

**Open Report on behalf of Richard Wills - Executive Director - Communities**

Report to: **South Lincolnshire & Rutland Local Access Forum, Mid Lincolnshire Local Access Forum**  
Date: **6<sup>th</sup>/19<sup>th</sup> April 2011**  
Subject: **Forward Work Proposals 2011 onward**

**Summary:**

A report as to proposals for future working on maintenance and enforcement issues for public rights of way in light of workforce change

**Recommendation(s):**

That the report be noted

## **1. Background**

Following the announcement of the Comprehensive Spending Review it has become clear that there will be a reduction of more than a quarter in the amount of Government grant allocated to local authorities in England over the next four years.

On 13<sup>th</sup> December 2010 the Government announced that the main general revenue grant funding for Lincolnshire County Council next year will be reduced by £26.7 m. A further reduction of £16.1m will be implemented in the following year. The reduction equates to 18% over the two years.

As a political body the County Council, must decide what it does that it can cease to do, scale down, or look for others to take on.

Workforce change proposals for the rights of way & countryside access service have now been finalised and it is clear that the service must evaluate its work within the terms of the preceding paragraph.

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## **2. Summary**

Officers who undertake maintenance and enforcement work on rights of way have met and, in evaluating the resource provision available, have put forward a number of proposals regarding how the maintenance role may be fulfilled in the future. A number of these proposals will have an effect on existing policies established in

either the 1980's or more recently in the "Milestones" policy documents of 1996 & 2000.

The Local Access Forum is asked to consider the proposals for the following areas of work:

- a) The RoW Priority System
- b) Service Standard Timescales
- c) Inspection Regimes
- d) Annual Condition Surveys
- e) RoW Enforcement Policy

### 3. Discussion

#### a) Rights of Way Priority System

The current priority system for Lincolnshire's rights of way was set in 1994 and was based on the following principles:

<b>Priority 1</b>	Recreational routes promoted by the County Council <u>or</u> entire paths included in the Parish Paths Partnership agreement.
<b>Priority 2</b>	Recreational routes published by other bodies and endorsed by the County Council or paths which serve (or would serve) regularly as a communication between centres of population or an important local route.
<b>Priority 3</b>	Paths less vital than those in 2 above or paths used seldom, or if at all, where there is no indication that there would be any greater significantly greater use if improvement works were carried out.

This system of prioritising rights of way was endorsed in both the Milestones policies of 1996 and 2000 and, although the system was often challenged in the 1990s the Local Government Ombudsman has thus far accepted that it is a reasonable system for the allocation of limited resources.

The main complaint regarding the system is that the majority of routes were logged as Pr3 and as a consequence no timescale was given for reported problems. Following an increase in the number of officers dealing with rights of way maintenance and enforcement in 2002, it was recognised that once a route was available for use with no significant problem the priority should be upgraded from Pr3 to Pr2 as necessary. As a consequence the majority of paths are currently logged as either Pr1 or Pr2 as can be seen from the table below.

<b>Priority</b>	<b>2000</b>	<b>2011</b>
1	22.4%	26.1%
2	21.3%	51%
3	54.2%	21.8%

Urban <sup>1</sup>	2.1%	1.1%
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<sup>1</sup>Urban paths were being reprioritised to either 1, 2 or 3. They had formerly been the responsibility of the Highways Dept rather than Recreational Services

Now that many more routes are available and in the knowledge that there is a diminished resource in terms of staffing and finance the County Council believes it prudent to review the logged priorities of paths and submit the following proposal for consideration and comment:

It is considered that Priority One routes ought to be redefined to include only those routes actively promoted by the County Council (current, leaflet-based, recreational walk routes, the Viking Way, Bridle Trails etc.) and as a consequence any routes allocated through the P3 scheme or as part of the older recreational walks series should be re-prioritised. It was also felt that only those sections of paths that are promoted should be classed as Priority One.

Priority Two status would be allocated to those routes to reflect higher usage or routes promoted by other bodies and specifically endorsed by the County Council. This would have the effect of ensuring that those routes considered to be of the *most* importance to the public will have the appropriate resources allocated.

The County Council has worked hard over the last decade to ensure that many routes have been made available and that the majority of path furniture is in a good, usable condition. As a consequence it is suggested that there be a revision of the lower priorities and that the Priority Three routes will include all the remaining available routes not prioritised as Pr1 or Pr2 and Priority Four routes will reflect those that require significant capital investment or have a particular legal problem and as a consequence will be resource intensive to resolve.

<b>Priority 1</b>	Routes actively promoted by Lincolnshire County Council (e.g. Viking Way, Bridle Trails, Recreational Walk Routes)
<b>Priority 2</b>	Routes that are known to be well used, predominantly close to settlements <u>or</u> routes promoted by other bodies and specifically endorsed by Lincolnshire County Council
<b>Priority 3</b>	All other available routes.
<b>Priority 4</b>	Routes that could only be made available by the significant investment of capital resources or requiring extensive legal work to resolve alignments and obstructions.

## **b) Service Standards Timescales**

In tandem with this alteration to priorities it is considered that the Service Standards Timescales should also be altered to reflect both the priority of the routes, the types of works that may be required and the time it may take to formally resolve any complaint to the Authority.

The timescales for commonly encountered issues were set at the same time as the priority of routes themselves.

<b>PRIORITY</b>	<b>Rights of Way Act Infringements (Ploughing &amp; Cropping)</b>	<b>Minor Obstructions &amp; Missing Signposts</b>	<b>Repair / Installation of Essential Bridges</b>
<b>1</b>	2 Months	3 Months	6 Months
<b>2</b>	3 Months	6 Months	12 Months
<b>3</b>	Work Subject to the Availability of Resources		

It is now considered that with the diminished available resource and increased numbers of available rights of way that these timescales are not sustainable .

