

Committee: **Scrutiny Committee for Communities, Economy and Transport**
 Date: **17 March 2014**
 Report By: **Director of Communities, Economy and Transport**
 Title of Report: **Rights of Way and Countryside Maintenance report**
 Purpose of Report: **To advise Scrutiny Committee on the work undertaken by the Authority's Rights of Way and Countryside Management Teams, and explain how the savings outlined in the MTFP will be achieved.**

RECOMMENDATIONS: Scrutiny Committee is recommended to:

- (1) Note the significant changes made to the Rights of Way and Countryside Maintenance Service in recent years;**
 - (2) Note the progress being made towards meeting the required saving targets as part of the Reconciling Policy, Performance & Resources process; and**
 - (3) Endorse the development of an East Sussex County Council Rights of Way and Countryside Maintenance Strategic Commissioning Strategy to examine options for the future management of the Rights of Way network and the remaining ten Countryside Sites.**
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1. Financial Appraisal

1.1 Following the departmental restructure in 2012 and subsequent savings from the Reconciling Policy Performance and Resources (RPPR) process the full year net revenue budget for the combined RoW and Countryside Maintenance Team in 14/15 is £572,000. Of this total, £440,000 is spent on the maintenance of rights of way and £132,000 on countryside maintenance. The RoW capital budget for 14/15 is £335,000.

1.2 The Rights of Way Access Team revenue budget for 14/15 is £223,200 (after savings).

1.3 As part of the RPPR process, funding for Rights of Way (RoW) and countryside site maintenance will be reduced. Savings described in the medium term financial plan for 14/15 are £60,000 from the RoW Access Team and £80,000 from the RoW and Countryside Maintenance Team in 15/16.

2. Supporting Information

2.1 During the period 2010 to 2012, the delivery of the Rights of Way and Countryside Maintenance functions was subject to a series of changes which have improved service delivery and achieved financial savings. During this period there was an overall reduction in team size of 27% and revenue savings of £384,000 were achieved. These savings were met whilst taking on the management of Seven Sisters Country Park and an extra 311 miles of RoW network in April 2011 due to the creation of the National Park. As a result of the reduced resources available, it has been necessary to reprioritise activities on routine maintenance on both countryside sites and the RoW network.

2.2 The Authority's RoW and Countryside Management functions are now delivered by two teams within Transport and Operational Services; the RoW and Countryside Maintenance team (RoWCM), and the RoW Access (RoWA) team. The RoWCM team undertake maintenance on the RoW network and countryside sites and oversee the management of the capital bridge/surfacing programme and 10 countryside sites owned or managed through an agreement with the landowner by the Council. The RoWCM team consists of 17 FTE, of which 4 are funded from the capital budget. The RoWA team leads on managing public enquiries and legal work, which includes enforcement, covered by RoW legislation. The RoWA team consists of 9.6 FTE.

2.3 The management of the RoW Network and countryside sites is now restricted to statutory and routine maintenance (see appendix 1 - Figures showing maintenance work undertaken 2012/13 & 2013/14), the management of public correspondence and essential advice to landowner and other stakeholders. The number of countryside sites maintained has reduced from 15 to 10 as a result of the required changes to service delivery that were implemented between 2010 and 2012.

2.4 The County Council, as Highway Authority, has a statutory duty to ensure that the RoW network of 2,000 miles is accessible and maintained (see appendix 2 for a summary of ESCC and Landowners responsibilities taken from the ROW Enforcement Policy). The County Council also has a duty to conserve the wildlife value of the 10 countryside sites, which include Country Parks and Local Nature Reserves and to ensure safe access for the public.

2.5 Two broad principal risks are identified to the authority relating to the carrying out of the maintenance function on ROW network:

- Non-faesence: A failure on the part of the authority to carry out its legal duties in terms of managing the maintenance of the ROW network in line with its statutory obligations.
- Mal-faesence: A failure on the part of the authority to execute works to the appropriate standard.

Further subsidiary risks include;

- Compulsion to act: Under the provisions set out in the Highways Act 1980, section 56, the County Council may be compelled to act to maintain a highway.
- Third party injury claims: Accidents can and do occur on the network and the absence of a regular programmed regime of inspection impairs the prospects of third party claims being successfully opposed.
- Corporate manslaughter: "The Corporate mind" is exposed to greater risk in terms of Corporate Manslaughter dependent on where investment is reduced.

