

Forward Plan reference number: FP 143/08/21

Report title: Implementation of Public Rights of Way Hierarchy and Public Rights of Way (PRoW) Maintenance Inspections Strategy	
Report to: Councillor Lee Scott - Cabinet Member for Highway Maintenance and Sustainable Transport	
Report author: Paul Crick – Interim Director, Highways and Transportation	
Date: 30 May 2022	For: Information
Enquiries to: Jo Heynes - Head of Network and Safety email: jo.heynes@essexhighways.org	
County Divisions affected: All Essex	

1. Everyone's Essex – Strategic Alignment

- 1.1 Essex County Council has the responsibility to ensure that the footpaths, bridleways, and byways that make up the network of Public Rights of Way (PRoW) across the county are able to be enjoyed by every resident of Essex.
- 1.2 The proposed strategy will establish ECC's approach to looking after these Public Rights of Way that maximises our resources in line with national best practice. It will allow the Council to embrace technological advances and alternative ways of working to make the maintenance and upkeep service as efficient as possible.
- 1.3 This directly contributes to our commitment to **Level Up the Environment** by enabling consistent and safe access to green space across the county and promotes healthy physical activity. The new strategy will have no adverse impact on the Council's carbon emissions through increased travel or works, thereby supporting our journey towards a **Net Zero** council and county.

2. Recommendations

- 2.1 Agree to adopt the Public Rights of Way Maintenance and Inspections Strategy and maintenance hierarchy for the Public Rights of Way in Essex in the form appended to this report with effect from 1 June 2022.
- 2.2 Note that any future changes or revisions to the strategy will be brought back to the Cabinet Member for approval.

3. Summary of issue

3.1 In order to comply with the UK Code of Practice: Well Managed Highway Infrastructure 2016 (the New Code), ECC implemented Phase 1 of a new maintenance hierarchy in August 2019 which consisted of:

- Highways Maintenance Policy and General Principles
- Maintenance and Inspections Strategy: Carriageways, Footways and Cycleways (2019)
- Maintenance and Inspections Strategy: Structures (2019)

3.2 Phase 2 of the new maintenance hierarchy was implemented in February 2021 consisting of:

- Maintenance and Inspections Strategy: Street Lighting
- Maintenance and Inspections Strategy Intelligent Transport Systems
- Maintenance Strategy: Winter

The Maintenance of Public Rights of Way in Essex

3.3 The PRoW network in Essex consists of circa 6000km of footpaths, bridleways and byways which cross privately owned land. As Highway Authority, Essex County Council has a statutory duty to record the specific legal route for these paths via the 'Definitive Map' and ensure they are kept open and available for use by the general public.

3.4 The Public Rights of Way Maintenance and Inspections Strategy sets out and describes the service levels relating to ECC's risk-based approach to managing how it organises, inspects and maintains the PRoW network it is responsible for. This strategy is in line with the recommendations and best practice set out in the October 2016 "Well-managed Highway Infrastructure: A Code of Practice", which is designed to promote the adoption of an integrated asset management approach to highway infrastructure based on the establishment of local levels of service through risk-based assessment.

3.5 The PRoW Maintenance and Inspection strategy covers the following key areas:

- Network Hierarchy
- Inspections
- Items for Inspection
- Defect Investigatory levels
- Defect Assessments
- Response times

Network Hierarchy

3.6 A maintenance hierarchy has for the first time, been developed across the Essex Public Rights of Way network. This organises the Public Rights of Way that ECC Highways are responsible for into three hierarchies: the Primary network (PW1), Secondary network (PW2) and the Tertiary network (PW3) – shown in the table below. This reflects the usage of the Public Rights of Way in

Essex, allowing maintenance and network decisions to be prioritised with greater accuracy and ensure a better flow and experience for the user.

	Essex PRow Hierarchy	Category Name	Essex Description	Essex Example
High footfall	PW1	Primary network	ECC Public Rights of Way Promoted routes. High Usage PRowS linking to high value countryside and leisure opportunities.	The Essex Way or Footpath 42 Herongate and Ingrave, a PRow providing access to Thorndon Country Park
	PW2	Secondary Network	High and Medium usage PRowS that link local access urban footways, feed into local shopping centres, railway stations, bus stations, schools, hospitals, public gardens, sports centres, and other public spaces, etc.	Bridleway 30 Danbury, a route through Danbury Common or Bridleway 24 Writtle, a well-used cycle path into the city
Low footfall	PW3	Tertiary Network	Routes associated with low usage through rural areas.	Footpath 54 Galleywood, a path alongside arable fields or Bridleway 47 Stock, a quiet tree lined track

Inspections

- 3.7 Currently, the PRow network is inspected on a rolling 5 year programme covering approximately 20% of the network each year.
- 3.8 Under the new Strategy, it is proposed that condition inspections will be undertaken on an annual basis for PW1 routes. Thereafter, inspections will be prioritised to the remainder of the network. It is also hoped that through continuing to build relationships with the voluntary sector, additional works can be fulfilled via this route.
- 3.9 In addition to the condition inspections, the Council receives reports and enquiries regarding its PRow assets. On receipt of the report the unconfirmed defect will be triaged, based on the information received, and assigned one of the following two inspection categories:

Urgent	Urgent enquiries will be assessed within 5 working days. *
Standard	The aim is to have an average assessment time of 56 days including site visit if required.

