

**Herefordshire Local Access Forum
Public Rights of Way Manager's Report – 9 November 2016**

Public Path Orders

Highways Act diversions:

	May 2016 – October 2016
New enquiries registered	7
New full applications	7
Determinations (including rejected applications) & withdrawn / closed applications	5
Orders made	5
Orders confirmed (not confirmed):	9
Total HA files currently open as of 31/10/2016	26

Town & Country Planning Act diversions:

	May 2016 – October 2016
New enquiries (not yet registered as full applications)	3
New full applications	2
Determinations (including rejected applications)	2
Orders made	0
Orders confirmed (including not confirmed):	2
Total TCPA files currently open as of 31/10/2016	4

Closures

Temporary closures

	May 2016 – October 2016
Total new closures processed	9
Extensions to 6-month Orders processed	15
Paths currently closed as of 31/10/2016 (incl. Emergency closures)	18
Footpaths closed due to bridge defects as of 30/04/2016	13
Footpaths closed for more than 2.5 years	5

Modification Orders

		May 2016 – October 2016
1	No. of DMMO applications undetermined at 31/10/2016	90
2	No. of New DMMO Applications received in 6 month period ending 31/10/2016	2
3	No. of DMMO Applications determined in 6 month period ending 31/10/2016 – application rejected – application accepted	2
4	No. of DMMO Applications determined and awaiting order making at 31/10/2016	5
5	No. of DMMOs made in 6 month period ending 31/10/2016	2
6	No. of DMMOs made but not yet confirmed at 31/10/2016	5
7	No. of DMMOs confirmed in 6 month period ending 31/10/2016	1

Note: M259 removed not compliant to Sch 14.
M315 Cradley HW1980 LoS Application not included in figures.

Inspection and Maintenance

Total number of defects reported this financial year	769
Number of these defects cleared at time of report	466
Total number of defects cleared this financial year	785
Total number of outstanding defects at 31/10/16	1147

P3: As part of the new Public Realm contract, the P3 scheme has been reviewed, revised and extended and is now part of the wider revamped Lengthsman scheme which enables and encourages self-help by Parish Councils in resolving highways maintenance issues. Under the new model, 114 parishes have registered an interest in taking part in P3 in 2015-16, covering 2820km of PROW. Parishes are required to prepare a brief annual plan identifying routine works and improvement projects they wish to carry out and will be able to claim grant money quarterly in arrears. The new scheme will be monitored to evaluate take up and effectiveness.

Enforcement

This part of the report summarises enforcement activity May to October 2016 inclusive by incident type and enforcement action.

Obstructions & Nuisances

	May	Jun	Jul	Aug	Sep	Oct	Total
Inspections/Enquiries							
S 137 Highways Act – wilful obstruction	27	16	16	19	22	18	118
S 137A Highways Act – interference by crops	5	4	2	4	-	-	15
S 131A Highways Act – disturbance of surface	-	1	-	-	1	-	2
S 134 Highways Act - ploughing	1	-	1	-	-	-	2
S 146 Highways Act – duty to maintain stiles, etc.	1	2	1	-	2	14	20
S 154 Highways Act – overhanging vegetation	-	-	1	-	1	6	8
S 57 National Parks and Access to the Countryside Act 1949 – misleading sign	-	1	-	-	-	-	1
Total	34	24	21	23	26	38	166

These inspections/enquiries resulted in the following enforcement 'actions' being taken to resolve the matter reported. Whilst a small number of these issues are on-going with relevant landowners there are no cases currently under consideration of prosecution.

	May	Jun	Jul	Aug	Sep	Oct	Total
Enforcement 'actions'							
Verbal advice	8	3	2	3	3	2	21
Written advice	1	-	1	2	2	-	6
First stage enforcement letter (pre statutory notice/consideration of prosecution stage)	6	15	7	1	3	5	37
Remedial action using common law power	1	-	-	1	-	2	4
Total	16	18	10	7	8	9	68

Notices served on Herefordshire Council - Section 56 & 130 Highways Act 1980

During this period one S130A notice was served on HC alleging obstruction of path LR13 (Ledbury Rural). Following receipt of this notice Form 2 was served on the person responsible for obstruction and Form 3 was served on the person serving notice on council. A lock on a field gate was subsequently removed by a landowner, and overgrowth and up-growth has largely been removed.

