

Environment Scrutiny Committee 28 February 2011

Public Questions received relating to Agenda Item 6 – Update on Public Rights of Way – together with written response.

From Mr Everitt

Question. I would like the Committee to consider whether or not the continuing service given to Definitive Map Modification Order applicants is so poor that it should be referred to the Cabinet and Full Council.

Background to the Question

Definitive Map Modification Orders are commonly referred to as DMMOs. The background to my request is:

The DMMO topic was discussed by the Community Services Scrutiny Committee in December 2008 and again in June 2009. It was also discussed by this Committee in July 2010 and is part of the Public Rights of Way Report you are looking at today.

Paragraph 6 of the Report before you states that there are 83 DMMOs awaiting determination. Last year it was 85, in June 2009 it was 82 and December 2008 it was 97. More historically, a Price Waterhouse audit report in July 1995 stated that there were only 106 DMMO applications awaiting determination or in work in the whole of Herefordshire and Worcestershire combined. Today there are 105 in Herefordshire alone!

Last July you were told that there was a legal requirement to determine DMMO applications within 12 months of receipt. What neither that Report nor today's Report tells you is that some of these applications date back to the early 1990s, ie 20 years ago, and that a significant number of them pre date 2000, ie they are more than 10 years old.

Today's Report also does not mention the anomalies situation which was briefed to you last July. You were told then that there was a backlog of more than 300 anomalies which were likely to require extensive research and in many instances a legal order to correct them. This is work which requires the same skills and expertise as the DMMO work.

However, in spite of this huge and longstanding backlog of work, today's Report advises you in paragraph 7 that two more tasks have been placed on the DMMO team. Thus it is necessary to reduce the forecast DMMO output this year. Moreover, today's Report also notes that the proposal made to you last July to free up staff from the Highways Act task for the DMMO task is now not necessary. In this context I suggest it is pertinent that the Council has discretion about undertaking the Highways Act task but a 'duty' to undertake the DMMO task.

In conclusion, I suggest that these various figures show that the Council is doing no more than maintaining the status quo of a DMMO situation that has been unacceptable for many years.

Today the officers are asking you to note their Report. This is the same recommendation that has been made and accepted by three Scrutiny meetings since 2008. However such past endorsements do not seem to have improved the service to

DMMO applicants and this is why I am suggesting consideration at Cabinet and Council level should be recommended.

Response. *Comment by the Chairman and the Cabinet Member – Highways and Transportation, are noted in the minutes. The Cabinet Member is fully aware of the issues and in this context there would seem to be no merit in referring the issues to Cabinet or Council at this time.*

From Mr. Lee

Question 1. Bridges! The poor condition and the ever growing number of “Temporary” closures (which are 6 month or longer – hardly temporary) are of very great concern. As stated in the July 2010 and February 2011 reports, Public Rights of Way provides considerable income to Walking Tourism bringing much needed income into the local economy, What positive actions are being put in place to resolve the grave bridges issues?

Response. *The condition of the bridge stock is recognised as an issue of concern. The Council’s Public Rights of Way Team has developed a programme of replacements and repairs that identifies the priority works for next financial year although this is always subject to change if we are made aware of works that may be required to other structures. However, it is unavoidable that some larger structures on less used paths will remain closed for the foreseeable future unless another way can be found of funding the required works. We are exploring working with the Ramblers and other volunteers to enable them to install ditch crossings and smaller structures on our behalf which will also go a small way to mitigating this problem.*

Question 2. In the Review report of 13th July 2010 there was mention in Para 17, of 300 Definitive Map anomalies. Some past anomalies have been resolved during digitisation of the Definitive Map leaving this 300 figure. I see no mention in the February 2011 report of how these 300 will be resolved. How will the remaining 300 items be resolved?

Response. *With regards to anomalies, we will continue to address these as and when the opportunity arises as part of our other work, e.g. PPOs - Humber Court bridleway HU4 is an example of this. We are also happy to work with the HLAf and others to develop solutions that can assist with this but we do not have the staff resources to proactively tackle all the anomalies in the short term.*

Question 3, In the Review report of 13th July 2010 Appendix C - PPI05 – PROW Standards. It was stated that a set of PROW Standards would be agreed between Amey and Herefordshire Council by 30th July 2010. Despite asking the question as to what these Standards are, at the Herefordshire Local Access Forum, these Standards have not yet been set. These Standards will apply and be measured from 1st July 2010. What are these Standards?

Response. *The standards are that all reported hazards should be made safe with within 48 hours and that all reported defects of category 1 routes should be cleared or on a work programme within 3 months. Both standards have been met for the relevant period.*

End