

## **PUBLIC RIGHTS OF WAY – PERFORMANCE AND STRATEGY UPDATE**

**Report By: Director of Environment**

### **Wards Affected**

Countywide

### **Purpose**

1. To update members on progress of the rights of way strategy and provide a progress report on the key work programmes for the Public Rights of Way Service.

### **Financial Implications**

2. The public rights of way strategy will need to be delivered within the financial resources available for the service, but the strategy and this report highlight the severe pressures on service development and delivery imposed by current funding levels.

### **Considerations**

3. A report entitled “A Strategy for the Public Rights of Way Service in Herefordshire – Consultation” by the Director of Environment was presented to the committee on the 21<sup>st</sup> November 2003. An outcome following the consideration of the report was that members receive an up-date on the strategy and an indication on the way backlogs were being dealt with.

### **PERFORMANCE (ALL YEARS ARE FINANCIAL)**

#### **NATIONAL BVPI 178**

4. Herefordshire Council are required to carry out a 5% survey of the network in two, 2.5 percent surveys per year. The results of this survey makes up the National Best Value Performance Indicator No. 178, which indicates the percentage of paths easy to use and signposted from the road. Last year's (2003-2004) performance indicator result was 43.5%. The first 2.5% survey of this years performance indicator, carried out in May, was 41%. Overall the BVPI results have been rising by approximately 2% per year. The target for this year is 46%. Nationally, Herefordshire are near the bottom of the table with other unitary authorities. A note of caution needs to be raised, as most other unitary authorities are urban based.

#### **DEFINITIVE MAP MODIFICATION ORDERS**

5. There are two full time officers dealing with an increasing number of Definitive map modification applications. A recent seminar to elected members highlighted the extent of work involved in each application to modify the definitive map received. Currently there is a backlog of 109 outstanding applications, 62 of which are in the

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Further information on the subject of this report is available from Rob Hemblade,  
Public Rights of Way Manager, on (01432) 261981

south of the county and 47 in the north of the county. The numbers of new applications we are receiving is increasing with 7 new applications being received in 2003, and 9 new applications being received so far this financial year. This number is likely to increase rapidly as applications are submitted in anticipation of the closure of the definitive map and as the Countryside Agency's Discovering Lost Ways project is implemented.

6. 2 applications have been determined this financial year so far and 1 public inquiry has been held. Since 1998 the number of applications determined is low with only 8 applications being made up to April 2004. There are a number of factors involved, the primary ones being problems with staffing in other areas, which has meant the modification officers have needed to cover vacancies, and the acceptance of poor applications which has required excessive amounts of time being spent on individual cases. -It is intended that the backlog will be addressed in part by reviewing current procedures and statement of priorities and seeking rejection of a number of poor or non beneficial applications. The emphasis will be shifted to put more onus on the applicant to supply higher quality applications at the outset and an incentive to carry out detailed historical / user research. The target for modification order determinations this year is 8.

### **TOWN AND COUNTRY PLANNING ACT DIVERSIONS**

7. As part the planning process, the Council has the power to divert paths under the Town and Country Planning Act. So far this year we have received 4 applications. All TCPA applications are turned around within 6 months; therefore there is no backlog.

### **HIGHWAYS ACT DIVERSIONS**

8. There are 87 outstanding Highways Act diversion applications some of which are a number of years old. The diversion officer post was vacant for nearly 2 years. A new member of staff was appointed to the post in August 2003. However this same officer deals with temporary closure orders of which there have been 17 since April 2003, 7 of which have been in this financial year. In 2003, 3 applications to divert footpaths were received; so far this year we have received 9 new applications. Legislation will shortly be brought into force to extend the scope of diversion applications, which is likely to increase the number of applications being received.
9. Although no applications have been determined this year there are 4 orders are decision making stage. As set out in the strategy, the intention is to reduce the backlog of applications by revising the current policies and requiring applicants to carry out more initial preparation work. It is also proposed to seek rejection of a number of old applications which have become 'stuck' for one reason or another. The target for determinations this year is 10.

### **MAINTENANCE**

10. Since 1998, the rights of way service has received over 16,700 defect reports on public rights of way. In 2003 alone 5173 defect reports were received, of which 63.2% were cleared that year (defect remedied). So far this year, 2100 defect reports have been received of which 37% have been cleared to date. Although defect reports are carried over at the end of the year, figures are presented on an annual basis. As a guide of the 16,700 reported defects since 1<sup>st</sup> April 1998, 70% have been remedied.

