PLANNING COMMITTEE

DATE 1st February 2017

REPORT OF Angela Blake – Director of Economy and Growth

SUBJECT Wildlife and Countryside Act 1981 – Statement of Priorities

STATUS OPEN

CONTRIBUTION TO OUR AIMS

The Public Rights of Way network falls within a number of the Councils Aims i.e. ‘Improve places where people can live and work’; also ‘Improving the links to the public transport provision’ and ‘All people in North East Lincolnshire enjoy good health and wellbeing’.

EXECUTIVE SUMMARY

The purpose of this Statement of Priorities (SoP) is to set out, in priority order, the issues which the Council will address in discharge of its duty with respect to the Definitive Map and Statement. This SoP will be reviewed from time to time and updated accordingly.

RECOMMENDATIONS

That the updated “Statement of Priorities” for the review of the Definitive Map and Statement, attached to this report (Appendix 1), be accepted and published.

REASONS FOR DECISION

The Council has a legal obligation to maintain a Definitive Map describing the public’s right to access the countryside via the Public Rights of Way network. The Council is required to keep the Definitive Map under review and up to date and to have a SoP describing how they intend to do this and in which priority order.

1. BACKGROUND AND ISSUES

Government Advice (DOE Circular 1/09) recommends that authorities should periodically publish a statement setting out their priorities for bringing and keeping the Definitive Map and Statement up to date as soon as reasonably practicable, in accordance with section 53(2) of the Act.

The Wildlife and Countryside Act 1981 placed a duty on this authority to keep the Definitive Map and Statement for North East Lincolnshire under continual review.
In reviewing the Definitive Map and Statement, the Council shall undertake to:

1.1 Investigate and progress the following Public Path Order case files:

1.1.1 Public Footpath 21 Stallingborough (PPO15) and issues affecting user safety and accessibility at Stallingborough, in line with Key Actions (KA) KA1, KA8 and KA13 referred to in the North East Lincolnshire Rights of Way Improvement Plan (ROWIP) (the Key Actions can be viewed below).

1.1.2 Public Footpath 37 Stallingborough (PPO 19) rail crossing extinguishment which affects user safety. (supports KA1 and KA6 of the ROWIP).

1.1.3 Public Footpath 59, New Waltham (PPO 20) the footpath crosses a new proposed development site. The development is incorporating a diverted public footpath. Along the same footpath abutting the proposed diversion there is an anomaly shown on the Definitive Map which is not walked or way marked on the ground. There is a path in close proximity that is waymarked and has gates installed on the route. (Supports KA1, KA3 and KA6 referred to in ROWIP).

1.1.4 Public Footpath 90 Ashby cum Fenby (PPO 18) an anomaly issue affecting the Definitive Map where the walked path is not the Definitive line, (supports KA1, KA3 & KA13 referred to in the ROWIP).

1.1.5 Undertake work to address the outstanding Definitive Map anomalies (see Schedule below). These will be dealt with on a case by case basis. Where appropriate a case may be dealt with more efficiently and effectively through enforcement processes, rather than Order making.

1.1.6 Anomalies will be prioritised having regard to the following factors, or a combination thereof:

i. It is in the interest of the public
ii. it would result in network improvement
iii. it would assist permitted development

1.2 Work to address the outstanding Definitive Map anomalies which run through residential properties. Ninety seven properties have so far been identified where an historic right of way runs through the property. (Supports KA3 of the ROWIP).

1.3 Produce a consolidated and up to date Definitive Map and Statement. This will assist in interpretation of these documents and support responses to land charge searches etc.

1.4 Produce a Definitive Map for the urban area of Grimsby and parts of Cleethorpes. This area was previously excluded, under legislative provisions extant at the time, from the surveys which resulted in the production of the existing Definitive Map. The Wildlife and Countryside Act 1981 removed these
exclusion provisions, thus placing a duty on the Surveying Authority to produce a Definitive Map and Statement for these previously excluded areas.

1.5 Address the backlog of Evidential Definitive MapModification Orders (DMMO) (see attached schedule 1.8).

1.6 Key actions identified in Rights of Way Improvement Plan:

KA1 - Reduce the number of outstanding legal orders
KA2 - Include the urban areas onto the Definitive Map
KA3 - Resolve anomalies shown on the Definitive Map
KA4 - Develop guidelines that set out how the authority will manage and maintain the public rights of way network.
KA5 - Reduce the number of unnecessary physical barriers along the PROW
KA6 - Address problems of fly tipping, litter, dog fouling and vandalism – including crop damage, trespass (people exceeding their rights) and antisocial behaviour
KA7 - Improve and develop signage
KA8 - Provide safety improvements where the PROW intersects with busy trafficked roads
KA9 - Identify more routes which have good public transport links
KA10 - Identify routes which cater for people with limited mobility and the visually impaired
KA11 - Review the network available to different types of users
KA12 - Promote the wider use of the network in and around North East Lincolnshire for all sections of the population.
KA13 - Develop well maintained routes into the countryside for the use by local people and visitors and take regard of linking communities and recreational / educational / health facilities.

