

Leicester
City Council

WARDS AFFECTED
All Wards

FORWARD TIMETABLE OF CONSULTATION AND MEETINGS:
Cabinet

4th August 2003

PUBLIC RIGHTS OF WAY MILESTONE STATEMENT

The Director of Environment Regeneration & Development

1. Purpose of Report

The report outlines the progress made in establishing the public rights of way network in Leicester to enable the council to fulfill its statutory duties under the Wildlife and Countryside Act 1981 and the Countryside and Rights of Way Act 2000 (CROW Act)

2. Summary

Leicester City Council inherited from Leicestershire County Council the responsibility for the public rights of way network within Leicester following local government reorganisation in 1997. The Countryside Agency has supported the Council in producing a "Milestone Statement" for public rights of way which is an action plan setting targets for a fully recorded, properly maintained and well-publicised public rights of way network by the end of 2005. To meet those targets the process of producing a Definitive Map for Leicester's public rights of way was started in 2002. The targets are required to be achieved before the Council can carry out its statutory responsibilities under the CROW Act. This work was supported by a grant of £15,000 over a two-year period (2002 and 2003) from the Countryside Agency. The grant was dependent on the Council preparing a Milestone Statement and starting the Definitive Map process.

3. Recommendations

It is recommended that Members:

- (i) Note the progress made with public rights of way to date and
- (ii) Approve the programme and targets outlined in the Milestone Statement

4. Headline Financial and legal Implications

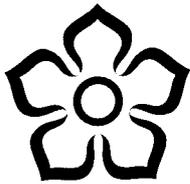
The work on public rights of way is funded from the ER&D Revenue budget, the Highway Maintenance budget and supported by a one off grant from the Countryside Agency of £15,000 over 2 years (2002 & 2003). Additional funding has been provided with an allocation through the Environment Protection and Cultural Services block for the 2002/03 SSA settlement. A Definitive Map for Leicester needs to be created before the Council can carry out its statutory responsibilities under the CROW Act. Kate McGee has been consulted on financial implications and Laura Roper of Browne Jacobson Solicitors, Nottingham on the legal Implications of this report.

5. Report Author/Officer to contact: - Ed Kocik 6600

DECISION STATUS

| | |
|--------------------------------------|----------------------------|
| Key Decision | No |
| Reason | N/A |
| Appeared in Forward Plan | No |
| Executive or Council Decision | Executive (Cabinet) |

6.



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SUPPORTING INFORMATION

1. Report

- 1.1 In 1987 the Countryside Agency, set its "National Target for Public Rights of Way". Its aim was to secure a fully recorded, properly maintained and well-publicised public rights of way network by the year 2000. Although this has been achieved in some areas mostly, county councils, the Agency has recognised the need to pursue the deadline beyond the year 2000 to enable urban areas to meet this target.
- 1.2 In April 1997 Leicester City Council inherited, from Leicestershire County Council, responsibility for the rights of way network for the City of Leicester. At that time few of the City's public rights of way were recorded on a Definitive Map, which is a statutory record of public rights of way. The Wildlife and Countryside Act 1981 places a duty on Highway Authorities to safeguard public rights of way and this can only be done by producing a Definitive Map.
- 1.3 A comprehensive survey of rights of way was carried out in 1999 and showed that at least 35 kilometres of paths needed to be recorded. At this stage the Countryside Agency were approached for advice and assistance. The Countryside Agency was able to provide the Council with free access to a specialist consultant to help to prepare an action plan for public rights of way – a "Milestones Statement" - for the City. This "Milestones Approach" was introduced to help authorities to plan their progress towards reaching their public rights of way targets.
The Milestone Statement is attached as Appendix A.
- 1.4 The Milestone Statement sets three targets and a completion date of 2005 for the City's public rights of way to be:
 - Legally defined which requires the Definitive Map for the City of Leicester to be established

- properly maintained and
- well publicised and fully integrated into the Council’s walking, cycling and leisure strategies.

The commitment to the Milestones Approach enabled the council obtain a grant of £15,000 over 2 years from the Countryside Agency for additional resources to achieve that target. 75% of the grant has already been paid - the remainder will be paid later this year on condition that the targets for 2002 and 2003 are met. We are on schedule to meet the Milestone targets for 2002 and 2003.