It is therefore submitted that the following scheme should be adopted to reflect these points and to widen the scope of commonly encountered issues

<b>PRIORITY</b>	<b>Rights of Way Act Infringements (Ploughing &amp; Cropping)</b>	<b>Grass Cutting &amp; Vegetation Clearance (Subject to cyclical programme)</b>	<b>Path Furniture Repair and Minor Obstructions</b>	<b>New or Replacement Bridges</b>	<b>Essential Surfacing Works</b>
<b>1</b>	3 Months	2 Months	3 Months	Subject to size, location and resource availability	Works Subject to Finance and Availability of Workforce
<b>2</b>	4 Months	2 Months	6 Months		
<b>3</b>	Works Subject to Finance and Availability of Workforce				
<b>4</b>	Works only to be undertaken when major issues are resolved.				

These timescales are for guidance only and there may be times when it may not be possible to meet these service standards. In such instances the County Council will inform respondents as to the reasons why and what action is being taken. One such example could be where a request is made that vegetation and hedging needs clearing from the line of a right of way. Bearing in mind the Authorities obligations concerning protecting biodiversity stemming from the Natural Environment & Rural Communities Act 2006 and various other wildlife legislature it may be prudent to defer works until a more appropriate time providing that the route is not wholly obstructed.

It is also considered that in responding to a correspondent the Authority will provide a reason, where appropriate, as to why a service request cannot be met in a given

timescale rather than merely stating that the work will be subject to the availability of resources.

**c) Inspection Regimes**

One of the successes of recent years in reducing complaints regarding rights of way has been the proactive inspection regime enabling officers to undertake path audits and ensure repairs are made and issues resolved before they have a detrimental impact on users of rights of way. The audits have also enabled better asset management through the Countryside Access Management System software whereas records were not previously readily available. The inspection regimes also provide a defence against claims made in litigation.

To reflect the reduction in staffing it is submitted that the regimes will have to be altered and consideration also given to how best to involve the general community in inspecting routes.

Currently the regime is as follows:

Priority 1:	Annually
Priority 2:	One half of the network each year
Priority 3:	One third of the network each year although if substantial problems are found it is expected that they will not be re-inspected until these are resolved.

It can therefore be seen that the whole network should be inspected over a three year cycle although in the Highways (South) divisional area the sparse nature of the network allows for a greater frequency and all routes in that area are inspected annually.

The proposed alternative regime based on the possible new priority system is as follows:

Priority 1:	Once per annum alternately by Officers and by volunteers
Priority 2:	Split over two year cycle.
Priority 3:	Split over a three year cycle.
Priority 4:	When routes are programmed for reopening based on available resources.

It is possible as more community involvement schemes are progressed such as any potential “adopt-a-route” or “adopt-a-trail” that voluntary input into the inspection regimes may increase the frequency in which the routes are reviewed.

**d) Annual Condition Surveys**

The Annual Conditions Survey (formerly Government Best Value Performance Indicator 178) is conducted every May and November each year with 5% of the network randomly selected for each month. The data is currently collected by officers.

It is considered that at this time it is still of use to continue to collect the data even though, since the demise of BVPI178, there is no obligation to do so. The survey does highlight trends and priorities (e.g. ploughing and cropping) and will be used as an indicator as to the “health” of the network relative to the diminished resource available to maintain and develop it.

The County Council considers that requesting the assistance of user groups such as the Ramblers and also Local Access Forum Members in conducting the Annual Condition Surveys in May and November will incorporate the ideals of localism/“Big Society”.

In doing so there will be a reduced burden on divisional officers during survey months. It is felt that there would be a specific training requirement to ensure consistency and a resource requirement for potential mileage payments to be considered prior to implementing such a scheme.

#### **e) RoW Enforcement Policy**

With the disestablishment of the County’s three RoW Enforcement Officers the responsibility for carrying out this type of work will revert to the Senior Highways Officers responsible for rights of way in each divisional area. This will inevitably lead to a significant input of time on behalf of these officers as ploughing and cropping issues are the main factor in rights of way in Lincolnshire being unavailable.

The preceding sections have outlined how the staffing resources will be utilised and it is hoped that this will cover the extra input into enforcement the officers will have to make to ensure that Lincolnshire’s rights of way network remains in a good condition.

The RoW Enforcement Policy is also under review to ensure that it remains robust and practical and a full report on this specific area will be submitted to the Local Access Forums in the near future as part of the consultation process with relevant stakeholders.

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## **4. Conclusions**

The report has outlined a number of proposals that reflect the need for Lincolnshire County Council to approach its work in rights of way in a different way and the Local Access Forum is asked to consider these and provide advice to the Authority as felt appropriate. It is considered that this may best be achieved by the formation of a smaller “policy review sub-committee” of each LAF.

The Authority would be grateful for any comments on these proposals before 31<sup>st</sup> August 2011 at which time it will be necessary to put forward the proposals to the Highways & Transportation Management Team prior to submission to the Highways, Transport & Technology Scrutiny Committee which precedes the adoption of formal policy.

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## **5. Consultation**

### **a) Scrutiny Comments**

n/a

### **b) Executive Councillor Comments**

n/a

### **c) Local Member Comments**

n/a

### **d) Policy Proofing Actions Required**

n/a

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## **6. Background papers**

No background papers within Section 100D of the Local Government Act 1972 were used in the preparation of this report.

<p>This report was written by Chris Miller - Countryside AccessManager, who can be contacted on 01522 782070 or <a href="mailto:countryside_access@lincolnshire.gov.uk">countryside_access@lincolnshire.gov.uk</a>.</p>
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