

Current Management of Public Rights of Way in West Sussex

1. Introduction

There are 4,071km of recorded public rights of way (PROW) within West Sussex, comprising footpaths (68%), bridleways (28.6%), restricted byways (3%) and byways open to all traffic (BOATs) (0.4%).

Contrary to popular belief, the land crossed by a PROW is not owned by the West Sussex County Council (unless, of course, it happens to be the landowner). Responsibility for rights of way is shared between the landowner and the County Council as the highway authority. The County Council is responsible for recording, protecting and maintaining the network (including waymarking and surfaces), with the landowner being responsible for keeping them free from obstruction (including from side and over-hanging vegetation) and for maintenance of structures such as stiles and gates (but excluding most bridges which are the responsibility of the highway authority). Failure on the part of either the highway authority or the landowner to fulfil their duties may result in legal action.

Since 1993, the South Downs Joint Committee (SDJC - formerly the Sussex Downs Conservation Board) has acted as agent of the County Council to manage and maintain the 40% of the rights of way in West Sussex that fall within the Sussex Downs Area of Outstanding Natural Beauty (AONB). However, the County Council, in its capacity as highway authority, continues to take responsibility for all legal aspects associated with rights of way, the majority of capital works and for overseeing the quality and safety of the network. As the boundary of the AONB cuts through some parishes, the day-to-day management of PROW in these parishes is carried out by both organisations.

In January 2010 the County Council took the decision that it would deliver the PROW service across West Sussex in its entirety from April 2011, when the SDJC ceases to exist, and would not be offered for delegation to the South Downs National Park Authority (SDNPA).

This paper identifies how PROW are currently managed by the County Council. It is beyond the scope to consider how SDJC conducts the day-to-day PROW management within the Sussex Downs AONB, however its work is still underpinned by a routine inspection and maintenance programme. It is widely recognised that the standards of paths in the county (both within and beyond the Sussex Downs AONB) are amongst the best in the country.

2. Current Management Practices within West Sussex (outside the Sussex AONB)

The PROW service within the County Council is delivered through partnership of County Council staff. The PROW Team (5.5 FTE) and Access Ranger Team (ART – 5 FTE) are supported by Legal Services Unit, Landscape Architects, Procurement Support and Central Shared Support Services.

2.1 PROW inspection and maintenance programme

PROW in West Sussex are virtually unique in the country in that they are pro-actively inspected. The county, outside the South Downs, is divided into 5 areas, each with an Access Ranger responsible for a specific area, and building up an in-depth knowledge regarding PROW and access issues and opportunities. Inspections are carried out by Access Rangers on a parish-by-parish basis on a 9-month cycle.

Following contact with the parish council each PROW is walked/cycled by the Access Ranger to identify:

- a) maintenance work for the contractor (e.g. replacement/repair to fingerposts, surface and some side/over vegetation clearance, small minor works such as stile steps, handrail repairs, repair/replacement of basic 'plank' bridges' etc) – includes prioritising work, liaison with contractors, quality control and approving invoices.
- b) issues to address either by the Access Ranger or the office team. The Access Ranger will investigate and resolve matters wherever possible; however some matters will be recorded and referred to the office team for resolution. These issues may vary to include work other than routine maintenance to ensure a path is open, usable and in a safe condition, such as obstructions, (e.g. unauthorised structures, crops, electric/barbed fencing, side/over vegetation, etc.), sub-standard surfaces and structures (stiles, gates, boardwalks / bridges, steps), dangerous animals, misleading signs and other health & safety issues. These are prioritised.

Maintenance is carried out by a term contractor, who visits the parish 4 weeks after inspection commences. Once maintenance work is complete, a summary of the works carried out is sent to the parish council.

Where time allows, Access Rangers engage with landowners and other interested parties during inspections to resolve identified high priority issues; those that are unable to be resolved, or of lesser priority, are detailed to the PROW Team for its investigation and resolution.

In general Access Rangers feel that the number of items being identified through the inspections has reduced over recent years.

Almost all of the Access Rangers have experienced foot/leg/back problems, most of which the podiatrist attributes to the intensity/frequency of inspections.

2.2 Seasonal vegetation clearance

Paths that require seasonal (summer) clearance are identified by reports from the public, user groups and parish councils, generally to the PROW Team (via the Contact Centre in some instances) but are also reported via Access Rangers. For all reports, the Access Ranger confirms that a path or paths require clearance, either through inspection, or using their local knowledge, prior to office staff arranging for a contractor to carry out the clearance.

2.3 Minor works programme

Underpinning the routine maintenance programme is the delivery of various minor works projects, a vital investment in the network's infrastructure.

Minor works are outside normal maintenance and include work such as replacing stiles with gaps or kissing gates, construction of medium/large flights of steps or ramps, surfacing projects (which may vary from laying stone in a gateway or filling pot-holes to surfacing whole sections), ditching/drainage works and 5-6m bridge replacement/repair. Minor works are generally identified and prioritised through Parish Returns.

The work may be arranged by Access Rangers or office staff, following liaison with landowners and other interested parties, and may be carried out by contractors, landowners or occasionally by volunteers.

2.4 Capital programme; surface improvements (mainly bridleways)

A programme of major surfacing work is carried out on an annual basis. Work is identified and prioritised through user group consultation and Parish Returns. The design and contract documentation is produced in-house by a qualified landscape architect (not part of PROW Team). PROW staff then manage all aspects of the contract as well as public and local liaison. Some work is carried out in the South Downs.

2.5 Capital programme; major bridge improvements

There is an annual programme of refurbishment and replacement of larger bridges, identified through Parish Returns, the public and by the programme of bridge inspections carried out by the County Council's consultant engineer. Prior to work on site, PROW officers carry out investigations and research, site visits, liaison work (e.g. landowner, ecologists, Environment Agency), produce the project brief and appoint and manage the consultant to produce the design, contract documents and undertake site supervision. Again some work is carried out within the South Downs.

