

**CABINET MEETING: 21 NOVEMBER 2019**

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**RIGHTS OF WAY IMPROVEMENT PLAN (ROWIP) 2020-30**

**STRATEGIC PLANNING & TRANSPORT (COUNCILLOR CARO WILD)**

**AGENDA ITEM: 13**

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**Reason for this Report:**

1. There was a legal obligation for all Local Authorities to make a 10-year ROWIP under Section 60 (1) of the CROW Act 2000. Cardiff published its 1st ROWIP in June 2008. Under section 60 (3)-(4) there is a legal obligation to review the 1st ROWIP, make a new assessment and decide whether to republish a new ROWIP; this should be done every subsequent decade.
2. There have been many legal and policy changes in the last 10 years, consequently Welsh Government (WG) issued guidance on what needed to be considered if a new ROWIP were made. Following due consideration of various legislative changes and an appreciation of current economic challenges, it was decided to produce a new Cardiff ROWIP for 2020-30.

**Background (*includes extracts from ROWIP 2020-30*):**

3. Cardiff has approximately 200 km/124 miles of Public Rights of Way (PROW) footpaths and bridleways, most are in the north and north-west of Cardiff (see map Appendix 3). Cardiff Council's PROW team are responsible for making sure the Rights of Way network is clearly mapped and the paths are maintained for safe use for the public to enjoy. In the built-up urban areas of the city, most other paths are pavements adjacent to roads (adopted highway), including shared use or segregated pavements for pedestrians and cyclists.
4. Cardiff's ROWIP 2020-30 sets out how the PROW team will identify, prioritise and plan improvements across the network for the duration. Proposals for managing Cardiff's PROW network are detailed in the Statement of Action Key Strategies and Key Aims (described below). These were identified as a result of the evaluation process and are important for the future management and improvement of Cardiff's PROW network. The Statement of Action sets out what we plan to achieve over the course of 10 years and will help to identify priorities in the Delivery Plan, which will be tailored to available finance and staff resources.

5. The ROWIP is split into 5 sections:
- **Section 1** gives an Introduction and background to the ROWIP and the Cardiff Public Rights of Way (PROW) network.
  - **Section 2** gives the reasons for making a new ROWIP for 2020-30.
  - **Section 3** gives details of the **New Assessment**, which looks at 3 main points:
    - reviewing ROWIP 1: 2008-18,
    - evaluating the current network
    - and evaluating the public's future needs and opportunities of the network.

When looking at the future needs, an extensive public survey was undertaken. Details of this and other consultation are include later in this report
  - **Section 4** outlines the Statement of Action for ROWIP 2020-30, which has 5 key strategies for the long term aims over the 10-year period as listed below.
  - **Section 5** The Key Aims provide a more detailed plan of the Council's priorities over the next 10 years, as listed below. These will inform the PROW team's Delivery Plan (annual work programme).

#### **Statement of Action – Details of ROWIP Sections 4 & 5**

6. The Statement of Action (SOA) is an overall 10-year outline plan of what we hope to achieve for Cardiff's PROW network. We considered all the information from the **New Assessment**, this helped identify the **5 Key Strategies** for the ROWIP 2020-30. These strategies inform the **12 Key Aims** and tasks for improvements and activities that will be considered over the next 10 years. The Key Aims will inform the **Delivery Plan** (Annual Work programme), which will have specific tasks that may change during the course of the year, while other tasks may also be put forward which will be dependent on availability of funding and staff resources.

#### **Key Strategies:**

7. The table below describe the **5 Key Strategies** to achieve over the next 10 years, based on outcomes from the **New Assessment**. A full assessment of each key strategy, SWOT analysis and its links to the New Assessment are shown in the full ROWIP document in **Appendix 1**.

