

From: Mike Hill, Cabinet Member for Community and Regulatory Services
Barbara Cooper, Corporate Director of Growth Environment and Transport

To: Environment and Transport Cabinet Committee – 28th November 2018

Key Decision No: 18/00007

Subject: Revision of the Rights of Way Improvement Plan

Classification: Unrestricted

Past Pathway of Paper: Environment and Transport Cabinet Committee 15 May 2018

Summary: There is a statutory requirement to produce a Rights of Way Improvement Plan (ROWIP) and review the plan within 10 years of its publication. At the Environment and Transport Cabinet Committee of the 15 May 2018 a report detailing the review of the 2007 Plan and a draft ROWIP 2018 were considered. The Committee noted progress on the plan and resolved that the draft ROWIP progress to public consultation. This report updates Members on the results of the public consultation and recommends endorsement and adoption of the final version of the plan.

Recommendation(s):

The Cabinet Committee is asked to consider and endorse, or make recommendations to the Cabinet Member for Community and Regulatory Services on the proposed decision to adopt and publish the Rights of Way Improvement Plan 2018 as attached at Appendix A.

1. Introduction

1.1 It is a statutory requirement to produce a Rights of Way Improvement Plan (ROWIP) and to review it within 10 years of its publication. The ROWIP sets the direction for and supports the work of the Service in meeting the County Council's statutory obligations, securing improvements to the Public Rights of Way network as well as contributing to the delivery of its strategic outcomes.

2. The Report

2.1 In line with its statutory obligations the Public Rights of Way and Access Service, (the Service) has completed a review of the 2007 Countryside Access Improvement Plans (the Rights of Way Improvement Plan for Kent) and produced a draft ROWIP. The draft plan has been amended in light of a full public consultation and is included as Appendix B.

- 2.2 Preparation of the Plan has involved extensive research, customer surveys and direct customer feedback. This has included; previously completed consultations, research of business and asset management plans, review of KCC and national research and policy, obtaining information from focus groups, Parish Councils, District/Borough Councils and County Members, and an assessment of current use and demand. This research is detailed in a suite of documents supporting and providing the evidence base for the ROWIP.
- 2.3 The main elements of the Plan including those elements that are statutory include:
- a) An assessment of existing and potential use and demand.
 - b) Detailed customer profiling using Market Research, Mosaic and Countryside Access Management System.
 - c) National and local policy context. Attention has been given to aligning the Plan with 'Increasing Opportunities, Improving Outcomes: Kent County Council's Strategic Statement (2015-2020)', Local Transport Plan 4 and the Active Travel Strategy.
 - d) Operational management, asset management and budgetary information.
 - e) How to make the best of new national and local funding opportunities.
 - f) A delivery plan that includes main objectives, actions, benefits and key partners and resource implications.
- 2.4 Following endorsement by the Cabinet Committee on the 15 May 2018 the draft Plan progressed to full public consultation. The draft consultation Plan was widely advertised on-line, in the press and at KCC libraries and country parks. In addition, there was direct consultation with borough, district, parish councils, neighbouring authorities, Kent Countryside Access Forum, Natural England, partners, user groups and interested parties. The Consultation ran for 12 weeks between 20 June and 12 September 2018.
- 2.5 In total, 362 responses were received. A summary of the consultation results is provided at Appendix C. The responses can be summarised as follows:
- 1) The overwhelming majority of respondents are current users of the PROW network, with the majority of those respondents using the network at least once a week.
 - 2) There was strong support for the key themes identified in the Plan with only 2% of respondents disagreeing. This same high level of support was expressed for each individual theme.
 - 3) 88% of those responding found the Plan easy to understand. Of those that didn't, rights of way terminology (jargon) was highlighted as an issue. A

glossary has been added to the Plan to address this. Additionally in response to specific feedback, charts and maps have been amended.

4) General comment on the structure and layout of the draft Plan has been addressed where possible.

2.6 Detailed responses were received from many respondents. These detailed responses tended to coalesce around similar topics. In summary:

a) **Public Rights of Way network issues:** Perhaps not surprisingly many respondents took the opportunity to raise matters relating to current issues on the network, for instance overgrown or obstructed paths or infrastructure requiring repair. In these cases, the responses are being captured in our reporting and management systems and will be actioned in line with our stated policies and available resources.

b) **Requests for specific schemes:** Many of the responses related to very specific requests for improvements or commitment to very specific programmes of work. For instance a new route between locations A and B, the upgrade of a footpath to a bridleway or a the provision of traffic free cycle links between main urban centres. Where a desire for such improvement or new provision has been identified it will be captured in our Geographical Information System as a map layer. A simple and high level feasibility/cost benefit analysis will be undertaken to determine whether the option can be explored further so that effort is focussed on those projects that offer the greatest benefit and are most deliverable. The information will also be used to inform responses to all forms of planning consultation, plan preparation and bidding opportunities.

