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### Rights of Way Improvement Plan (ROWIP) Review

### Stage 2: Initial Consultation Document

### Cardiff Council

Cardiff Council gives notice of its intention to make the first decennial review of its first **Rights of Way Improvement Plan (ROWIP)** and seeks comments on the outline of process, terms of reference and timetable (to follow), in order to fulfil the statutory requirements of [section 61 of the Countryside and Rights of Way Act 2000](http://www.legislation.gov.uk/ukpga/2000/37/section/61).

1. **Background to Rights of Way Improvement Plans (ROWIPs)**

Cardiff Council has a Public Rights of Way (PROW) network of approx. 200 km, consisting of footpaths, bridleways and restricted byways. In addition, there are several sites and routes that provide access opportunities in Cardiff such as permissive paths, green lanes, cycle tracks, parks and common land.

In June 2008, Cardiff Council published its first ROWIP; the purpose of it was to provide a 10-year plan outlining how the PROW team would manage and improve its Rights of Way and access opportunities within that period.

In Wales, there were 23 ROWIPs produced. Now, almost 10 years on from publishing the first ROWIPs, local authorities must consider whether or not to amend them. Due to various legislative changes and economic challenges in the last 10 years, they are likely to produce new ROWIPs and publish them between 2017-19. Cardiff Council has decided to review theirs and publish a new 10-year ROWIP.

The first ROWIPs were subject to Welsh Government guidance in 2002, which outlined how the ROWIPs should be produced and the stages involved. These included; consultations with members of the public and various interested groups, review of relevant strategic documents, condition assessments of existing PROW network and a review of the Definitive Map.

### Outline of process for the new ROWIPs

The review and republication of a new ROWIP will be subject to updated [Welsh Government Guidance](http://gov.wales/docs/desh/publications/160711rights-of-way-improvement-plans-en.pdf) issued in July 2016. To summarise, this includes:

* Evaluating the delivery of the previous ROWIP
* Evaluation of the current condition of the PROW network and its legal record
* Addressing the statutory & supplementary matters (see page 3 below)
* Assessing public needs and identifying opportunities
* Preparing a new Statement of Action and Delivery Plans
* Developing & renewing delivery plans
* Publishing the draft of the new ROWIP
* Publishing the finalised new ROWIP
* Implementing the new ROWIP

**New ROWIPs will differ from earlier ROWIPs in the following ways:**

* **Statement of Action and Delivery Plans;** in the Annexes, the Delivery Plans will set out shorter term and flexible work plans that can be reviewed and changed when needed. New Statement of Actions (which will complement the Delivery Plans) will only include long term & strategic work plans for the 10-year period. *The first ROWIP had Statement of Actions which could not be changed without a review of the plan in its entirety.*
* **Evaluation of the first ROWIP;** The extent to which actions in last ROWIP have been delivered, with any outstanding or relevant actions taken forward.
* **Review of limitations & authorised structures;** The Welsh Govt. guidance includes a direction to review and provide a summary of limitations & authorised structures on the public rights of way network.
* **Links to new/updated plans and strategies** (ref Stage 4, point 2. a); Links to other plans and strategies developed since the first ROWIP, that refer to active travel (walking & cycling), outdoor access, health & well-being and transport. In Cardiff Council, these include; Capital Ambition, Corporate Plan 2017-2019, Liveable City Report 2017, Transport Plan 2015-2020, SEW Regional Transport Plan (2010), Cardiff Local Development Plan 2006-2026 (Adopted), Cardiff ‘What Matters’ strategy, Enfys (cycle network) and Active Travel Maps, City Deal, Walkable Neighbourhood Programme and Green Infrastructure Action Plan.
* **Focus on non-participants;** consider the needs of the wider public including those who currently do not participate in outdoor recreation regularly.
* **Focus on blind, partially sighted and mobility users;** more emphasis on taking into account the needs of blind or partially sighted people and those with mobility issues.