	Key Strategy	Description
1	<b>Develop a more efficient management system for statutory Rights of Way work</b>	Management of the PROW network will be fully supported by the ongoing development and data input to the Council's Digital Management System (DMS). It will provide key outputs for managing, maintaining and reporting any issues on the PROW network and its inventory. This includes signage, path clearance, surfacing and any work needed to ensure paths are fully available and fit for purpose. It also includes the need to take into consideration ecosystems and access for all. This strategy is the overarching strategy and will link to strategies 2-5.
2	<b>Increase access for all, through network improvements</b>	This is based on the need to provide the least restrictive access to PROWs and any improvements to the network will have this as a driver for change. For example, existing stiles could be replaced with gates or gaps.
3	<b>Improve and promote the PROW network and outdoor activities</b>	Encourage and support the public to access the PROW network and green spaces across the city, through various promotional materials including electronic, on site information boards and printed leaflets.
4	<b>Preserve and enhance the PROW network and ecosystems</b>	Effectively manage and update the Definitive Map and Statement and any changes to the network such as diversions, extinguishments and creations. Any opportunities to improve the PROW network will be pursued, such as consideration of new projects (e.g. bridleways), strategic links (e.g. cross-border), ways to enhance existing paths (e.g. access for all – see 2 above) and consideration of ecosystems and seasonal work. These will be dependent on funding.
5	<b>Be responsive to new legislation, revised local plans and strategies and emerging land developments</b>	Over the next 10-year period there will likely be unforeseen events that affect the PROW network. These will be addressed through the Delivery Plans to ensure the network is maintained and managed responsively to changes in legislation, plans and strategies. Particular attention will be paid to PROWs affected by new land developments to ensure they are preserved and enhanced.

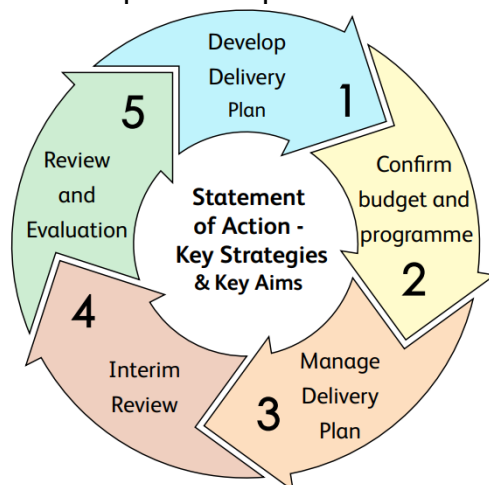
#### Key Aims:

8. The Key Aims provide a more detailed plan of how Key Strategies will be achieved over the next 10 years. These Key Aims have been specifically developed to inform the PROW team's Delivery Plan (annual work programme), which will have specific tasks and have sufficient flexibility to change during the course of the year depending on availability of funding and staff resources or changes in policy.

No.	Key Aims
1	Improved management and ongoing maintenance of the PROW network
2	Maintain an up-to-date Definitive Map and process Legal Orders
3	Enhance Cardiff's ecosystems along PROW routes
4	Install waymarking across the PROW network to help the public find their way
5	Support the Cardiff Local Access Forum and work in partnership with interest groups and volunteers
6	Identify and improve strategic links and accessibility of the network
7	Improve and increase the bridleway network
8	Protect and enhance paths within new developments and on private land
9	Publicise information online to help the public 'Report a Problem' on the path network
10	Maintain and improve the Wales Coast Path (WCP), liaise with NRW
11	Improve information about trails, places to visit, outdoor activities and events
12	Promote Codes of Conduct for the public to respect the environment and other path users

### Delivery Plans:

9. The Delivery Plan sets out short, medium and long term projects and work tasks which demonstrate how we will apply the **Key Strategies** and **Key Aims** over a specified period of time. These plans will complement the Statement of Action and Key Aims in order to allow the new ROWIP to be more responsive to changing circumstances (staff resource, funding, etc.) without losing sight of the Council's commitments. The diagram below shows how projects will follow an annual cycle of development, delivery and review. It is proposed that the first full delivery plan will be compiled and published for the 2020-21 period.



