



PUBLIC RIGHTS OF WAY IMPROVEMENT PLAN (RoWIP) REVIEW 2016

This document outlines the timetable, the assessments to be made, and how the authority will deliver and fund the review of the existing Rights of Way Improvement Plan.

Final August 2016 R Rourke

The Review of the “Rights of Way Improvement Plan” (RoWIP) for Monmouthshire

Background

1. In October 2007 Monmouthshire County Council published its Right of Way Improvement Plan (RoWIP). This plan is the means by which Monmouthshire County Council identifies, prioritises and plans for improvements to the Access available in the County. The plan sets out the priorities and objectives for countryside access since 2007 and has provided the basis for all rights of way work.
2. Legislation now requires that we review the plan and publish another. This report examines what we need to do, how it will be funded and a timetable for the review. Welsh Government Guidance can be found here:
<http://gov.wales/topics/environmentcountryside/consmanagement/rights-of-way-and-wider-access/rights-of-way/?lang=en>

Review Requirements

3. Section 60 of the Countryside and Rights of Way Act 2000 requires the Authority to make new assessments as specified in the act, review the existing RoWIP and decide whether to amend it. The assessments are:
 - An assessment of the extent to which local rights of way meet the present and likely future needs of the public,
 - The opportunities provided by local rights of way for exercise and other forms of open air recreation and the enjoyment of the County.
 - The accessibility of rights of way to blind or partially sighted persons and others with mobility problems.

The plan must also contain a statement of the action the authority proposes to take for the management of rights of way, and for securing an improved network of rights of way, with particular regard to the matters dealt with in the assessment.

4. In addition the Welsh Government RoWIP Guidance requires assessments on:
 - The condition of the row network and its record (Definitive Map and Statement) and NRW require information on records of limitation and the processes in place for authorising this.
 - Publicity and management
 - Resources available to meet people’s needs
 - An evaluation of the degree to which the current RoWIP has been delivered
 - Opportunities to contribute to Active Travel objectives
 - Opportunities to contribute to Well-Being objectives
 - Opportunities to contribute to The Equality Act 2010
 - Opportunities to deliver other plans and objectives.

- A review of policy statements
5. “Local Rights of Way” is defined to include all rights of way shown on the Definitive Map, all other footpaths, bridleways and all cycle tracks not at the side of carriageways. We are also able to extend the scope of the plan to include Access Land and other provision which is important in our area.
 6. The new RoWIP is required to have “Delivery Statements”. These will be reviewed every year to show progress of tasks within the RoWIP and also to identify the tasks that will be undertaken every year. This will provide a way to keep the document up-to-date and for progress to be monitored.
 7. Another difference is that we are required this time to include within Monmouthshire’s ROWIP all of the area in Monmouthshire that falls within the Brecon Beacons National Park (BBNP). There will therefore be a need for a sub group, or for both Monmouthshire’s Local Access Forum and the Brecon Beacons Local Access Forum to meet together at the appropriate stages of this review. Alternatively should the BBNP Authority decide to review their own RoWIP at some point than we would work closely together to ensure that both RoWIPs are compatible and based on the same evidence.
 8. There will also need to be revision and discussion about expanding Monmouthshire’s policies such as Least Restrictive Access and methods of working (i.e. Monmouthshire’s Prioritisation system) into the National Park. This can be done as part of the assessment work.

Consultation and Public Participation

9. The final revised improvement plan must enjoy broad support from all interested parties. This requires that all such parties have appropriate opportunities to contribute and guide the review process. A list of consultees will be prepared and publicity will take place to ensure that all those who wish to be involved are consulted at each stage.
10. Statutory Consultees will include all Town and Community Councils, Brecon Beacons National Park, Wye Valley AONB, each local highway authority adjoining Monmouthshire and their Local Access Forums, Monmouthshire’s Local Access Forum, Natural Resources Wales, all statutory groups that receive legal orders and local User Groups.
11. Consultation with wider interests needs to occur at two separate stages of the plan development process.
 - At the outset (stage 2), to inform people of the process and to invite contributions
 - At Stage 5, to consult on the draft improvement plan.
12. Monmouthshire’s website will be used to make all relevant assessments, drafts etc. available to the public. The Authority will also publish in at

least two local newspapers notice of how the draft can be inspected and how representations can be made.

13. A copy of documents will also be available for free inspection at all reasonable times at County Hall. A copy of the draft RoWIP and assessments will be available for download or on payment of a reasonable charge for printed versions. All reports will be available free of charge in other formats (such as audio) on request. All consultation documents will also be in Welsh as per Monmouthshire's Welsh Language Policy.
14. Monmouthshire's Local Access Forum and Cabinet /Scrutiny Committee will receive reports on progress at various stages of the review.
15. This approach meets the legislative and Welsh Assembly Government requirements for participation and consultation.

