

UPDATE ON THE IMPLEMENTATION OF THE COUNTRYSIDE ACCESS STRATEGY 2014–18

To: SCRUTINY MANAGEMENT TEAM

Date of meeting: 26TH JANUARY, 2016

Notes of: NEIGHBOURHOOD SERVICES MANAGER

BRIEFING NOTES

Background

1. This report has been prepared to give members of the Committee an update on progress towards implementing the Countryside Access Strategy.
2. The Council's Countryside Access service underwent a full scrutiny review in 2012. The conclusion of the review was that the Council's Countryside Access Service represents good value for money for the people of Pendle whilst acknowledging that there are some limited areas for improvement. One of the recommendations of the review was that in renewing the Pendle Countryside Access Strategy the Council should focus on targets which are realistic and achievable in contrast to the more ambitious targets of the 2008-2013 Strategy.
3. The new strategy was devised during 2013 following the scrutiny review and Implementation of the strategy started in 2014.
4. The Council's Countryside Access provision recently experienced a significant change which became effective from 1st April 2015. From this date an agreement with Lancashire County Council for Pendle to carry out public rights of way management ended. The termination of the agreement included the cessation of annual funding for the function. By agreement the Countryside Access Ranger was transferred to Lancashire County Council and immediately made redundant under its' voluntarily redundancy policy.

Current Position

5. We set out four main objectives for the strategy. Our performance against these objectives has been as follows:
 - 5.1. **OBJECTIVE 1 We will deliver a countryside access service which contributes to our vision, and which is well balanced between delivering statutory and non-statutory functions.**

For some time we have been trying to set up a new agreement with Lancashire County Council (LCC) in order to establish a proper legal basis for Pendle Council to deliver the statutory public rights of way duties which would ordinarily be carried out by the highway authority (i.e. LCC). We have some powers as a district council but these are far from comprehensive. We are now considering use of a special provision within the Highways Act which would give us the power to maintain the rights of way network and recover our reasonable expenses from the highway authority.

This would be an acceptable alternative to a new agreement with the County Council to deliver the statutory elements on its behalf. Since 1st April 2015 we have worked on rights of way matters on an informal arrangement with the County Council's public rights of way team who have reimbursed the Council for its out of pocket expenses. This means that we have continued to investigate public rights of way issues that come to our attention within the district. This has been balanced against non-statutory elements of our service – most importantly the organisation of the Pendle Walking Festival held during August 2015.

5.2. OBJECTIVE 2 We will ensure that the work which we carry out provides for a significant element of income generation for the purpose of reducing the net cost of delivering the service.

We have continued to work on diversion applications received from landowners who have agreed to pay the costs incurred. We seek to ensure that if possible a diverted footpath is at least as good as, or better than the existing footpath so that we improve the network as well as generating income. We have also worked on a pilot project to work on 6 diversion applications on sites outside Pendle on behalf of Lancashire County Council. None of these applications have been completed so it is not yet possible to evaluate the success of this pilot.

5.3. OBJECTIVE 3 We will prioritise maintaining the existing network of public rights of way in a fit condition for public use, and enforcement action to protect the network, over improvements to upgrade existing paths or the creation of new public rights of way.

We have been able to take action in response to most requests received for public rights of way maintenance. The costs incurred have been paid by Lancashire County Council from their central public right of way maintenance budget. During the past year we received 242 reports and we have cleared 227. This has resulted in a small increase in the number of outstanding reports up from 73 to 90.

5.4. OBJECTIVE 4 Notwithstanding Objective 3 we will give careful consideration to any opportunities which arise to carry out public rights of way improvements.

We bid successfully for a number of improvement projects which have been funded a capital programme fund set up by Lancashire County Council specifically for public rights of way improvements.

6. The strategy includes a number of specific actions which are set out below together with our progress on implementation.

ACTION 1 We will keep a schedule of footpaths and bridleways which rely on existing drainage systems to prevent damage to the surface or muddy conditions.