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11. Some of the main causes of defects are obstructions caused by farming practises and waymarking. A new enforcement strategy is currently under consultation, which should address the farming issue, and a closer working relationship with parishes is being forged to increase the number of volunteers carrying out waymarking duties.

A good working relationship has been established with the new partnership, Herefordshire Jarvis Services, and there is a commitment on both sides to resolve issues. A new maintenance regime, involving greater use of programmed work, is being jointly developed to improve cost-effectiveness whilst maintaining a good level of service. The results of this regime will be monitored, in common with other maintenance services delivered through the partnership, and may result in a need for some minor reallocation of budgets in the future to take account of overall costs and the apportionment of any efficiency improvements.

### **NEW LEGISLATION AFFECTING PROW / BEING DEALT WITH PROW**

13. The Countryside and Rights of Way Act 2000 is a significant piece of legislation which is having a major impact on the service. Listed below are the main sections which are either currently being dealt with by PROW, or are expected to be.

#### *CROW Act Pt 1*

- Access Land Maps
- Owner / Occupier Liabilities
- Exclusion / restriction of Access
- Means of Access
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#### *Part II*

- Restricted Byways
- Extinguishment of Unrecorded rights of way
- Special diversions, creations etc
- Rights of Way Improvement Plan
- Obstructions
- Local Access Forums

14. Meeting these requirements will place additional workloads on the team. An additional member of staff has been recruited to assist with this, although further resources will be needed to fully implement the act.

### **SIGNIFICANT ACHIEVEMENTS**

15. There are a number of notable achievements, which the service has completed over the last year
- Production of draft PROW strategy
  - Production of draft enforcement Strategy
  - Extensive Rights of Way Improvement Plan consultation

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- First year of Herefordshire Local Access Forum
- Local member presentation on Modification orders
- Running of 3<sup>rd</sup> Walking Festival

### Budget

16.	<b>2003- 2004</b>	<b>2004 - 2005</b>
<b>Maintenance</b>	212,700	218,020
<b>Staff</b>	256,950	264,640 (To be revised)
<b>Other (bridges)</b>	30,000	30,000

### BENCHMARKING

17. Below are some key benchmarking statistics with other authorities. Herefordshire has an extensive rights of way network but commits significantly less resources than many other authorities. As a result of this the network is of a lower standard which in turn affects tourism, health and income.

	Herefordshire	Shropshire	Staffordshire	Warwickshire	Worcestershire
Length of Rights of Way	3358	5450	4000	2810	4391
No. of Staff (2003)(FTE)	12	13.2 (Has now been increased)	23.8	16	22.25
Budget inc Capital (C), Maintenance (M)	£212,000 (M)	£400,000 (M+C)	£197,000 (M+C)	£183,000 (M+C)	£320,000 (M)
BVPI 2002/03	41%	36%	49%	55%	59%
Modification order applications backlog (2002/3)	83 0 applications determined orders in 2003	71 41 applications determined in 2003	256	75	75 Not currently processing Modification order applications
Diversion Orders backlog (2002/03)	80 2 applications determined in 2003	60 31 applications determined in 2003	11	27	75 20 applications determined in 2003

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It should be noted that the benchmarking statistics were collated by the West Midlands Benchmarking club and have not been verified. Different authorities will have different ways of producing figures.

### **RIGHTS OF WAY STRATEGY - CONSULTATION UPDATE**

18. Extensive consultation has now been completed with many comments being received. As a result of those comments, one of the key findings is that many of the dates set against the objectives are too ambitious given current resource levels. One of the main changes in the strategy will therefore be to change the dates so they more accurately reflect resources. Generally the strategy has been well received by both landowners, general public and user groups alike.

### **CHALLENGES**

19. The main challenge is to integrate the Rights of Way Improvement Plan into the Local Transport Plan to ensure proper consideration of the strategic value of the network. This may enable access to capital funding through the LTP. A second challenge is to raise awareness of the economic and social benefits that can be derived from having a high quality public rights of way network. The recent restructuring should play a major role in moving towards achieving these two ambitions.

### **RECOMMENDATION**

**THAT the report is noted**

#### **BACKGROUND PAPERS :**

- **None identified.**