Scope of the Improvement Plan Review

16. Significant changes have occurred since the publication of the current RoWIP, in terms of the way in which they are managed, funded and in legislation. There is now an even greater need to have clear, evidence-based and prioritised plan to target resources whilst giving the greatest public benefit by delivering across multiple policy areas and integrating with other services and partners.
17. The new Improvement Plan should therefore encompass countryside access in its widest sense. Doing so will produce a holistic plan that is not only able to address the rights of way network, but also access to the natural environment, health benefits, biodiversity & green infrastructure, sustainable transport (link to active travel plan), tourism and contribute to the wellbeing objectives / statement, Child Obesity and Creating an Active and Healthy Monmouthshire Strategies etc.

The Improvement plan review process

18. Although much of the existing RoWIP still works well, there is opportunity within this review to take a "fresh look" at what people want from the path network and plan their management around meeting this demand rather than simply maintaining the status quo.
19. For this reason the recommended approach is for Monmouthshire to conduct two separate (although related) areas of research:
20. A thorough and objective review of the present situation in terms of the extent, nature and quality of the path network and other access opportunity within Monmouthshire and the way that it is managed. This will include an assessment of the condition of the Definitive Map and its associated records (Modifications and Legal Orders), Maintenance and Enforcement issues. A review of the provision of information to the public and the wider societal benefits that the path network (and other

access opportunity) currently provides. It is suggested that most of this work can be carried out in house.

21. A study of the way that the current provision is being used, including the identification of shortfalls and missed opportunities, particularly from the differing perspectives of the various interest groups. The Welsh Government Guidance suggests that this work should extend to establishing unfulfilled demand for countryside access opportunity. Research therefore needs to encompass the “non-users” and “user” communities.
22. Some of this work may be done by workshops and questionnaires, but in order to meet the time frame elements may be contracted out. As much as possible this will be integrated with the wellbeing assessments and the development of the Creating an Active and Healthy Monmouthshire Strategy involving internal and external stakeholders.
23. Having completed these two areas of research, an evaluation needs to be made to establish the extent to which current provision and management meets existing and likely demand. More importantly perhaps, will be to establish what action is required where the existing and likely demand is not being met. This also has to have regard to the current RoWIP and how this has fulfilled these objectives which is another assessment that must be undertaken.
24. In addition as outline in paragraphs 3 and 4 other assessments will also be required. Mostly this is desk top work with the aid of lots of research and some consultation with appropriate organisations. It is important to note that throughout the assessments it will be necessary to engage with and have the assistance of an officer from the BBNP. They hold relevant documents and information about the National Park and also a review of their own RoWIP may more appropriately be undertaken by them rather than MCC Officers. The review may well bring up decisions to be made about how to integrate policies and management of the rights of way network that could need resolving before a draft RoWIP can be compiled.

Resource implications and timetable

25. The above provides a list of tasks which the Countryside Access team need to complete in order to review the first rights of way improvement plan for Monmouthshire.
26. It is difficult to estimate staff resources. Ideally a full time dedicated officer is required. However given the funding restraints that Monmouthshire currently has it is not possible to employ a specific member of staff. Instead the Principal Rights of Way Officer will undertake the majority of the work with assistance as required by other staff within the Authority and BBNP.

27. It is difficult to estimate the amount of resources required for the research. Most can be done by interrogating records such as the Countryside Access Management System (CAMS) and consultation. The Countryside Access budget will have to be reconfigured so that there is funding for costs such as printing, adverts, meetings etc. This amount is currently unknown but using our knowledge from the production of the current RoWIP it is estimated to be in region of £5,000. Additional funding sources will be sought from grants to contract out elements of the research that otherwise may be difficult to research with existing staff, or where it is thought best to seek a more independent view.
28. Subject to availability of resources it is recommended that the Improvement Plan review process commences as early as possible (September 2016).

Conclusion

29. Government signals the importance of the “rights of way improvement plan” by the fact that its development and review is still a statutory duty. The improvement plan review provides a major opportunity for Monmouthshire to thoroughly overhaul access opportunities and to ensure that it delivers countryside access that truly meets the present and future needs of users, landowners and other interests in a modern way, linking with wider policies and objectives and more partners.