- 1.5 The Milestones Approach is also required to enable the City Council to implement the Countryside and Rights of Way 2000 (CROW Act) which contains many important measures aimed at improving the rights of way network and open the countryside to more people, from all backgrounds, to enjoy. Alun Michael, the Minister for Rural Affairs, stressed this in a letter to all authorities in September 2001, with a guarantee of additional funding from 2002/03.

It is therefore essential that the Milestone Statement be adopted as the Council's programme for public rights of way at this stage.

- 1.6 Information on Performance Indicators for Leicester’s public rights of way is shown below.

| Performance Indicator | 1999/00 | 2000/01 | 2001/02 | 2002/03 |
|------------------------------|----------------|----------------|----------------|----------------|
| Easy to Use (National) | 19% | 42% | 64% | 50% |
| Signposted Paths (Local) | 28% | 56% | 71% | 47% |

Although there has been a steady rise in public rights of way that are easy to use and signposted according to the PI definitions, the Council is still in the bottom quartile. The recent production of the Definitive Map has identified additional Rights of Way which has caused the PI to decrease in 2002/03, however the figure has already increased and the target of 85% for BVPI 178 and signposted paths for 2005/06 will be achieved.

- 1.7 The Countryside and Rights of Way Act 2000 places a duty on the Highway Authority, to establish a ‘Local Access Forum’. (LAF)

The LAF will be a new statutory advisory body. Its purpose is to provide advice to the Council on the improvement of public access to the land within the city for the purpose of open-air recreation and enjoyment. It will comment on the Council’s access strategies with a view to developing additional opportunities for everyone to enjoy the rights of way network and enhanced access. Particular emphasis is placed on encouraging people with disabilities, cyclists and any other groups.

It is intended that LAFs will be consulted various issued relating to “Access Land” ie. open country and registered common land and on the establishment of a Rights of Way Improvement Plan. However as there is no Access Land and just 40 km of rights of way within the City the scope for a Leicester City LAF would be limited. We have spoken to

other urban unitary authorities and they are forming joint forums with larger neighbouring shire authorities

- 1.8 The County Council is proposing to establish a LAF for the whole of the county excluding the city. However it is felt that it would be beneficial for the City Council to be part of the Leicestershire (LAF) which is to be established before the end of July 2003. The City Council has been invited to comment on the County Council's proposals and will be stressing the benefits of having a combined (LAF). Many user groups on the Leicestershire and Rutland Rights of Way Advisory Group support the City Council on this issue. The issue of a Leicester LAF will be the subject of a further report.

FINANCIAL, LEGAL AND OTHER IMPLICATIONS

1. Financial Implications

The work on public rights of way is funded from the ER&D Revenue budget, the Highway Maintenance budget and supported by a one off grant from the Countryside Agency of £15,000 over 2 years (2002 & 2003). Additional funding has been provided with an allocation through the Environment Protection and Cultural Services block for the 2002/03 SSA settlement. Kate McGee has been consulted.

2. Legal Implications

When the City Council became the highway authority in 1997 it acquired a duty to produce the Definitive Map of public rights of way in the City area. The Countryside and Rights of Way Act 2000 requires the City Council to produce its Rights of Way Improvement Plan. In each case the City council could be challenged for failure to discharge these obligations.

Considerable consultation obligations arise in respect of both the Definitive Map and the Rights of Way Improvement Plan which will have resource implications.

The legal input required to meet the Milestone Targets is provided by a specialist external legal practice. Laura Roper of Browne Jacobson Solicitors, Nottingham has been consulted.

3. Other Implications

| OTHER IMPLICATIONS | YES/NO | Paragraph Within Supporting information | References |
|-------------------------------|--------|---|------------|
| Equal Opportunities | yes | 1.4, 1.7 | |
| Policy | yes | 1.2 | |
| Sustainable and Environmental | yes | 1.4, 1.7 | |
| Crime and Disorder | no | | |
| Human Rights Act | no | | |
| Elderly/People on Low Income | yes | 1.7 | |

4. Background Papers – Local Government Act 1972

Letter from DEFRA dated 19th September 2001
Countryside Agency

5 Consultations

Cycling and Walking Officers Highways and Transportation Division
Countryside Agency
Leicestershire County Council

7. **Report Author** - Ed Kocik Ext 6600