1.7 Schedule of Definitive Map and Statement Issues still to be completed

<table>
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2. **RISKS AND OPPORTUNITIES**

The approach described above will ensure the Council continues to fulfil its legal obligations and priorities for the review of the Definitive Map, having regard to where the maximum public benefit can be achieved.

3. **OTHER OPTIONS CONSIDERED**

Not to publish an updated Statement of Priorities. However, this is not recommended as the authority may be at risk of complaints to the Secretary of State, in the event of non-determination of existing on-going applications for DMMOs.

4. **REPUTATION AND COMMUNICATIONS CONSIDERATIONS**

There are no potential negative reputational implications as this report details how the Rights of Way will be dealt with in terms of updating the Definitive Map and Statement.

The Statement of Priorities details the cases that are being dealt with and if the Council are challenged by the Secretary of State in considering whether, in response to directing an authority to determine an application for an order within a specified period, will take into account any statement made by the authority setting out its priorities for bringing and keeping the definitive map up to date, the reasonableness of such priorities, any actions already taken by the authority or expressed intentions of further action on the application in question, the circumstances of the case and any views expressed by the applicant.

5. **FINANCIAL CONSIDERATIONS**

The recommendation does not require any capital expenditure.

6. **FINANCIAL IMPLICATIONS**

There will be cost implications for the publication of the Statement of Priorities in the local press. This is the delivery responsibility of Engie in accordance with the Council’s Regeneration partnership arrangement with them. As a result there is no additional financial consequence in respect of this matter, as this service is covered as part of the annual contract price.

7. **LEGAL IMPLICATIONS**

The Wildlife and Countryside Act 1981 places two duties on every surveying authority, i.e. North East Lincolnshire Council:-
1. After the commencement of the Act, it must as soon as reasonably practicable make the modifications to the Definitive Map & Statement necessary to take account of the “events” which occurred before the date of commencement, and;

2. It must keep the Map & Statement under continuous review.

Together these statutory duties are known as the “continuous review” of the Definitive Map & Statement.

8. **HUMAN RESOURCES IMPLICATIONS**

There are no direct HR implications arising from the contents of the report.

9. **WARD IMPLICATIONS**

There are no direct Ward Implications applicable.

10. **BACKGROUND PAPERS**

Definitive Map and Statement

11. **CONTACT OFFICER(S)**

Matthew Chaplin, Public Rights of Way Mapping Officer, x4789

*Angela Blake*

*Director of Economy and Growth*
NORTH EAST LINCOLNSHIRE COUNCIL
WILDLIFE AND COUNTRYSIDE ACT 1981

STATEMENT OF PRIORITIES 2017
FOR THE MAINTENANCE OF THE DEFINITIVE MAP
AND STATEMENT FOR NORTH EAST LINCOLNSHIRE

The Wildlife and Countryside Act 1981 placed a duty on this authority to keep the Definitive Map and Statement for North East Lincolnshire under continual review.

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- Public Footpath 90 Ashby cum Fenby (PPO 18) an anomaly issue affecting the Definitive Map where the walked path is not the Definitive line, (supports KA1, KA3 & KA13 referred to in the ROWIP). Appendix 4.

2. Undertake work to address the outstanding Definitive Map anomalies (see Schedule below). These will be dealt with on a case by case basis. Where appropriate a case may be dealt with more efficiently and effectively through enforcement processes, rather than Order making.

Anomalies will be prioritised having regard to the following factors, or a combination thereof:

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3. Work to address the outstanding Definitive Map anomalies which run through residential properties. Ninety Seven properties have so far been identified where an historic right of way runs through the property. (Supports KA3 of the ROWIP).

4. Produce a consolidated and up to date Definitive Map and Statement. This will assist in interpretation of these documents and support responses to land charge searches etc.

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6. Address the backlog of Evidential Definitive Map Modification Orders (see attached schedule).

**Key actions identified in Rights of Way Improvement Plan**

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Appendix 1.

Public Footpath 21 which crosses Stallingborough Interchange.
Public Footpath 59, New Waltham. Public Path diversion. Proposed development shown in background.
Appendix 4.

Public Footpath 90, Ashby cum Fenby diversion.