

**To:** Customer & Communities Policy Overview & Scrutiny Committee

**From:** Mike Hill, Cabinet Member Customer & Communities and Amanda Honey, Corporate Director, Customer & Communities Directorate

**Date:** 20 January 2012

**Subject:** Countryside Access Service.

**Classification:** **Unrestricted**

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**Summary:** This report provides a brief overview of the work of the Countryside Access Service which transferred into the Customer & Communities Directorate from Environment, Highways and Waste in April 2011.

The Countryside Access Service is made up of the Public Rights of Way Service, Common Land & Village Greens, Explore Kent and the Countryside Management Partnerships.

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## **1. Introduction**

The Countryside Access Service maintains, defines and provides walking, riding and cycling opportunities for the residents of, and visitors to, Kent to explore and enjoy its iconic countryside, boost the rural economy and offer alternative transport options as set out in the Countryside Access Improvement Plan. It also provides and supports community involvement in improving local environments, learning and interpretation and wider countryside management through the Countryside Management Partnerships. It is an extremely popular and busy service because of the strong demand from all parts of the community - from daily dog walkers to those using vital community links to schools and local services; to recreational weekend walkers and cyclists.

The popularity and rising demand for well-managed access to the countryside was recently underlined by the public response to the consultation on selling Forestry Commission woodland - 87% of the population was strongly against the proposal primarily over concerns about the possible loss of access.

## **2. Legislative context**

The majority of the Service's work is statutory with duties imposed on KCC in its role as Highway Authority, Surveying Authority, Access Authority and the Common Land & Village Greens Registration Authority. It is estimated that over 4,000 individual statutes, regulations and judgements have a direct relevance to this work (see Appendix A which lists a selection of key statutes).

## **3. Public Rights of Way (PRoW)**

Kent's PRoW network represents 42% of Kent's highways and at nearly 7,000km it is the largest network of footpaths, bridleways, byways, etc managed by a single authority in the country. It provides popular opportunities for public access to Kent's beautiful landscapes and well used community links to schools, shops and other services in both urban and rural Kent.

The Service is responsible for the management of :

- 11,200 individual public rights of way
- 13,260 finger posts
- 10,604 stiles
- 6,419 gates
- 751 vehicle barriers
- 2,836 bridges

#### **4. Explore Kent**

Kent's strategic position, between London and mainland Europe, generates significant income for Kent's rural and coastal economy and an estimated £1.5 billion of Kent's tourism income is directly attributed to visitors exploring the countryside and coast attracted by accessibility for walkers and cyclists.

Explore Kent is an innovative public/private/voluntary sector partnership initiative created and led by the Countryside Access Service; it has 1.2 million customers and its website received over 2.25 million page views in the last year.

Explore Kent makes a significant contribution to the delivery of other KCC services such as:

- Sport, Leisure & Olympics
- Country Parks
- Libraries & Archives
- Natural Environment & Coast
- Tourism
- Kent Highway Services
- Public Health.

The Explore Kent initiative has been nationally acclaimed for innovation and value for money, including KCC's first iPhone 'app' developed by its American business partner, EveryTrail, free of charge.

#### **5. Countryside Management Partnerships**

Countryside Management Partnerships provide a wide range of services across the county and bring together many organisations to help maintain Kent's landscape and wildlife, as well as supporting Kent's communities, playing a vital part in the conservation and enhancement of the Kent countryside. Their role includes:

- providing advice and practical support to community initiatives to conserve landscape features and wildlife habitats
- working in partnership with statutory and non-statutory bodies in the management of special habitats such as chalk grassland and lowland meadows and designated sites such as Sites of Special Scientific Interest and nature reserves.
- providing opportunities for people of all ages to get involved on a voluntary basis in the conservation and enhancement of the Kent countryside
- working with landowners and local communities to raise funds for projects
- encouraging landowners to play a positive role in enhancing the Kent countryside through conservation advice and the take up of schemes such as entry level and higher level environmental stewardship
- giving site visits, talks and presentations to groups to promote their work, and the value of the Kent countryside

- working with schools and youth groups to interpret their local landscape and environment through education

## **6. Costs, Savings and Risks**

The Countryside Access Service has a joint revenue and capital budget of £3.1m and an income of £1m. In 2008 it adopted asset management principles for the PRow network, an approach which has been important in establishing the budget required to meet the County Council's statutory obligations.

The replacement value of the PRow network is calculated as £73m and the annual maintenance and replacement cost of bridges, signposts, gates stiles, metalled paths, etc is an estimated £2.5m although this figure has never been reached.

The Countryside Access Service has a 30% savings target to be achieved by 2014/15. There is an inevitable increase in risk from these savings, especially around safety and non delivery of statutory duties, but much is being done to manage this, e.g: the Asset Management Plan.

## **7. Protection and assertion.**

One of the principal functions of the Service is to assert and protect the public right to use the PRow network. The basis for this work is the accurate recording of PRow on the Definitive Map and Statement - the legal record of PRow. This is a complex, resource intensive and heavily regulated area of work as might be anticipated when the potential impacts on land values and use are considered. Where a PRow is recorded the County Council is under an obligation to ensure that the route is available for public use and enjoyment.

Work to record, protect and assert the PRow network is often contentious and likely to see press interest beyond the County. An example is the current action to secure access to land at Capel designated under the Countryside & Rights of Way Act 2000 as Open Access land - this is believed to be the first such court action taken nationally since the introduction of the act.