2.6 Problem reports and resolution

Many aspects of the PROW service are reactive to reports received from the public and other interested parties. These can be reported through the Contact Centre, direct phone calls to PROW or Access Rangers, via the on-line feedback form, or directly through the PROW e-mail address, by letter, face to face meetings and via inspections (Parish Returns). Reported problems are varied and cover a wide range of issues including those associated with cropping and ploughing, structures, obstructions, surfacing, waymarking, incorrect line of paths, etc. Case management is carried out by PROW office staff and includes receiving and understanding reports, initial investigation including resolution if possible, otherwise prioritisation and passing on reports to Access Rangers for further investigation as well as initial feedback to the reporter.

Priority issues are resolved either by office staff or by Access Rangers working closely with landowners.

2.7 Enforcement

The County Council has an enforcement policy to ensure landowners comply with PROW legislation. Initial contact with non-compliant landowners (identified through Parish Returns and reports from the public and other interested parties) is through informal contact (either face-to-face, by phone or e-mail) by either the Access Ranger or office staff to try and negotiate a resolution. If this fails it is passed to Legal Services for further action.

2.8 Public Path Order applications

It has been long-standing County Council practice to accept, investigate and consider applications for diversion/extinguishment in both the user and landowner interest, also to enter into creation agreements and to respond to consultations on path order proposals arising from development. There are strict legal tests to satisfy in each instance. PROW Team investigate the background to each application, undertake a site inspection to assess the quality of the proposal against the legal tests and liaise with the applicant before, where proposals are considered supportable, undertaking a consultation exercise with user groups and local interested parties and preparing and presenting reports to the Rights of Way Committee. Once Committee has approved a recommendation to make an Order, the case is passed to Legal Services. Generally, the PROW Team will only thereafter

be involved to ensure that any necessary works, including waymarking, is undertaken, however some Orders attract formal objection and in such case the County Council loses the power to confirm the Order and must submit it to the Secretary of State for consideration. Often the Secretary of State will initiate a Public Local Inquiry, in which case the PROW Team drafts Statements of Case and other evidence for submission prior to formally attending the Inquiry as a principal witness.

2.9 Consultations, including planning applications

PROW officers respond to a wide range of local and national consultations that affect access. The service also contributes to the planning process by commenting at Local Development Framework level down to individual planning applications, wherever possible taking opportunities to improve both rights of way and the wider access network.

2.10 Volunteer management co-ordination

Outside of the South Downs, limited work on the PROW network is currently carried out by volunteers with the support of the County Council. However, the PROW service has recently established an active volunteer group in Horsted Keynes, and other volunteer opportunities are currently being developed including working with the Probation Service, Ford Prison and British Trust for Conservation Volunteers (BTCV) Green Gym volunteers. Much support is required to establish any group, including providing information and training on all aspects of work (including health and safety, leadership, use of tools/equipment, work methodology, landowner liaison, recruitment/retention of volunteers) and general support on tasks (design, material procurement and quality control). Groups such as this can only be established where there is a keen and capable volunteer leader.

2.11 Creating/improving access – Rights of Way Improvement Plan

The County Council published the West Sussex Rights of Way Improvement Plan – A Strategic Framework in 2008. The PROW service, through office staff, Access Rangers and working with partners, is currently working to deliver projects that meet the aims of the Plan, although there is no dedicated funding to do so. Projects include working with landowners to provide permissive paths or dedicate new rights of way to improve safety and/or connectivity of the network, improving routes to enable them to be more accessible to all, and reduce crime and misuse in the countryside. The ambitions of the Plan are well founded but it is already clear that progress and achievement requires considerable commitment of time and resource from the County Council to many of the individual schemes identified by the independent Countryside Access Forum for West Sussex.

2.12 Promoting Access

To help people understand where they can go and how to respect the countryside, the PROW service has a comprehensive website. Officers also work closely with Rural Operations to manage the Downs Link and the High Weald Landscape Trail promoted routes. Easy Countryside Trails in West Sussex, a booklet detailing walks suitable for all, is soon to be published.

2.13 Other work

Other work delivered by the service includes: support for the independent statutory body, the Countryside Access Forum for West Sussex, support for the Pathwatch Scheme (aiming to reduce illegal and irresponsible use of vehicles in the countryside), providing guidance to the South Downs Way National Trail Officer and

to all SDJC staff as matters arise, managing open access land in West Sussex, preparing temporary legal closure path orders, and making available paths on the Unavailable Path List.

3. PROW budget

Major items of PROW budget and spend (as at 31 March 10) for 2009/10 was:

Revenue £389,800 (net)

This included:

£21,500	Spent on replacing stiles with gates and contributions to structure maintenance (125 replaced in 2010/11)
£230,000	Maintenance works delivered by ISS Waterers - mainly waymarking, vegetation clearance, plank bridges
£41,400	Structure repairs, mainly installation of new footbridges
£13,000	Legal fees payable for barrister at Pitshill Public Inquiry
£19,900	Contributions given to various partners (e.g. SDJC, landowners) delivering local projects
£42,000	Cost of engineering services from Amey

Capital £300,000

This included:

£35,000	Contribution to refurbishment of Shoreham Toll Bridge
£105,350	Replacement / refurbishment of a number of significant bridges around PROW network (including within National Park)
£155,000	Improvement of various bridleway and footpath path surfaces (including within National Park)

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For further information please contact:

Jane Noble, Access Ranger Team Leader. Ext. 56863

Jon Perks, Principal Rights of Way Officer. Ext. 77621