The following key pieces of legislation have also been enacted since publication of the first ROWIP will need to be given due regard and incorporated in the new plan:

1. [**Well-being of Future Generations (Wales) Act 2015**](http://www.legislation.gov.uk/anaw/2015/2/section/4/enacted)**;** Part 2, point 4focuses on 7 well-being goals: A prosperous Wales, a resilient Wales, a healthier Wales, a more equal Wales, a Wales of cohesive communities, a Wales of vibrant culture & thriving Welsh language, a globally responsible Wales..
2. [**Active Travel (Wales Act) 2013**](http://www.legislation.gov.uk/anaw/2013/7/contents)places a duty on Local Authorities to secure new active travel routes for walkers and cyclists, in order to promote active travel journeys. Welsh Government also gives a [Report](http://gov.wales/topics/transport/walking-cycling/activetravelact/?lang=en) on this Act.
3. [**Equality Act 2010**](http://www.legislation.gov.uk/ukpga/2010/15/contents)**;** this largely replaced the Disability Discrimination Act 1995 and specifies a number of ‘protected characteristics’ making it unlawful to discriminate against someone on those grounds. [Section 149](http://www.legislation.gov.uk/ukpga/2010/15/section/149) places a ‘public sector equality duty’ in carrying out its functions to give due regard to these principles, which should be fully incorporated in the new ROWIP.
4. [**Environment (Wales) Act 2016**](http://www.legislation.gov.uk/anaw/2016/3/contents/enacted)**;** Area Statements (section [11](http://www.legislation.gov.uk/anaw/2016/3/section/11/enacted)) developed under this Act
5. Whilst in place for the first ROWIP, the [**Local Government Act 1999**](http://www.legislation.gov.uk/ukpga/1999/27/section/3)Part 1, point 3 will need to be given due regard in the new ROWIP; Section 3 requires local authorities to secure continuous improvements and to consult service users.

### Terms of reference

The Countryside and Rights of Way (CROW) Act 2000 is the legal mechanism for the draft and review of ROWIPs (section 61). The review will be carried out by reference to the statutory and supplementary matters contained therein:

**Statutory matters:**

* The extent to which local rights of way meet the present and future needs of

the public, with plans to manage and improve them

* The opportunities provided by local rights of way for exercise and other forms

of open air recreation and the enjoyment of the authority’s area

* The accessibility of local rights of way to blind or partially sighted people and

others with mobility problems

**Supplementary/additional matters:**

* An evaluation of the degree to which the previous ROWIP has been delivered
* An evaluation of the present condition of the network and its record
* Opportunities to contribute to Active Travel objectives
* Opportunities to contribute to Well-being objectives
* Opportunities to contribute to the delivery of other plans and priorities

**We should also include:**

* Consideration of current & new planning proposals in regards to the

Local Development Plan (LDP)

* Consideration of any directives from Welsh Government in regard to current

or new consultations specifically re. PROW, e.g. ‘Improving opportunities to

access the outdoors for responsible recreation’, or other legislative changes.

### ROWIP Review Timetable

The timetable below sets out the stages to be followed to produce a new up to date revised ROWIP for Cardiff. It includes target dates by which each stage is to be completed and is broken down into various tasks.

Inevitably some tasks may change or develop as feedback and various views are considered, so target dates are open to review.

There will be 2 further consultations; during the New Assessment at stage 4 and the Draft new ROWIP at stage 5 (which must be for a minimum of 12 weeks).

At the end of stage 3, we will have 12 months to publish the new ROWIP. Once the new ROWIP is published, the Delivery Plans will need to be monitored every year to keep the document relevant over the next 10 yrs.