The number of outstanding assets requiring repair/replacement, based on the rolling survey, is shown in appendix 3 – Asset Backlog

2.6 The changes to the service in recent years have been supported by the introduction of an asset management approach to the maintenance of our rights of way network. This is founded upon routine inspections of the network. The results of this survey, as well as public reports, are used to inform the RoW Asset Management system (RAM.), which is used to prioritise both planned and reactive maintenance work, and produces work programmes. The RAM has also helped to improve customer service by prioritising enforcement caseloads and enabling officers to be able to provide updates to stakeholders. (See appendix 4 - RoW Priority Statement.).

3. Comments/Appraisal

3.1 The RoWA Team's savings of £60,000 for 2014/15 will be achieved by a reduction of 1xFTE and increased income and charges (see appendix 5 – Detail of Increased RoWA Team Charges). Increased charges have been possible due to changes to legislation. The RAM has also enabled significantly better prioritising of enforcement work. These changes require a stricter prioritisation of requests for work to the RoW network. However, prioritised working and a much improved understanding of the RoW asset enables the team to work flexibly and adapt quickly to these changes and pressures.

3.2 The RoWCM Team's required savings of £80,000 for 2015/16 are proposed to be met through a review of our maintenance vehicles. This is possible through improved prioritising of maintenance work and changes to vehicle leases. Further savings have also been identified as part of a small staff restructure.

3.3 These changes should not have any significant negative impacts on the delivery of the current service. They are achievable as a result of becoming more efficient in how we use available resources within the service.

3.4 It is proposed that an East Sussex County Council RoW and Countryside Strategic Commissioning Strategy is developed to review the future management of the Rights of Way network and the 10 Countryside sites (appendix 6 & 6b) including the ESCC role in each. This will look at how the County Council will secure the best outcomes for our residents through understanding of need, matching supply with need and making the most effective use of all available resources, irrespective of whether services are provided in-house or externally. It is proposed that we consult on the draft strategy during autumn 2014.

4. Environmental Issues

To ensure that the County Council still undertakes its duty to conserve and maintain important wildlife sites that are designated Site of Special Scientific Interest (SSSI) and/or Local Nature Reserves (LNR) three of the sites (Chailey Common LNR, Ditchling Common Country Park and Ouse Estuary Nature Reserve) now have a 10 year Higher Level Stewardship Management Scheme agreed with Natural England. This provides annual grant funding to help conserve and maintain the assets and wildlife value of the sites.

5. Conclusion and Reason for Recommendation

5.1 It is recommended that the Scrutiny Committee notes the progress being made towards meeting the required future saving targets of £60,000 in 2014/15 and £80,000 in 2015/16, as part of the Reconciling Policy, Performance & Resources process.

5.2 The East Sussex County Council RoW and Countryside Strategic Commissioning Strategy will focus on outcomes not existing services and will ensure the best possible use of resources and configuration of services to ensure a balance of cost, health social and environmental benefits.

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Director of Communities, Economy and Transport

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Local Member: All

Appendix 1: Asset Maintenance Works undertaken 2012/13 & 2013/14

Maintenance Works Completed – 01/04/2013 – 25/02/2014

Maintenance Work (ROW & Countryside Sites)	Number
Signage installed	225
Gates and Stiles repaired/replaced on promoted routes	119
Bridges repaired/replaced 3m+	79
Bridges repaired/replaced 3m or less	54
Vegetation Clearance	98
Fallen/Dangerous Trees Cleared	506

Maintenance Works Completed – 01/04/2012 – 31/03/2013

Maintenance Work (ROW & Countryside Sites)	Number
Signage installed	453
Gates and Stiles repaired/replaced on promoted routes	108
Bridges repaired/replaced 3m+	57
Bridges repaired/replaced 3m or less	45
Vegetation Clearance	78
Fallen/Dangerous Trees Cleared	228

Examples of Asset Maintenance work undertaken



Bridge Works – White Bridge, Isfield



Surfacing – Vert Wood Byway



Before

After

Appendix 2: Summary of County Council and Landowner's Responsibilities

- The County Council is responsible for maintaining bridges, steps, signposts and path surfaces - including surface vegetation and trees.
- Landowners are responsible for maintaining stiles, gates and any vegetation to the side of a path. Landowners also have a responsibility to keep any Rights of Way crossing their land free from obstruction.

If a landowner is failing to meet their responsibilities (e.g. by not maintaining a stile) the County Council is either made aware via our rolling network survey or from public reports. Where such an issue is identified as a high priority for action, ESCC will work with the landowner to ensure that easy access along the path is reinstated. If necessary, ESCC also has a power to carry out physical enforcement work and reclaim any costs incurred from the landowner. This work is carried out in line with ESCC's Rights of Way Enforcement Policy. (A copy of which is available in the Members Room.)