## **8. Common Land & Village Greens**

Similar in principle to the Definitive Map, KCC is the Registration Authority and has a duty to keep the register of town and village greens up to date and investigate applications to register new village greens. A highly complex, contentious and emotive area of work, regularly in the national press, the Service has earned a national reputation in its ability and professionalism in dealing with these applications but, like many other areas is under significant pressure as the workload over which we have no control continues to increase.

## **9. Public Demand**

Demand for the range of services offered has increased significantly since the beginning of the economic downturn. In 2011 the Service received 117,900 contacts from the public in the form of letters, phone calls and emails.

From 1 December 2010 to 1 December 2011 there were 7,631 unique issues logged in the Countryside Access Management System - an increase of 25%.

Explore Kent had 3.1million customer interactions in 2011 from 1.2million customers and there has been a significant increase in demand for Explore Kent products and

services compared with 2010, e.g: a 25% increase in online activity – now 2.25million page views per year.

In 2011, the CAS received 736 compliments, a 4% increase on 2010

## **10. Use of Volunteers**

The Service has a long history of using volunteers to assist in the maintenance of the PRow network and a wealth of experience has been gained in establishing an effective ground breaking model for using volunteers that does not cost more than it delivers – see Appendix B.

## **11. The future**

The 30% cuts hold significant risks to KCC. The first tranche representing 12% was implemented this year and we have already noticed an increase in complaints from the public. The next two years of savings are also likely to continue this trend.

With the down turn in the economy the interest in walking and cycling 'stay-cations' (holidays at home) is growing providing both a valuable source of income to Kent's economy and also providing valuable health and well-being benefits to Kent's residents. Explore Kent Partnership will continue to develop new innovative services to satisfy this growing demand starting with a new online mapping service in 2012.

The Service will continue to build on the opportunities for volunteers, seeking to achieve the greatest benefits and to contribute to the Government's Big Society and localism agendas.

Future capital improvement programmes will focus on schemes which achieve the highest economic return for the Kent economy and those identified as a priority by local communities.

Now within the Regulatory Services group there are some opportunities for closer working and sharing of 'intelligence' and specialist roles such as enforcement with Trading Standards.

The Service is adaptive and flexible and will continue to adapt to changing circumstances and seek new ways of involving local communities.

The Service will be one of the first services to be reviewed under the Make Buy Sell review, which is due to begin this month. The Service is open-minded about the review and keen to explore the options.

## **12. Recommendations**

Members of the Policy Overview & Scrutiny Committee are asked to NOTE the report.

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## Appendix A - Legislative context – list of key statutes

The majority of the CAS's work is bound in statute with duties imposed on KCC in its role as Highway Authority, Surveying Authority, Access Authority and the Common Land and Village Green Registration Authority

**The National Parks and Access to the Countryside Act 1949** vested in highway authorities the *duty* to survey, record and keep up to date a legal record of Public Rights of Way (the Definitive Map). Since then there has been a raft of legislation continually strengthening the duty of the highway authority to protect and improve access to the countryside. **The Highways Act 1980** gives highway authorities the *duty* to protect and assert and maintain the PRow network. **The Wildlife and Countryside Act 1981** asserts that the surveying authority must keep the Definitive Map continually reviewed and up to date. **The Rights of Way Act 1990** strengthens the duty and powers to enforce with regard to obstruction on arable land. **The Countryside and Rights of Way Act 2000** is probably the most significant piece of legislation since 1949. It introduced new areas of 'Open Access land' and made considerable changes to existing powers. Significantly it imposed a new duty to look to the future by producing a Rights of Way Improvement Plan (The Kent Countryside Access Improvement Plan 2007-17). **The Natural Environment and Rural Communities Act 2008** extended the maintenance duty to include Restricted Byways.

Other key legislative drivers include the Town & Country Planning Act 1990, the Road Traffic Regulation Act 1984, Equality Act 2010, Health and Safety at Work Act 1974, Crime and Disorder Act 1998, Cycle Tracks Act 1984, Human Rights Act 1998 and numerous acts aimed at local Government administration.

With regard to the Common Land and Village Greens Registration Service, the **Commons Registration Act 1965** is the directing legislation, but the protection of Common Land and Village Greens is also assured by sections of the **Law of Property Act 1925**, the **Inclosure Act 1857** and the **Commons Act 1876**. In July 2008 the long awaited **Commons Act 2006** received royal assent, replacing the Commons Registration Act 1965. It placed a new duty on KCC as the Registration Authority to update and maintain the Registers, and allow the correction of mistakes. It also introduced a more streamlined and modern approach to the management of Common Land and Village Greens.

In 2009, the **Marine and Coastal Access Act** introduced the requirement for Access Authorities (on behalf on Natural England) to establish a long distance coastal walking route and create a margin of publically accessible land where people will be able to spread out and explore, rest or picnic should they wish to. Kent was selected by Natural England to be a 'lead authority' for implementing the new Act. **The Localism Act 2011** will impact considerably on how the services are delivered.

### Enforcement Concordat

- The provision of advice for landowners/occupiers.
- Working with partner organisations in the provision of information/ evidence which allows for the effective delivery of their duties e.g. Police, The Rural Payments Agency.
- The investigation of reports of obstruction, encroachment and nuisance in line with statutory duties and stated priorities for action.

- Undertaking targeted enforcement campaigns, based on a need to deal with common breaches of specific legislation within a local area. This may result in direct action to make routes available or in the case of persistent offenders Court action.