10. If approved by Cabinet, the ROWIP 2020-30 will be published and publicly available in December 2019. Professionally printed hard copies of the document will be available for review at community hubs and other Council buildings. Electronic copies will be freely available to download from the Council website, with photocopy prints at a nominal fee upon request.

## Issues

11. The first 10-year ROWIP was published in 2008. Welsh Government issued guidance in summer 2016 to Local Authorities to advise them about whether (and how) to make a new ROWIP. Cardiff Council's Public Rights of Way team took the view that the 1st ROWIP 2008-18 would need to be reviewed and a new ROWIP planned, however due to limited existing levels of staffing an additional temporary officer was required to undertake the task. The ROWIP officer was appointed in autumn 2017. The process of delivering the final ROWIP has progressed through several stages, resulting in publication of the ROWIP for the period 2020-30.
12. The ROWIP will provide a defined methodology for delivering PROW functions for the period 2020-30. As described above the ROWIP has been designed using the New Assessment to inform Key Strategies and Key Aims that provide a framework to establish annual Delivery Plans. However, as proposed the delivery plans will flex to suit the availability of funding and resource. At present the PROW team has two Officers managing and undertaking day to day tasks and two operative delivering cyclic maintenance and repairs. For the 2019-20 period there are two main revenue budgets:
  - i. **£10,600** – to maintain the Taff Trail, Rhymney Trail and Ely Trail for shared use with cyclists.
  - ii. **£6,770** – to maintain the PROW network (footpaths & bridleways) and carry out any improvement works.

The following grant funded projects exist:

- i. £40k – Aftercare funding to realign the Wales Coast Path (WCP) near the coast through Lamby Way landfill site (additional funding would be required to install a pedestrian crossing on Lamby Way Road to link to Parc Tredelerch and the onward route).
- ii. £4,366 (includes 25% Council contribution) – WCP Grant to clearly waymark the route and for general maintenance.
- iii. £40k Green Trails Bridle & Bike Network Project – A partnership project between 5 neighbouring local authority areas (Bridgend, Vale of Glamorgan, Cardiff, Rhondda Cynon Taff & Merthyr). Currently at the feasibility study stage; its aim is to produce a plan for the delivery of long distance horse and mountain bike trails linking bridleways and access across the five Local Authorities.
- iv. Approx. £60k Living Levels – A partnership project between PROW, Parks and other organisations (e.g. Bug Life, RSPB and Plant Life) to implement various projects to enhance biodiversity & habitats, access and education information.

## Local Member consultation – Consultee & Public Consultations:

13. The ROWIP Officer has attended regular Local Access Forum (LAF) meetings, informing them of progress regarding the ROWIP process. The LAF is a statutory advisory body created under the CROW Act 2000 (s 94-95). This is a group of appointed volunteers with a variety of interests in the PROW network, usually meeting quarterly. A ROWIP Sub-Group

(with several members of the LAF and neighbouring LAs) has been involved regularly. Various stakeholder groups and organisations were engaged during the ROWIP process as consultees, including current Councillors at key stages of the process (see Appendix A - consultee list at end of Draft ROWIP 2020-30).

14. **Initial Consultation** (issued 27.10.17); this was to inform consultees of our intention to review the current Rights of Way and to outline the process of delivering the new ROWIP.
15. The Next Stages phase of ROWIP (sent 16.08.18); included:

- i. **Review of 1<sup>st</sup> ROWIP**

- ii. **ROWIP Survey**; this was conducted between 10.04.18-14.10.18 and had 1,018 responses (Compared to 673 in ROWIP 1 in 2005). It was sent to:

- Consultees
- ROWIP web page
- Ask Cardiff web page
- Outdoor Cardiff web page
- on social media
- Internal face-to-face discussions
- hard copies available in Hubs and Libraries.