Appendix 3: Asset Backlog

Outstanding Maintenance Work (ROW & Countryside Sites)	Number
Signage – replace/missing	4039
Gates repair/replace on promoted routes	165
Stiles repair/replace on promoted routes	199
Bridges repaired/replaced 3m+	35
Bridges repaired/replaced 3m or less	210

Surfacing is difficult to quantify in terms of backlog and resolution – primarily due to a wide variety of surface types on the network and extreme weather conditions resulting in a wide range of life spans. From the network survey a backlog of around 40km is currently known. At current investment levels, 2-4km can be improved annually.



Public Rights of Way management priorities

A main aim of East Sussex County Council's (ESCC's) Rights of Way Team is to protect and maintain footpaths, bridleways and byways. However, as there are over 2,000 miles of Rights of Way in the County, it is vital that we prioritise our work and deal with the most urgent public reports first. This note gives a brief outline of how the Rights of Way Team prioritises reports from the public.

Why does the Rights of Way Team need to prioritise public reports?

The Rights of Way network in East Sussex is approximately the same length as the road network. Table 1 (below) shows how many assets (stiles, gates, signposts, steps and bridges) currently exist on the Rights of Way network. This table is based on a rolling survey of the network which covers the whole county in three years. Please note that this table does not include other obstructions which may affect access.

Type of asset	Total number on Rights of Way in East Sussex*
Bridge	2,655
Gate	4,523
Steps	1,046
Stile	6,053
Signpost/waymarks	10,040

**Based on 2010/11 survey*

Managing such a large number of assets needs a prioritised approach. For example, the maintenance of stiles and gates is a landowner's responsibility so the County Council must first trace them to request repairs. Once a landowner has been contacted, the subsequent legal processes necessary to obtain repairs can then take a further 3 months.

We also aim to carry out work that benefits the largest number of path users and protects public safety as a priority.

How does the Rights of Way Team prioritise public reports?

When a report is received from the public, the Rights of Way Officer will assess how quickly a definite response is needed from ESCC. The Rights of Way Priority Statement (see Chart 1 below) details how public reports are prioritised. In summary, dangerous problems on the most popular paths are given the highest priority for inspection and resolution. (For example, a fallen tree hanging over a town-centre route to school.) Total path obstructions, where no alternative route is available, are also usually given a high priority, particularly on well-used or potentially useful paths.

At the other end of the scale, inconveniences (for example, minor problems where no risk is caused to the public) are regarded as a lower priority. This is especially the case where a suitable alternative route around the problem is available or if the path is not well-used due to its location in the Rights of Way network.

Low priority problems may range from minor overgrowth, a lack of waymarking or a historical problem that does not affect access – for example, a bridge in a slightly incorrect location.

The Rights of Way Priority Statement was formally adopted by the County Council in 2007 following consultation with the East Sussex Local Access Forum – an independent group which provides expert advice on countryside access issues.

How do we deal with high priority problems?

If we receive a report where public safety may be at risk, we will aim to inspect the path urgently. We will also look to resolve or remove any hazards as soon as possible so that the path can be used safely. In some cases, we may need to temporarily close the path to the public until safety issues are resolved.

Where a path is reported as being newly obstructed, we will refer to our network survey records and, if necessary, inspect as soon as possible. If there is no easy alternative route available to the public, then we will look to remove obstructions from the path – generally within 3-6 months of the first report. Please bear in mind that this timescale can vary due to legal processes.

How do we deal with lower priority problems?

Where a problem does not cause an immediate hazard or total obstruction to path users, any reports from the public are added to a database. This database allows us to record lower priority problems so that they can be resolved when the opportunity arises.

Reports of paths affected by cropping and ploughing

During the growing season, the Rights of Way Team receives more reports of cropped and ploughed paths than it can investigate and resolve. So, when a report of cropping or ploughing is received, it is added to our database. We then use these records to prioritise action against the most regular and persistent offenders.

Whilst we may not immediately respond to a report of cropping or ploughing, this information report still provides useful evidence that may allow action to be taken in the future.

Unavailable paths

Around 1% of the Rights of Way network in East Sussex is classified as 'unavailable.' Paths in this category have usually been historically obstructed by major issues (such as buildings or developments) or are affected by legal map problems. For example, a path finishing at a parish boundary with no continuation.

Due to the complexity of the problems affecting unavailable paths, reports relating to them are treated on a case by case basis and are not prioritised using the Rights of Way Priority Statement. For more information regarding unavailable paths, please contact the Rights of Way Team.

What happens when I report a problem?

At the time of your initial report, if it is a high priority, the Rights of Way Officer will try to give you an approximate timescale for inspection and resolution. If the problem is a lower priority and we will not be taking immediate action, then the Officer will explain why.