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| **Stages** | **Task** | **Target Date** |
| Stage 1 | **Planning Review**   1. Decision to review first ROWIP, consider staffing 2. Appointment of ROWIP Officer | April-May 2017  Aug-Sept 2017 |
| Stage 2 | **Initial Consultation** Issue Documents:  1. Prepare initial consultation document to include the background, outline, terms of reference and timetable for the new ROWIP using the WG guidance notes and Cardiff strategic plans 2. Publish to website for the public 3. Send by e-mail to the following:  * **Each Highway Authority adjoining Cardiff** * **All Community Council and Councillors in Cardiff** * **Local Access Forum (LAF)** * **Natural Resources Wales (NRW)** * **Statutory consultees for Public Path Orders** * **Relevant Cardiff Council internal Depts.** * **Any other local relevant or interested persons/groups/organisations Cardiff Council is aware of, or is made aware of by our consultees**  Review Responses:  1. Produce Consultation Response Report 2. If necessary, make amendments and finalise report | October 2017  November –December 2017 |
| Stage 3 | **Review of first ROWIP (2008-2018)**   1. Review and itemise the 16 Priority tasks and target actions achieved/not achieved in the first ROWIP 2. Assess the extent of delivery of previous ROWIP 3. Review previous ROWIP statement of action 4. Consider any feedback on first ROWIP from Initial Consultation in Consultation Report 5. Prepare summary report | October 2017 – June 2018 |
| Stage 4 | **New Assessment** Evaluation of the current condition of the network and its legal record  1. Assess the current condition of local Rights of Way network & access 2. Assess accuracy of records, including:  * Outstanding modification or public path orders * Record of limitations * Processes for recording and changing * Assess how information or advice is made available  1. Highlight any key issues  Evaluation of future needs & opportunities  1. Consider relevant studies/assessments/plans since first ROWIP publication (ref page 2), including:  * The Welsh Outdoor Recreation Survey * NRW’s Good for People Toolkit * Active Travel Maps * Local Well-being Assessments and Plans * Area Statements * Development Plans * Cardiff plans & strategies (Outlined on page 2)  1. Undertake various targeted consultation and stakeholder engagement:  * Consultation events with local communities * Engagement with a wide variety of groups & organisation including minorities  1. Produce evidence based summary of public need:  * Identify needs that exist, but are not being met * Consider plans that identify relevant needs * Other various/specific criteria; geographical areas, groups of people, high value improvements, etc. | April 2017 – August 2018  October 2017-August 2018 |
| Stage 5 | **Prepare Draft ROWIP**   1. Consider areas of previous ROWIP that require update or amendment 2. Produce revised Statements of Action 3. Develop Delivery Plan, link to Statement of Action 4. Prepare new Draft bilingual ROWIP 5. Publish to website, circulate to LAF and all contacts in or further to Stages 2 & 4 consultations 6. Prepare bilingual advertisement for notice of Draft ROWIP to be circulated in at least 2 local newspapers, local public venues 7. Conduct minimum 12-week public consultation 8. Amend draft plan further to consultation and inform LAF of amendments. 9. Agree procedure for dealing with any substantive objections. | December 2017 –  November 2018    Consult December 2018 – March 2019 |
| Stage 6 | **Publish Final ROWIP**   1. Ensure all agreed amendments to draft plan and annexed ‘Delivery Plans’ made. 2. Place final copy on deposit at principal offices 3. Provide copy of new ROWIP on website 4. Send notice of completion to relevant parties 5. Undertake any other appropriate publicity | By end June 2019 |
| Stage 7 | **Set up on-going monitoring procedure**   1. Regularly check work against Delivery plans 2. Review and update new ROWIP Delivery plans against actions achieved/not achieved annually 3. Review full ROWIP again in 10 years. | 1. On-going  2. June 2020, then annually  3. 2027-29 |

Comments regarding the above outline process to deliver the new ROWIP should be submitted to Tricia Cottnam by **Monday 06 November 2017** at this address:

**Tricia Cottnam, ROWIP Officer**

**Public Rights of Way Team (Room 301)**

**Cardiff Council, County Hall, Atlantic Wharf, Cardiff, CF10 4UW**

**Email:** [rowip@cardiff.gov.uk](mailto:rowip@cardiff.gov.uk)

***CONSULTEE NOTE: Please advise the ROWIP Officer if you know of any groups or individuals who would be interested in learning more about the new ROWIP and to be involved in any of our Consultations.***

**This document is available in Welsh / Mae’r ddogfen hon ar gael yn Gymraeg**

**Responses to this document are welcome in Welsh**{0>**Responses to this document are welcome in Welsh**<}0{>**Croesewir ymatebion i'r ddogfen hon yn Gymraeg**<0}