

NORTH LINCOLNSHIRE COUNCIL

**HIGHWAYS AND NEIGHBOURHOODS
CABINET MEMBER**

PUBLIC RIGHTS OF WAY CONFIRMED ORDERS

1. OBJECT AND KEY POINTS IN THIS REPORT

- 1.1 To advise the Cabinet Member of the success rate of Public Rights of Way Orders since 2001.

2. BACKGROUND INFORMATION

- 2.1 Public Rights of Way (PROW) Orders create, divert, stop up and/or modify the public rights of way recorded on the definitive map and statement. This is the legal record of where known public rights of way are located and any associated legal particulars that apply to them.
- 2.2 We make orders on the authority of either the Director of Places or the Planning Committee. We then publish notice of the order's making online, on site and in a local newspaper. Following a prescribed period for the lodging of objections and representations, we next either confirm the order ourselves, or if it is opposed refer it to the Secretary of State for the Environment, Food and Rural Affairs.
- 2.3 Any referral to the Secretary of State is made having secured the approval of the Planning Committee. However, modification orders, once made, must go to the Secretary of State; but members can, if they wish, alter the council's stance.
- 2.3 The Secretary of State arbitrates either by written representations, a hearing or an inquiry. The Planning Inspectorate then issues a decision letter on the Secretary of State's behalf. That is the end of the matter, unless someone seeks a judicial review.
- 2.4 We do not publish notice of modification orders if the order is linked to a need to modify the map after a creation, diversion or stopping up. These are legal event orders rather than evidential event orders. We used to make separate legal event orders as a matter of course. However, since 2008, when the law changed, we have tended to make combined orders. These take effect on confirmation.

2.5 We have made 258 orders since 2001. Of these, we had to publish notice of 116. As a result, we had to refer 18 to the Secretary of State. This led in turn to seven instances of written representations, four hearings and seven inquiries.

2.6 The Secretary of State has confirmed all but three of our orders. (And this is the case since North Lincolnshire Council's inception in 1996. No order failed till 2003. Nor has any order failed since 2009.) That rate can either be judged as 15 confirmations out of 18 or 113 orders out of 116. The latter is a confirmation rate of almost 96%. This is arguably the better indicator because it reflects the time officers take to liaise effectively with objectors and would-be objectors. Consequently, fewer orders reach the Secretary of State than might otherwise be the case.

3. OPTIONS FOR CONSIDERATION

3.1 To note the number of orders made and confirmed since 2001.

3.2 To note the success rate of orders referred to the Secretary of State.

4. ANALYSIS OF OPTIONS

4.1 The report is for information only.

5. RESOURCE IMPLICATIONS (FINANCIAL, STAFFING, PROPERTY, IT)

5.1 There has been a low level of additional expenditure. This is due to professional officers having responsibility for dealing PROW issues within the council. Had more orders been made that were questionable or defective, more inquiries would have ensued. An inquiry can typically cost between £1,000 and £3,000, depending on whether a barrister is required. Written representations are however cheaper, incurring the cost of staff time only.

6. OUTCOMES OF INTEGRATED IMPACT ASSESSMENT (IF APPLICABLE)

6.1 Not applicable.

7. OUTCOMES OF CONSULTATION AND CONFLICTS OF INTEREST DECLARED

7.1 Not applicable.

8. **RECOMMENDATIONS**

- 8.1 That the Cabinet Member notes the council's successful performance in dealing with Public Rights of Way Orders.

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Background Papers used in the preparation of this report: None