This schedule has been set up and is working effectively.

ACTION 2 We will operate a system of routine inspection and clearance of drains for paths on the schedule.

We have set up a system which is now working effectively.

ACTION 3 We will limit summer vegetation clearance only to well-used paths where the work will have a significant impact.

We have updated our strimming list but have not yet started removing less important paths.

ACTION 4 We will investigate the costs and benefits of clearing vegetation by chemical spraying.

We reported last year that we had completed an investigation and will not be changing to spraying.

ACTION 5 We will attempt to recruit local walkers and riders to identify and report high priority issues affecting countryside access routes in their local areas.

The most effective group for reporting problems and defects are the walk leaders from the walking festival who are asked to report problems when they carry out recces for their walks. Apart from that we have not actively encouraged further reports this year because our capacity to deal with issues has declined with the loss of the Countryside Access Ranger.

ACTION 6 We will not pursue cases which have been reported to us if we consider that the issue is low priority, even if there has been valid report.

This approach is working effectively and means that we concentrate our efforts on the most important issues.

ACTION 7 We will assess faults objectively in accordance with the Fault Prioritisation Matrix

The priority matrix included in the strategy is working well. It gives us a consistent framework for assessing whether an issue is high priority if the score is in the green zone, medium priority (orange zone), or low priority (red zone). It has helped us to combine the factors of level of use of the path, the potential impact of resolving the issue, with the difficulty or cost of carrying out the work. There are a lot of issues which have been scored as 9 or 10, these are usually issues where extensive repairs are required but there is insufficient budget available to carry out the work required. These issues generally form the basis of bids made to the area committees for capital programme funding.

ACTION 8 We will resolve the highest priority issues first.

We are working on this basis.

ACTION 9 We will make use of site visits to check the provision of sign posting and waymarking.

We have set up a system to assess the level of waymarking during an initial site visit. The waymarking is assessed as not required, good, needs improvement or poor. The definitions are as follows:

Not Required: The footpath or bridleway is visible on the ground as a path along its entire length. This does not including footpaths or bridleways through farm yards or gardens (see Action 11 below).

Good: The next waymarker, or an easily identifiable footpath or bridleway structure (such as a bridge, stile or gate) can be seen from any point along the path in both directions.

Needs Improvement: Some waymarkers are missing or faded.

Poor: There is little or no waymarking and the path would be difficult to navigate without a map.

ACTION 10 We will waymark all new stiles and gates which we install.

This is being implemented.

ACTION 11 When we are waymarking public rights of way through farm yards and gardens we will install regular waymarks along the path.

This is being implemented.

ACTION 12 We will seek funding from area committee capital programmes for the use of “Fingerpost” sign posts signs at the junction of three or more footpaths.

We have been able to secure funding from Lancashire County Council for fingerpost signs so we have not been required to bid to area committees.

ACTION 13 For popular footpaths we will seek funding for road side sign posts which give a destination and distance.

We have not yet secured any funding for this.

ACTION 14 We will keep a schedule of non-definitive footpaths and bridleways which provide important links in the countryside, and record the extent to which we will maintain them.

We have completed work on the schedule of non-definitive paths.

ACTION 15 We will report on the progress towards achieving our strategy to the Countryside Access Forum and the Council’s Scrutiny Management Committee each December during the life of the strategy.

This is being implemented.

ACTION 16 We will continue to provide excellent customer service.

We have worked hard at keeping customers informed of progress

ACTION 17 We will make greater use of e-mail, and the Council’s Facebook and Twitter accounts to keep people updated on significant countryside access developments.

We have not made as much use of social media in the last 12 months than we had planned. We have recently improved our systems for this to ensure that we post more regularly.

ACTION 18 We will review the membership of the Countryside Access Forum and see if there are any other groups, or keen individuals who would wish to be involved.

The mailing list of the Forum has been reviewed within the last 6 months. All walking festival leaders are invited to take part.