Three S56 notices have been served on HC with all responded to within statutory time limits –

1. CW58, Colwall – no actionable defects
2. LX2, Leintwardine – parts of path lost to river erosion. Ongoing work with landowner with regard to diversion
3. LR13, Ledbury Rural – linked to S130A notice mentioned above.

Public Rights of Way Capital Schemes

2016-2017 Programme

PARISH	PROW	CAT	STATUS	PROJECT	CURRENT PROGRESS
Craswall / Llanveynoe	CZ45 / LV70	1	FP	ODP surfacing works	To be delivered by NPA.
Tedstone Delamare	TD6	3	FP	Bridge hazard to replace with 12m ABC.	Awaiting bridge supplier
Tedstone Delamare	TD4	3	BW	Surface and drainage work.	Complete
Tedstone Delamere	TD8	3	BW	Surface and drainage work	Complete
Winslow / Norton	WN10 / NT11	2	BW	Brick Bridge rebuild	Path reopened. Action deferred
Goodrich	GR21	1	FP	Steps replacement	Complete
Bosbury	BZ25	3	FP	Bridge replacement 8m ABC	Awaiting bridge supplier
Pembridge	PM26	3	FP	Brick arch bridge condemned - needs replacing / alternative	Completed – landowner fencing works
Brimfield	BF1	3	FP	Extend handrail and bankside revetment.	Complete
Kingsland	KL4/KL6	3	FP	Bridge replacement	Complete
Kingsland	KL26	3	FP	Bridge Replacement	Awaiting bridge supplier
Much Marcle	MM4	3	FP	Bridge replacement - 7m ABC	Awaiting bridge supplier
Whitbourne	WR25	3	BOAT	Surface works	Complete
Leintwardine	LX2	3	FP	Bridge Repair	Await approval of Natural England - Due early 2017
Aymestrey - Mortimer Trail link				Possible PPCO to create permanent link to Shobdon Woods replacing existing permissive path.	Under negotiation with landowner
Much Marcle	MM15a	3	FP	Bridge Replacement - 9m steel	Awaiting bridge supplier
Bodenham	BM7	1	FP	Steps and handrail replacement	Due early 2017
Breinton	BT1	1	FP	Clearance / levelling /surfacing	Under negotiation with landowner
Lower Bullingham	LOB9/10		FP	Footbridge over Red Brook c10-15m	Awaiting bridge supplier

Definitive Map Programme 2016/17

DMMO Ref	Parish	Date of Application	Description of Application	Position as at March 2016	Planned as at March 2017	Present Position
M032	Longtown & Llanveynoe	02/04/1997	Addition of Bridleway	Submitted to PINS	Confirmed / Resolved by PINS	Order to be confirmed by PINS as FP
M107	Mordiford	13/08/1992	Addition of Footpath	Submitted to PINS	Confirmed / Resolved by PINS	Order confirmed by PINS
M111	Fownhope	26/10/1992	Addition of Footpath	Submitted to PINS	Confirmed / Resolved by PINS	Order not confirmed by PINS
M112	Fownhope	26/10/1992	Addition of Footpath	Submitted to PINS	Confirmed / Resolved by PINS	Order not confirmed by PINS
M117	Fownhope	26/10/1992	Addition of Footpath	Submitted to PINS	Confirmed / Resolved by PINS	Order not confirmed by PINS
M179	Bridstow	05/06/1996	Addition of Footpath	Submitted to PINS	Confirmed / Resolved by PINS	Order to be partially confirmed by PINS
M138	Whitchurch	17/10/1994	Addition of Footpath	Submitted to PINS	Confirmed / Resolved by PINS	With PINS to determine
M208	Lingen	25/03/1998	Upgrade Footpath to Byway open to all Traffic	Submitted to PINS	Confirmed / Resolved by PINS	With PINS to determine
M209	Lingen	25/03/1998	Addition of Byway open to all Traffic	Submitted to PINS	Confirmed / Resolved by PINS	With PINS to determine
M210	Lingen	25/03/1998	Upgrade Bridleway to Byway open to all Traffic	Submitted to PINS	Confirmed / Resolved by PINS	With PINS to determine
M211	Lingen	25/03/1998	Upgrade Bridleway to Byway open to all Traffic	Submitted to PINS	Confirmed / Resolved by PINS	With PINS to determine
M212	Lingen	25/03/1998	Upgrade Footpath to Byway open to all Traffic	Submitted to PINS	Confirmed / Resolved by PINS	With PINS to determine
M213	Lingen	25/03/1998	Upgrade Footpath to Byway open to all Traffic	Submitted to PINS	Confirmed / Resolved by PINS	With PINS to determine
M214	Lingen	25/03/1998	Upgrade Bridleway to Byway open to all Traffic	Submitted to PINS	Confirmed / Resolved by PINS	With PINS to determine