How can I report a problem or find out more about Rights of Way Priorities?

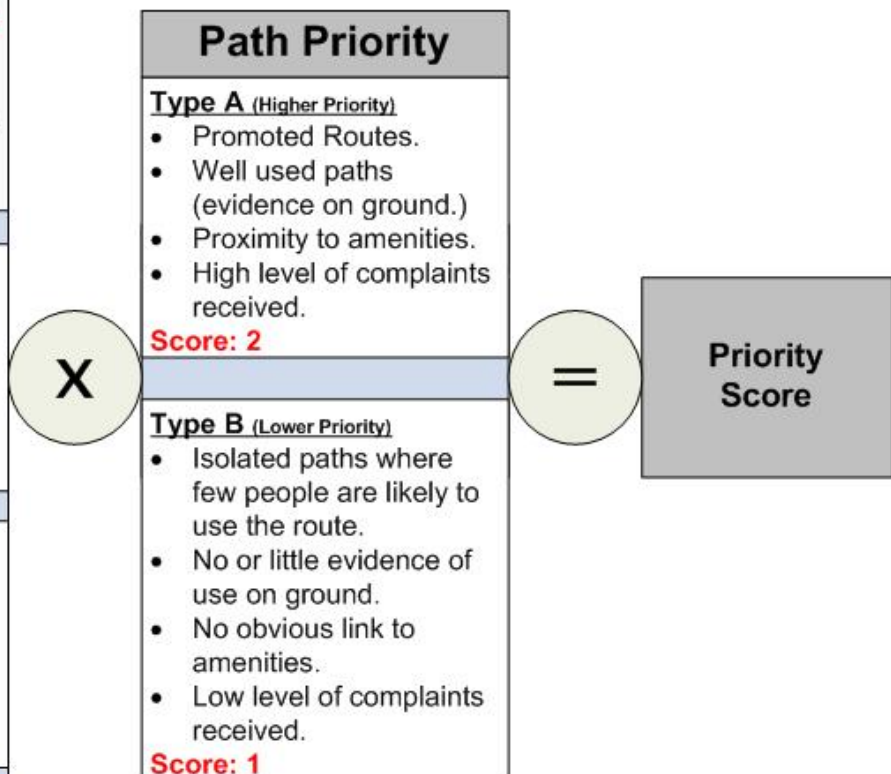
Contact the Rights of Way Team on tel: 0345 608193 or email: rightsofway@eastsussex.gov.uk or report a problem using our Fault Reporting system:

eastsussex.gov.uk/contactus/reportaproblem/streetproblem.htm

Chart 1 – Rights of Way Priority Statement

Rights of Way Priority Statement

Complaint Priority
<p>Health & Safety <i>(Highest Priority)</i> Danger to the public, posing a significant risk of injury or damage. Score: 10</p>
<p>Total Obstruction Furniture or surface inadequacies, obstruction or encroachments which prevent use by legitimate users and where a simple, easy to use deviation round the problem is not available. Score: 4</p>
<p>Difficult Furniture or surface inadequacies, obstruction or encroachments which make the path difficult to use by legitimate users. Score: 3</p>
<p>Inconvenient Furniture or surface inadequacies, obstruction or encroachments which make the path inconvenient to use by legitimate users. Score: 2</p>
<p>Minor <i>(Lowest Priority)</i> Issues which appear negligible in their impact on the public. Resolution of the issue will be sought if an opportunity arises. Score: 1</p>



How to calculate the Priority Score for a Rights of Way issue.

1. Choose a Complaint Priority which best fits the issue.
2. Choose a Path Priority which best fits the Right of Way on which the issue is situated.
3. Multiply the relevant Complaint Priority and Path Priority Scores. The result is the Priority Score.

Note: Officers retain the discretion to deal with issues regardless of the above prioritisation.

Appendix 5: Detail of Increased RoWA Team Charges – April 2014 onwards

Charge type	Individual charge	Estimated total income	Notes
New deposition charge - RoW & TVG	£320	£6-12k p/a	New income stream following introduction of legislation in Oct 2013
Common Land searches	£10	£10k-£14k	New income stream following Legal & P&RoW team changes
Increased income from temporary path closures	£220	£7.5k	Income for third-party path closures has increased over the years

Appendix 6 a- List of all Countryside sites

- Seven Sisters Country Park
- Ditchling Common Country Park
- Forest Way Country Park
- Chailey Common Local Nature Reserve
- Weir Wood Local Nature Reserve
- Ouse Estuary Nature Reserve
- Shinewater Park, Eastbourne (part managed)
- Riverside Park
- Cuckoo Trail
- Camber sand dunes