Lots of useful feedback was received; whilst there were pick lists for most answers, open questions were also asked where responders could comment freely. Comment topics included:

- maintaining paths
- clearing vegetation
- clear signage and
- more information on routes.

There were also several, often negative comments about shared use paths, most of which are not PROW; these have been discussed and shared with Transportation team for their consideration in future projects. For more information on the survey refer to **Appendix A** Section 3.3 of the draft ROWIP 2020-30.

- iii. The **New Assessment Report** links to ROWIP Survey and addresses the issues listed above in the 'Key Strategies' & 'Key Aims' in the ROWIP 2020-30.

16. **Draft ROWIP 2020-30** – This required a 12-week statutory consultation period, undertaken between 18.07.19-14.10.19 comprising of:

- Consultees were sent the draft on 18.07.19 (see list in appendix 5 of the Draft ROWIP in **Appendix A** of this paper) then:
- Public Notices (Echo & Western Mail) on 22.07.19
- on website (ROWIP, PROW & Outdoor Cardiff)
- internal posts (Staff Info, Digigov, Intranet) and

- Social Media campaign from 22.07.19
- Sent to 380 people who requested updates (from the ROWIP Survey)

Reminders were sent to consultees on 13.09.19. The consultation closed 14.10.19 and a press release (Echo & Western Mail) to remind people to respond was published approximately 1 week prior to this closing date.

17. **Website;** Background information and reports featured on our ROWIP page (and linked to PROW page), also Outdoor Cardiff.
18. **Social Media;** we have had regular posts at key stages on Twitter, Facebook & Instagram. We also conducted an Instagram photo competition with prize (organised by Comms); terms & conditions stated that submitted photos could be used on Cardiff Council publications and many will be featured in the ROWIP 2020-30.

### **Reason for Recommendations**

19. To provide Cabinet with the understanding of how and why the ROWIP 2020-30 has been produced and describe how it will shape delivery of the PROW service over the next 10 years.
20. In line with a statutory duty under the CROW Act 2000 section 60 (3)-(4) a New Assessment (see section 5 & 12 above) was undertaken with the outcome being the production of a new ROWIP (see point 1 & 2 above).

### **Financial Implications**

21. The financial implications arising from the implementation of the Rights of Way Improvement Plan (ROWIP) 2020-30 will be met from existing resources. The delivery of projects arising from the Plan will be dependent on the availability of funding, including but not limited to any Council match funding grant contributions, which will need periodic review before the Council enters into any financial commitments.

### **Legal Implications**

22. The recommendation asks Cabinet to approve the Rights of Way Improvement Plan. As indicated within the body of the report, the duty to produce and review the Rights of Way Improvement Plan is set out in the Countryside and Rights of Way Act 2000. The Welsh Government Guidance also requires that the Plan should address issues arising from the Well-being of Future Generations (Wales) Act 2015, the Active Travel (Wales) Act 2013, the Environment (Wales) Act 2016 and the Equality Act 2010.
23. It is understood from the report that the proposed Rights of Way Improvement Plan has been consulted upon. Consultation gives rise to a legitimate expectation that the outcome of the consultation will be taken into account in determining the way forward.