ACTION 19 We will encourage greater liaison with town and parish councils.

We already have good links with a number of town and parish Councils but we not yet acted to develop links with the parishes where we do not currently have good links.

ACTION 20 We will play close attention to the needs of elderly and disabled people, and others with protected characteristics as defined by the Equality Act.

This is a legal requirement which we take very seriously. We do our best to make barriers such as stiles and gates easier for people to use. When landowners apply for rights of way to be diverted we ensure that any new stiles or gates which are applied for are specified as easily accessible gates.

ACTION 21 We will carry out a safety inspection of every path which we use when investigating new service requests.

A system for carrying out safety inspections during site visits is now well established. If we discover a hazard we carry out a risk assessment and prioritise any remedial work required accordingly.

ACTION 22 We will look for the most efficient and cost effective solutions to achieve our objectives.

We are doing our best to implement this action. We have worked with a number of farmers when carrying out maintenance work on their land. This has helped to reduce costs but it has been difficult to achieve the reliability in terms of timescale and quality that can be achieved with contractors. We continue to explore innovative ways of working.

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Background Papers: Countryside Access Strategy 2014 - 18

Date: 19th November 2015

Appendix A – Fault Prioritisation Matrix

The matrix below will be used to assess faults on the public rights of way network by using a scoring system. Priority will be given to the highest scoring faults.

Impact Assessment				
Popular path/ Big Impact	10	16	19	24
Moderate use path/ Big Impact	9	12	18	23
Popular Path/ Moderate Impact	4	11	17	22
Moderate use path/ Moderate Impact	3	7	14	21
Little used path/ Big Impact	2	6	13	20
Little used path/ Moderate Impact	1	5	8	15
	Larger contractor jobs/ Complex landowner negotiation	Minor contractor jobs/ Straight forward landowner negotiation	Practical jobs which may be carried out by the Countryside access service	Quick and Easy Jobs
	Difficulty/Cost Assessment			

High 16–24	Priority 1 issues – We would normally seek to deal with these cases without significant delays.
Medium 9–15	Priority 2 issues - We would seek to deal with these cases in order of priority, with the higher scoring cases first.
Low 1–8	Priority 3 issues - We would keep the details on file and only take action if the opportunity arose. If there had been a service request then the customer would be informed.

Impact Assessment – Definitions

Popular path	Popular paths would include most urban ginnels, promoted routes and other important rural paths.
Moderate use path	Would include the majority of rural paths which we would expect to form good links for traffic-free circular walks or rides.

Little used path	Dead end paths or paths which are little used because they appear to be unnecessary.
Big Impact	A big impact would occur if work was carried out which resulted in significant improvements for the public. For example, by making a path fully accessible where it was not before. By removing an obstruction such as a fallen tree which completely obstructed a path. By repairing a stile which had completely broken. Or by re-opening the legal line of a path (or securing a diversion) where an unofficially diverted path was poor or inconvenient.
Moderate impact	A moderate impact would occur by replacing a difficult stile with an easy access gate. Or by re-opening the legal line of a path (or securing a diversion) where people had been unofficially diverted onto a reasonably acceptable alternative route.

Difficulty/ Cost Assessment – Definitions

Quick and Easy Jobs	For example, cutting back hawthorn branches which have overgrown a stile, installing waymark discs on an existing gate post or removing some walling stone which has fallen across a path.
Practical jobs carried out by the Countryside access service	Jobs which can be carried out by the countryside access service with our own tools and equipment. For example replacing broken stile with a small gate.
Minor contractor jobs	Small scale jobs where specialist skills and equipment have to be bought in with costs up to about £500.
Large contractor jobs	Larger contract work will require us to secure addition funding, usually by bidding to one of the Councils five area committees.
Straightforward landowner negotiations	Where the site specific issues are unlikely to result in protracted landowner negotiations.
Complex landowner negotiations	Where the site specific issues could give rise to lengthy landowner negotiations.