highest priority given to paths where a serious injury has occurred or is likely to occur. Also ranking highly are those paths that are well used by the public, including Offa's Dyke National Trail and other well-promoted routes such as those featured in the publication *Rural Walks in Flintshire*.

<b>Priority No.</b>	<b>Issue</b>
1.	Health and Safety Issues
2.	Volume and degree of usage and potential usage
3.	Ways that are suitable for those who are less agile and wheel chair users
4.	Multi-use and bridleway circular routes and those identified in liaison with local riding centres
5.	Walks and rides for Health
6.	National Trail (Offa's Dyke)
7.	Link Paths off the National Trail
8.	Published Trails e.g. Clwydian Way etc, the Wales coastal path
9.	Circular and other routes published by Flintshire CC.
10.	Paths published by community councils

## Appendix 3

### Public Rights of Way complaints priorities

#### Introduction

The hierarchy falls into six broad categories. It was devised to rank highly those issues that were likely to be most urgent: hence, the highest priority given to paths where there are health and safety implications. Also ranking highly are those paths that are multi-purpose routes and those that have been the subject of a large volume of complaints from a variety of different sources. Health and safety complaints will typically be investigated on the day of the complaint and measures put in place to mitigate the problem, which might involve an emergency closure. Ploughing and cropping complaints will be investigated within five working days of the report to ensure compliance with the timetable set out in the Highways Act 1980.

<b>Priority No.</b>	<b>Issue</b>
1.	Health and Safety implications
2.	Time-dependent problems such as ploughing and cropping
3.	Obstructions on routes that have been the subject of a high volume and wide variety of complaints
4.	Obstructions and problems on routes that would lead to obstruction-free (or access to all) ways
5.	Obstructions and problems on routes that form part of the Offa's Dyke National Trail and other promoted routes such as the Wales Coastal Footpath
6.	Obstructions and problems on public bridleways and other multi-use routes
7.	Obstructions whose removal would lead to a significant improvement to the rights of way network