24. The decision about this recommendation must be made in the context of the Council's public sector equality duties. The Council also has to satisfy its public sector duties under the Equality Act 2010 (including specific Welsh public sector duties). Pursuant to these legal duties, Councils must in making decisions have due regard to the need to (1) eliminate unlawful discrimination, (2) advance equality of opportunity and (3) foster good relations on the basis of protected characteristics. The Protected characteristics are age, gender reassignment, sex, race – including ethnic or national origin, colour or nationality, disability, pregnancy and maternity, marriage and civil partnership, sexual orientation, religion or belief – including lack of belief.
25. The report identifies that an Equality Impact Assessment has been carried out and is appended to this report. The purpose of the Equality Impact Assessment is to ensure that the Council has understood the potential impacts of the proposal in terms of equality so that it can ensure that it is making proportionate and rational decisions having due regard to its public sector equality duty. The decision maker must have due regard to the Equality Impact Assessment in making its decision.
26. The Well-Being of Future Generations (Wales) Act 2015 ("the Act") places a 'well-being duty' on public bodies aimed at achieving 7 national well-being goals for Wales – a Wales that is prosperous, resilient, healthier, more equal, has cohesive communities, a vibrant culture and thriving Welsh language, and is globally responsible.
27. In discharging its duties under the Act, the Council has set and published well-being objectives designed to maximise its contribution to achieving the national well-being goals. The well-being objectives are set out in Cardiff's Corporate Plan 2019-22: <https://www.cardiff.gov.uk/ENG/Your-Council/Strategies-plans-and-policies/Corporate-Plan/Pages/Corporate-Plan.aspx>

The well-being duty also requires the Council to act in accordance with 'sustainable development principle'. This principle requires the Council to act in a way, which seeks to ensure that the needs of the present are met without comprising the ability of future generations to meet their own needs. Put simply, this means that Council decision makers must take account of the impact of their decisions on people living their lives in Wales in the future. In doing so, the Council must:

- Look to the long term
- Focus on prevention by understanding the root causes of problems
- Deliver an integrates approach to achieving the 7 national well-being goals
- Work in collaboration with others to find shared sustainable solutions
- Involve people from all sections of the community in the decisions which affect them

28. The decision maker must be satisfied that the proposed decision accords with the principles above; and due regard must be given to the Statutory Guidance issued by the Welsh Ministers, which is accessible using the



link below: <http://gov.wales/topics/people-and-communities/people/future-generations-act/statutory-guidance/?lang=en>

The Council has to be mindful of the Welsh Language (Wales) Measure 2011 and the Welsh Language Standards when making any policy decisions and consider the impact upon the Welsh language, the report and Equality Impact Assessment deals with all these obligations. The Council has to consider the Well-being of Future Generations (Wales) Act 2015 and how this strategy may improve the social, economic, environmental and cultural well-being of Wales.

29. Cabinet must be satisfied that the proposal is within the Policy and Budget Framework, if it is not then the matter must be referred to the Council. All decisions taken by or on behalf the Council must (a) be within the legal powers of the Council; (b) comply with any procedural requirement imposed by law; (c) be within the powers of the body or person exercising powers of behalf of the Council; (d) be undertaken in accordance with the procedural requirements imposed by the Council e.g. Council Procedure Rules; (e) be fully and properly informed; (f) be properly motivated; (g) be taken having regard to the Council's fiduciary duty to its taxpayers; and (h) be reasonable and proper in all the circumstances.

30. Equality impact assessment included in **Appendix B**.

### **HR Implications**

31. There are no HR implications for this report

### **Property Implications**

32. No immediate property implications are anticipated from the Rights of Way improvement Plan (ROWIP) 2020-30.

Any future requirement to use Council land or property to deliver the objectives of the Rights of Way improvement Plan (ROWIP) 2020-30 should be done so in accordance with the Corporate Property Strategy, Council's Asset Management process and in consultation with Strategic Estates and relevant service areas.

## **RECOMMENDATIONS**

Cabinet is recommend to approve the Rights of Way Improvement Plan (ROWIP) 2020-30 for publication and as the service delivery template to manage and improve Cardiff's Public Right of Way network over the next 10 years.

<b>SENIOR RESPONSIBLE OFFICER</b>	<b>ANDREW GREGORY</b> Director Planning, Transport & Environment
	15 November 2019

*The following appendices are attached:*

**Appendix A** – DRAFT final Rights of Way Improvement Plan (ROWIP) 2020-30

**Appendix B** – Equality Impact Assessment (4.C.400)

**Appendix C** (see below) – Map showing Cardiff Public Rights of Way Network

*The following background papers have been taken into account:*

See link to [ROWIP web page](#) for background information and various related documents.