**During periods of high demand such as after severe weather, it may not be possible to comply with these response times.*

Items for Inspection

- 3.10 The strategy sets out the elements to be inspected for example, stiles and gates, waymarkers, surface condition such as ruts, and vegetation side growth. There are no such formal requirements under the current inspection regime for PRow.

Defect Investigatory Levels & Defect Assessments

- 3.11 Defects are risk assessed during the inspection on a site specific basis. This allows other considerations that the inspector feels relevant to be factored into the risk assessment. This is used to determine the level of response. The general process and methodology assesses a defect in two parts; consequence and likelihood each scored on a scale of 1 - 4. This is assessed with a 4x4 matrix. The risk factor is the combination of likelihood and consequence assessments multiplied together. This will produce a range of scores from 1 to 16.

Defect Response Times

- 3.12 Defects are defined as follows:
- Priority 1 and 2 defects are those that following risk assessment require a prioritised repair or make safe to ensure the safety of the highway user.
 - Priority 3 and 4 defects are those that following risk assessment are of low risk and are considered to be defects that impact long term serviceability and sustainability of the highway asset. These defects will be addressed in a planned manner as resources permit. There is no specific timescales for addressing these.

Primary PRow route PW1		Secondary PRow route PW2		Tertiary PRow route PW3	
Priority response	Response Time	Priority response	Response Time	Priority response	Response Time
S1 (score 16)	2 working days*	S1 (score 16)	5 working days*	S1 (score 16)	10 working days*
S2 (scores 8-12)	20 working days	S2 (scores 8-12)	40 working days	S2 (scores 8-12)	40 working days
S3 (scores 4-6)	Defect to be considered for repair as part of a planned maintenance programme	S3 (scores 4-6)	Defect to be considered for repair as part of a planned maintenance programme	S3 (scores 4-6)	Presumption not to undertake repair within a stated time period
S4 (scores 1-3)	Presumption not to undertake repair within a stated time period	S4 (scores 1-3)	Presumption not to undertake repair within a stated time period	S4 (scores 1-3)	Presumption not to undertake repair within a stated time period

4. Options

- 4.1 **Option 1 (not recommended)** - Carry on under current practice, without formalising a maintenance strategy – this is not recommended. It provides no defence to current maintenance activities and does not provide any consistency in approach across the County.
- 4.2 **Option 2 (recommended)** - Implement the proposed Public Rights of Way maintenance and Inspections Strategy and associated maintenance hierarchy – This enables the County Council to implement a consistent approach across the county for PRow inspections and maintenance.

5. Financial implications

- 5.1. There are no adverse financial implications that result from the adoption of the proposed Public Rights of Way Maintenance and Inspections Strategy and associated maintenance hierarchy.
- 5.2 The proposed maintenance strategy is deliverable within the proposed capital and revenue budgets for 2022/23.

Budget	2022/23 £000	2023/24 £000	2024/25 £000	2025/26 £000
Revenue	930	930	930	930
Capital	400	400	400	400

6. Legal implications

- 6.1 Public rights of way are highways and the law relating to highways applies to rights of way as well as carriage ways and footways. ECC as the local highway authority is required to maintain them as well as to assert and protect the public's right to use them. The strategy aims to set out how ECC will discharge those duties in a way which complies with the law.

7. Equality and Diversity implications

- 7.1 The Public Sector Equality Duty applies to the Council when it makes decisions. The duty requires us to have regard to the need to:
- (a) Eliminate unlawful discrimination, harassment and victimisation and other behaviour prohibited by the Act. In summary, the Act makes discrimination etc. on the grounds of a protected characteristic unlawful
 - (b) Advance equality of opportunity between people who share a protected characteristic and those who do not.
 - (c) Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.
- 7.2 The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, marriage and civil partnership, race, religion or belief,

gender, and sexual orientation. The Act states that ‘marriage and civil partnership’ is not a relevant protected characteristic for (b) or (c) although it is relevant for (a).

- 7.3 The equality impact assessment indicates that the proposals in this report **will not** have a disproportionately adverse impact on any people with a particular characteristic.

8. List of appendices

Equality impact assessment
Public Rights of Way Maintenance and Inspections Strategy
Public Rights of Way Maintenance Hierarchy

9. List of Background papers

The Essex Public Rights of Way Maintenance and Inspections Strategy April 2022

The PRow Hierarchy March 2022

I approve the above recommendations set out above for the reasons set out in the report.	Date 13/07/2022
Councillor Lee Scott, Cabinet Member for Highway Maintenance and Sustainable Transport	

In consultation with:

Role	Date
Interim Director, Highways and Transportation Paul Crick	12 July 2022
Essex Traffic Manager / Head of Network and Safety Liz Burr	6 April 2022
Director of Finance Corporate Services (S151 Officer) Stephanie Mitchener	30 June 2022
Director, Legal and Assurance (Monitoring Officer) Paul Turner	30 May 2022