c) **Priorities:** Feedback indicated that some respondents considered the themes to have been expressed in order of priority. This is not the case and a statement has been added to clarify this.

d) **Policy and delivery plan amendments:** Those making detailed responses often sought amendments to policies and/or the delivery plan to strengthen them to address specific issues or provide support for specific actions. These responses have been carefully considered and where appropriate the Plan has been amended to reflect them. In many cases it is felt that the Plan does not need amendment but that these points can be better addressed through incorporating these comments into existing service policies. In summary by theme, we received the following feedback:

e) **Active Lifestyles**

If active travel is to be encouraged along with increasing opportunities for riding and cycling greater focus needs to be placed on safety and the need to increase the provision of traffic free routes, safer crossings and traffic management on rural lanes providing key links to PROW. A number of respondents sought or expressed support for measures that seek to preserve the character of quieter rural roads.

f) **Knowing what's out there**

It was felt by a number of respondents that the Definitive Map and Statement (DMS) should be made available on-line. There are technical barriers to this but the Service will continue to improve public access to the DMS and supporting archive information.

g) **Rights with responsibilities**

There was an interest by a number of respondents in seeing greater policy support for the management or prohibition of motor vehicles on PROW. 4 x 4 use of byways was the subject of specific feedback. This is a matter of continuing national focus and is likely to be subject to review by the Department of Environment, Farming and Rural Affairs in the near future. To this end, all of the service's existing policies will be reviewed to ensure that they are in line with legislation, guidance and the objectives of the ROWIP.

h) **Better maintained PROW**

This particular theme drew considerable feedback. There is no doubt that users particularly feel that if the plan is to provide positive outcomes then the PROW network must be well maintained and accessible. The need to improve the frequency and extent of vegetation clearance was a regular theme. The importance of differentiating between the nature of the use of routes in a utilitarian or recreational context was stressed as was the need to prioritise National Trails. The importance of maintaining the network in a way that secures wider environmental/ecological benefit was also highlighted.

i) **Efficient working**

The importance of, and limitations of, using volunteers was pointed out in consultation feedback. The Service will continue to look to secure the benefits that arise from the contributions of volunteers and the plan supports this initiative.

j) **Evolution of the network**

Some feedback suggested that the Plan did not fully address the likely scale and pace of change in Kent in the next decade, particularly that related to housing development in response to population increase. The list of major development sites has been removed as a number of these developments fall outside of sites allocated within the Local Plan and the Service does not wish for any support for development of the sites to be inferred based on their inclusion in the plan. In any event the number and scale of planning applications now being received by the Service would indicate that it is simply not possible to focus activity on larger sites.

2.7 A full Equalities Impact Assessment has been produced in tandem with the plan and will be used to further guide policy development and service delivery. This is included as Appendix D.

3. Financial Implications

- 3.1 While it is a statutory obligation to produce a ROWIP there is no obligation to deliver the improvements identified in the plan. This was to encourage authorities to produce plans that were ambitious rather than simply seeking to match the scale of ambition with the resource available. In adopting the plan the County Council would not commit to funding the projects or programmes identified.
- 3.2 The delivery of programmes and projects set out in the plan will be dependent on identifying resource from within existing budgets or securing the necessary resource either through the County Council's normal budgetary processes or external funding sources.
- 3.3 Many successful projects delivering improvements to the network were delivered through the life span of the first ROWIP as a result of amending policies, our approach, partnership working, securing external funding and developer contribution. Improvements can, and have been delivered against a back drop of reducing budgets.

4. Policy Framework

- 4.1 The proposed decision is aligned to the County Council's strategic objectives as articulated in "Increasing Opportunities, Improving Outcomes: Kent County Council's strategic objectives.
- 4.2 The Plan and its supporting evidence base set out in detail the links to not only Kent County Council's strategic objectives but numerous other County Council, Government and partner strategies.
- 4.3 Given the certainty that linked strategies and policies will continue evolve during the life of the ROWIP emphasis has been given to setting out the positive outcomes delivered by having a correctly recorded, well maintained and accessible PROW network.

5. Conclusions

The Public Rights of Way and Access Service has reviewed the Rights of Way Improvement Plan 2007. A draft Rights of Way Improvement Plan was prepared and, with Member approval, was subject to a full public consultation, June – September 2018. The consultation highlighted strong support for the plan. The draft Plan has been further amended in light of the response to the consultation. If adopted the Plan will shape the work of the Service over the coming decade.

6. Recommendation

Recommendation(s): The Cabinet Committee is asked to consider and endorse, or make recommendations to the Cabinet Member for Community and Regulatory Services on the proposed decision to adopt and publish the Rights of Way Improvement Plan 2018 as attached at appendix A.

7. Background Documents

- 7.1 **Appendix A:** Proposed record of decision.
Appendix B: Amended – draft Rights of Way Improvement Plan
Appendix C: Summary of consultation results/responses.
Appendix D: Equalities Impact Assessment

8. Contact details

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