Provisional Rights of Way Improvement plan Delivery timetable

| Task | Target date | Notes |
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| Stage 1 Briefing of Members establishing draft timetable etc. | September 2016 | 2016 Most intensive year in terms of background work and assessments required. |
| Stage 2 initial consultation | October – December 2016 | Target dates open to review according to committee cycles etc. However consultations have minimum period of 12 weeks and there is a 12 month time limit to publish a new RoWIP from the date a decision is made in stage 4 to compile a new RoWIP . Also the decision to review the RoWIP must be made within 10 years of the publication of the current rowip. |
| Stage 3 Carry out assessments | Ongoing from September 2016 | |
| Stage 4 Decision after Review assessments have been made (LAF /Scrutiny / Cabinet) | July 2017 (Legal deadline for Monmouthshire is October 2017 but it is sooner for BBNP). | |
| Stage 5 Prepare new Draft ROWIP and example delivery Statement | August/September 2017 | |
| Undertake Consultations on draft RoWIP12 weeks | October /December 2017 | |
| Assessment and revision of draft (LAF / Scrutiny/ Cabinet) | January/February 2018 | |
| Stage 6 Publish final plan and promote | March 2018 | |
| Monitor and prepare annual progress and delivery statements | ongoing | |

Rights of Way Improvement Plan Review delivery tasks and provisional timetable

30. This table endeavours to summarise tasks that will need to be undertaken and their resource implications for the successful review and publication of a revised RoWIP. It also includes a provisional timetable.

31. Inevitably this is informed guesswork. Some areas of work are described in greater detail and are also more prescriptive than other areas; this to some degree reflects the confidence with which we have been able to forecast work requirements.

32. In practice some tasks will become redundant and others will need to be introduced. Many organisations, individuals and groups will be required to participate. Assistance will be particularly sought from volunteers and the Local Access Forums groups to disseminate information, consider representations and to assist at events particularly during the autumn/winter of 2016 when assessments are being carried out.

| Task Group | Task | When |
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| Management and organisational Stage 1 Outline and timetable | <i>Discuss review of RoWIP with partner HA's.</i> <ul style="list-style-type: none"> ○ Identify lead officers etc within other authorities ○ Consultation with BBNP regarding how to deliver their part of the RoWIP and identification lead officer. ○ Consideration of how and when BBNP LAF needs to be involved in conjunction with MCC LAF. ○ Draft timetable and outline of process. Translation required ○ Go to LAF Agree provisional rights of way improvement plan timetable (and consultation list) ○ Brief County Councilors and other officers in MCC. ○ Establish web pages (within corporate area); publish outline and timetable for development of ROWIP in Monmouthshire in Welsh and English ○ Establish any terms of reference for review and any known changes. | Sept 2016 |

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| <p>First Stage Consultation</p> <p>MCC Management</p> | <ul style="list-style-type: none"> ○ Prepare a list of consultees and check this against the requirements of the legislation and the WG guidance. (seek LAF approval) ○ Consult (as per list) each LA adjoining us, each Town/Community council, BBNP, LAF, NRW, Statutory consultees for orders, such other persons which may be considered appropriate including internal stakeholders (social service, tourism, health board, Leisure, Highways etc.). ○ Ensure this report and any other information in the consultation letter is published on the web site after translation. ○ Go to Scrutiny committee ○ Publish review procedures and website in local newspapers and social media. ○ Set up procedure for acknowledging and recording responses. ○ At the end of the consultation period, collate and assess responses and prepare a report for discussion by both Local Access Forums. ○ Take on board the comments made as appropriate, including highlighting any issues which may subsequently need special attention and modifying if necessary the plan making process or timetable. ○ Publish a summary of the responses on the Monmouthshire web site. (Advertise on social media also). Update the timetable and rights of way improvement plan process as necessary. | <p>September</p> <p>October 2016 to December 2016</p> <p>Autumn 2016</p> |
| <p>Stage 3 The assessments</p> <p>ALL to be involved</p> | <ul style="list-style-type: none"> ○ Develop a reference list and collate appropriate documents to review opportunities to deliver other plans and objectives. ○ Consider opportunities to contribute to Well-being objectives and Obesity Plans ○ Consider, by consultations with relevant | <p>Ongoing from September 2016</p> |

