



Committee and Date

Council

19 December 2019

10.00 am

Item

Public

LOCAL GOVERNMENT ACT 1972, SECTION 101

PROPOSED DEFINITIVE MAP MODIFICATION ORDER TO UPGRADE FOOTPATH 18, 18Y & 18Z TO BRIDLEWAY STATUS AND THE ADDITION OF THREE BRIDLEWAYS IN THE PARISH OF WROXETER AND UPPINGTON.

DELEGATION TO TELFORD AND WREKIN COUNCIL TO INVESTIGATE AND MAKE THE ORDER ON OUR BEHALF

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1. Summary

An application to add and upgrade public rights of way on the definitive map affects routes which run within both Shropshire and Telford and Wrekin Council areas. Telford and Wrekin Council has agreed to investigate the whole claim and authority is sought to delegate the power to investigate and make a legal order to Telford and Wrekin Council under the Local Government Act 1972, Section 101.

2. Recommendation

It is recommended that Shropshire Council delegates the authority to Telford and Wrekin to publish the legal order for the connecting routes in Shropshire at the same time as those that are in Telford and Wrekin.

REPORT

3. Risk Assessment and Opportunities Appraisal

Human Rights Act 1998

The investigating authority will apply proportionality by weighing up the evidence both for and against the application and consider whether a proposal to make an order is the most expedient method of complying with the relevant statutory duties whilst at the same time complying with the duties under the Human Rights legislation by acting in the interests of the public generally without restricting individuals disproportionately or unnecessarily.

The investigating authority will be under the same obligation as this Council to balance its statutory duty under Section 53 Wildlife and Countryside Act 1981 to keep the Definitive

Map and statement up to date whilst considering the Human Rights implications of doing so.

4. Financial Implications

The Council has a statutory duty to keep the Definitive map under review and undertake the making of legal orders when required. Reasonable costs will be met by Telford and Wrekin Council. Shropshire may be asked to contribute to advertising costs should orders be published and provide officer support should any resulting orders require a public inquiry.

5. Background

In 2004 a formal application under the provisions of the Wildlife and Countryside Act 1981 was submitted to upgrade footpath 18 Wroxeter and Uppington to bridleway status and add a bridleway on the south western end of the Wrekin in Shropshire. At the same time a corresponding application for the linking sections in Telford & Wrekin was also submitted. Reference was also made to an earlier application dated 1999. In 2018 an additional application was made for routes across the Wrekin, but which also included those already listed under the earlier claims. Discussions between Officers at both authorities resulted in Telford and Wrekin offering to investigate all of the routes included in the applications across The Wrekin.

Officers are therefore recommending that the Council delegates the power to carry out the investigation, and subsequent making of any legal order/s, to Telford and Wrekin Council. This is considered to be the most practicable and efficient way of determining these cross border claims on the Wrekin

Under Article 11 of Shropshire Council's Constitution, *The Council or Cabinet, in order to promote the economic, social or environmental well-being of its area, may:*

(a) enter into arrangements or agreements with any person or body;

(b) co-operate with, or facilitate or co-ordinate the activities of, any person or body; and

(c) exercise on behalf of that person or body any functions of that person or body.

The power to delegate non-Cabinet functions (which these are) is reserved to Council under article 11.4.

This report is to delegate to Telford and Wrekin Council the investigation and determination of the claims affecting the Wrekin, in the interests of expediency, so that any orders, under the Wildlife and Countryside Act 1981 can be progressed. It is considered that progressing with the order/s will promote the economic, social and environmental well-being of the area.

6. Conclusion

The most expedient way to progress a formal application which affects two adjacent authorities is for one i.e. Telford and Wrekin Council to undertake the full procedure.

Cabinet Member (Portfolio Holder)
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Meeting, date: Report heading

Cllr Lezley Picton

Local Member

Cllr Claire Wild

Appendices

Appendix 1 – Plan showing claimed routes across The Wrekin
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