M215	Lingen	25/03/1998	Upgrade Footpath and Bridleway to Byway open to all Traffic	Submitted to PINS	Confirmed / Resolved by PINS	With PINS to determine
M216	Lingen	25/03/1998	Addition of Byway open to all Traffic	Submitted to PINS	Confirmed / Resolved by PINS	With PINS to determine
M217	Lingen	25/03/1998	Addition of Byway open to all Traffic	Submitted to PINS	Confirmed / Resolved by PINS	With PINS to determine
M219	Wigmore	25/03/1998	Addition of Byway open to all Traffic	Determined	Order Made / With PINS	Order to be advertised
M219B	Wigmore	N/A	Addition of Restricted Byway	Determined	Order Made / With PINS	Order to be advertised
M232	Lingen	17/04/1991	Addition of Byway open to all Traffic	Determined	Order Made / With PINS	Order to be advertised
M264	Brockhampton	22/05/2003	Addition of Byway open to all Traffic	Determined	Order Made / With PINS	Awaiting HC decision to make Order
M310	Winforton & Willersley	18/02/2013	Addition of Restricted Byway	Determined	Determined / Order Made	Awaiting order making
M193	St Margaret's	15/08/1997	Addition of Footpath	Preparing Final Report	Order Made / With PINS	Order to be advertised
M228	Bosbury	04/11/1998	Addition of Byway open to all Traffic	Preparing Final Report	Application Determined	Awaiting order making
M253	Llanrothal & Garway	22/12/2002	Addition of Byway open to all Traffic	Researching	Determined / Order Made	Researching
M254	Llanrothal & Garway	22/12/2002	Addition of Byway open to all Traffic	Researching	Determined / Order Made	Researching
M256	Craswall, Cusop & Michaelchurch Escley	22/11/2002	Addition of Byway open to all Traffic	Researching	Determined / Order Made	Investigation complete
M316	Bodenham	28/08/2013	Addition of Footpath	Researching	Determined	Determined
M231	Bodenham	15/02/1999	Addition of Bridleway	Pending	Researching	Researching

M241	Tedstone Delamere	01/03/2001	Addition of Bridleway	Pending	Researching	Researching
M257	Llanrothal & Garway	22/11/2002	Addition of Byway open to all Traffic	Next in Reserve	Researching / Determined	Researching
M258	Llanrothal & Garway	22/12/2002	Addition of Byway open to all Traffic	Next In Reserve	Researching / Determined	Researching
M266	Goodrich & Walford	04/09/2013	Addition of Byway open to all Traffic	Next in Reserve	Researching / Determined	Researching
M269	Callow, Grafton & Lower Bullingdon	28/02/2004	Addition of Byway open to all Traffic	Next in Reserve	Researching / Determined	Researching
M274	Hentland & Peterstow	17/06/2004	Addition of Byway open to all Traffic	Next in Reserve	Researching / Determined	Researching
M275	Peterstow	17/06/2004	Addition of Bridleway	Next in Reserve	Researching / Determined	Researching