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| <p>Volunteers and Laf's required to attend meetings/questionnaires etc.</p> | <p>groups/individuals/organisations , the accessibility of row to blind or partially sighted persons and others with mobility problems. This also gives the opportunity to review the GP referral scheme and health walks to consider how to expand and better manage this provision in the future. This could all be done in conjunction with the Well-Being and Future Generations development group.</p> <ul style="list-style-type: none"> ○ Prepare a "total access map" or consider use of additional information on our online mapping to show public the extent of access provision. ○ Consider the current RoWIP and what has been achieved and not achieved in a report. ○ Consider how prow could provide opportunities for Active Travel and how these routes link into the current PROW network. Also consult highways about other cycling issues. ○ Assess records and current progress in delivering a new Definitive Map and Statement. This will also consider, Legal orders, modification orders, "Lost Ways and 2020 deadline, anomalies and other types of record keeping such as CAMS. BBNP records also need to be interrogated. ○ Interrogate CAMS/ info held by BBNP to assess condition of the rights of way network. Identify and carry out additional surveys on ground as required. Also consider resources and enforcement issues. ○ Assess situation regarding policies for prow management and all types of Legal Orders including information on records of limitations. ○ Assess progress on current RoWIP and start identifying any changes ○ Assess Promotion and publicity ○ Assess resources and management of service to deliver all of the above ○ Establish method (questionnaires/survey/meetings) and carry out research into | |
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| <p>Stage 4 Review of Previous RoWIP</p> <p>Stage 5 Publish draft ROWIP and Second Consultation stage</p> <p>BBNP, MCC, LAF's</p> | <p>existing use (spatial and temporal) and issues for each of the key user types. This should also have particular regard for likely future needs of the public. Individual questionnaires to be published for community and town councils, businesses, general public, cyclists, walkers and horse riders. Surveys to be advertised in all types of media. Seek sponsored local prize for completing questionnaires to add to opportunities to advertise rowip review.</p> <ul style="list-style-type: none"> ○ Analyse responses and information from assessments. Publish on internet and prepare a report on the overall results from these assessments. ○ Formal decision to be made and published on whether to amend the RoWIP ○ Prepare draft rights of way improvement plan and get it translated into Welsh ○ Check the draft against the specific requirement of the legislation (sections 60, and 61 CRoW Act) and the WG guidance and remedy any omissions. ○ Discuss with LAF and Cabinet for endorsement Make necessary adjustments ○ Prepare a covering letter to go out with copies of the draft Improvement Plan and setting out consultation arrangements. Ensure a minimum of 12 weeks is allowed for responses. ○ Prepare covering letters to go with consultation document following same procedures as those used for first stage consultations. ○ Prepare formal notice for publication in at least 2 local newspapers stating how a copy of the plan can be inspected and how representations can be made. ○ Arrange for copies of the draft plan to be made available for inspection at the locations. | <p>End July 2017</p> <p>August/Sep t 2017</p> |
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| <p>Analysis and assessment of the second consultation responses</p> | <p>Ensure they will be available for whole of the consultation period</p> <ul style="list-style-type: none"> ○ Decide on the need for other consultation materials or measures (simple summary and “tick-box” voting form, public meeting, travelling exhibition, etc) and prepare or arrange these as necessary. ○ Ensure copy of the consultation document is posted on the web site ○ Arrange meetings with consultees as required ○ Keep list of consultees updated as necessary ○ <i>Distribute second stage consultation with the draft Improvement Plan when all arrangements are in place. Send out copies of the draft plan with letters inviting representations to be made. Publish notices in local newspapers, social media etc. Ensure copies of the plan are available for inspection at the locations specified in the notice.</i> <ul style="list-style-type: none"> □ Acknowledge receipt of responses, chase for replies, record responses for analysis. □ Identify any responses that are outside scope of the improvement Plan or can be dealt with by simple changes. Notify respondent and make changes as necessary. □ Consider where necessary the need to obtain clarification of the respondent’s views or the scope there may be for overcoming points of objection. In appropriate cases set up a meeting. Ensure that a note is made of any such meetings. □ <i>Prepare a report on 2nd stage responses for discussion internally and with LAF.</i> □ Publish the response report on the web site □ Management/Cabinet Member/LAF to make final decisions on potential amendments. A procedure for considering substantive objections should be agreed before the draft Improvement Plan is published. | <p>October-December 2017</p> <p>Ongoing to some extent from stage above, but to be completed by end February 2018</p> |
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| <p>Stage 6 Publish the final Improvement Plan</p> | <ul style="list-style-type: none"> ❑ Consider whether any of the changes that are to be made to the draft improvement plan are such that, had they been included in the original draft plan they would have given rise to significant objections. If necessary take advice on whether it may be necessary to re-advertise a second draft plan. ❑ Prepare a final text by amending the draft plan and delivery statements in accordance with agreed changes. ❑ <i>Publish the final plan</i> ❑ Write to all those who have contributed to the plan or made representations thanking them and enclosing a copy of the final plan. ❑ Consider the need to publish a notice in local newspapers or other means of publicising the completion of the RoWIP. ❑ Ensure copies of the plan are available for inspection on the Council's website, at the One Stop Shops, County Hall, libraries and that copies are available to anyone who requests one. | <p>March 2018</p> |
| <p>Stage 7 Monitor /update annual delivery statements</p> | <p>Monitor RoWIP and update Delivery Plans annually. Review again in 10 years.</p> | <p>Ongoing from publication</p> |