

**From:** Katie Stewart, Director of Environment, Planning and Enforcement

**To:** Mike Hill, Cabinet Member for Community and Regulatory Services

**Decision Number:** 19/00065

**Subject:** Public Rights of Way Asset Management Plan 2019

**Summary:** This paper provides an overview of the Public Rights of Way (PRoW) asset management plan 2019.

The Public Rights of Way and Access Service adopted asset management principles for the maintenance of the PROW network in 2007. This approach has brought benefits in targeting investment in the network, managing risk and evaluating new products and materials where they may help reduce long term expenditure. The approach has also enabled the service to lever in additional investment. The plan has now been reviewed and updated.

**Recommendation(s):**

The Cabinet Member for Community and Regulatory Services is asked to agree:

- (i) The Public Rights of Way and Access Service Asset Management Plan
- (ii) The approach taken to managing the risks associated with not fully funding the maintenance of the PRoW network in line with asset management principles.
- (iii) The proposed Service Level Risk Assessments which set out our approach to the management of risk on the PRoW network.

## 1. Introduction

1.1 Kent's Public Rights of Way (PRoW) network extends to 6900Km the overwhelming majority of which is maintainable public highway (Kent's highway network, excluding PRoW, extends to 8700Km). The County Council has a statutory obligation to maintain the highway in a condition that is safe and passable by the ordinary traffic of the area at all times of the year particularly having regard to the needs of those with a disability.

1.2 In 2007 the County Council's PRoW and Access Service adopted asset management principles for the maintenance of the PRoW network. The Asset Management Plan was informed by a whole network survey completed between 2004 and 2007. The survey provided a detailed picture of the PRoW

asset and its condition. The asset information is captured in the Countryside Access Management System and is updated following inspections by officers and volunteers and in response to public reports. The Public Rights of Way Asset Management Plan 2019 is included as Appendix B.

- 1.3 The investment required to maintain the network is calculated on the basis of a series of assumptions that have been refined over time. These assumptions relate to expected asset life and measured performance in the field. The assumptions are further amended to reflect the County Council's obligations in respect of shared assets such as gates and stiles where only a proportion of the maintenance cost is borne by the authority. The value of the asset is currently calculated at £107M with an annual investment requirement of £2.4M to maintain the asset in a steady state. The County Council currently spends £1.3M annually on maintaining the asset, £1.1M below the level calculated as required to maintain the asset in a steady state.
- 1.4. The Asset Management Plan identifies a backlog of £2.4M. In effect this reflects the current backlog of work relating to assets that have deteriorated to a point where they require replacement. Most significant in terms of investment required to close the performance gap are the network of mainly urban tarmac paths and heavily used bridleways and byways open to all traffic in areas of clay soils.
- 1.5 In addition to the £2.4M backlog a further £2.2M of investment is identified as being required to improve unsurfaced routes up to a standard that meets modern requirements.

## **2 Financial Implications and Risk**

- 2.1 The Asset Management Plan provides detail the current levels of investment in the asset, its condition, any associated backlog of repair and the level of investment required to manage risks associated with failure of the asset. This information is used to inform bids for capital funding and uplift to revenue funding through the medium-term financial planning process.
- 2.2 In adopting asset management principles the PRoW and Access Service have successfully used the approach to secure and direct additional funding from developer contributions and external grants. In doing so some substantial risks to the authority have been addressed: most notably improvements to the River Medway towpath for which £2.1M was secured through Single Growth Fund and developer contributions. This transformed a PRoW that had been closed, due to erosion, for almost a decade into a much valued and used route. There is significant variation between years as to the additional investment secured but approximately £300K is brought in per annum. This additional investment has the potential to address the existing backlog in addition to mitigating future pressure on the network .
- 2.3 While no additional resource is sought in this report, it should be noted that the County Council is not fully funding the network in line with asset management

principles. The principal risks associated with not fully funding the maintenance of the network are:

- a. Temporary closure of PRow – sometimes for extended periods.
- b. Loss of access to the public with the associated loss in benefit.
- c. Service of notice on the County Council, potentially leading to the Courts directing the Council to act to repair the highway. (Highways Act 1980 section 56 – provisions).
- d. Increasing the size of the maintenance backlog.
- e. Increased revenue expenditure associated with implementing and maintaining temporary closures.
- f. Third party injury claims in consequence of highway defects.
- g. Reputational risk.

Some of the risk can be mitigated through network prioritisation and targeting spend to best effect. All of the risk cannot be mitigated and in taking this approach there will inevitably be elements of the asset that are deteriorating or out of repair and the maintenance backlog will increase as a result.

### **3. Policy Framework**

3.1 The strategic direction for the management of the PRow network is set out in the Rights of Way Improvement Plan (ROWIP) 2018-28. The plan was established following wide-ranging engagement, consultation and research and adopted by the County Council in November 2018. The ROWIP also ensures that the PRow and Access Service's work is aligned to meeting the County Council's strategic objectives:

- Children and young people in Kent get the best start in life.
- Kent communities feel the benefits of economic growth by being in work, healthy and enjoying a good quality life.
- Older and vulnerable residents are safe and supported with choices to live independently.

3.2 In light of the adoption of the ROWIP the PRow Asset Management Plan has been revised to ensure that investment in the PRow asset is aligned to delivering the strategic outcomes. In revising the plan the opportunity was taken to:

- further refine the core assumptions on which required investment is calculated (a task that is undertaken periodically)
- reflect some of the excellent asset management work of Kent Highways and Transportation; work that is equally relevant to the PRow network.

### **4. Background**

4.1 The PRow network asset comprises numerous elements. These can be broadly categorised as:

- thousands of small items of furniture, for instance 14476 fingerposts

- 2467 short span and simple bridges
  - 563 more complex structures – from brick ring culverts to long span bridges including a County Council maintainable bridge over the M20 at Larkfield.
  - 1147Km of surfaced routes – of which 735Km are tarmac.
- 4.2 In producing the Asset Management Plan a series of assumptions have been made relating to the modern replacement cost of the asset, its expected performance and lifespan. These assumptions have been refined over time on the basis of measured performance in the field, acquired through survey and public reporting and captured in the Countryside Access Management System. The plan is further informed by product and contract data, British Standards and design standards.
- 4.3 Significantly there is currently no systematic survey of the whole PRow network, the PRow and Access Service instead relying upon a mixture of planned inspections of some structures, ad-hoc surveys by officers, survey by Countryside Access Wardens and reports from the public. The establishment of a systematic survey would allow asset management to be further improved as well as bringing a range of other benefits in respect of timely interventions to prevent damage and reductions in successful third- party injury claims.
- 4.4 Not all of the PRow asset is maintainable at the public expense. Many bridges are privately maintainable and are currently managed by other competent bridge managers such as Highways England. Some elements such as gates and stiles are the responsibility of landowners but the County Council is required to meet a minimum of 25% of the costs of maintenance. The assumptions applied reflect the shared nature of liability.
- 4.5 In revising the asset management plan a series of service standard risk assessments have been produced. These identify the current level of service provided and those elements that are not provided but would be in an ideal situation. Also assessed are the risks associated with a range of scenarios and the residual risk following mitigation.
- 4.6 The asset management plan has proved to be an effective means to:
- Assess potential products and materials.
  - Identify budget requirement and potential budget pressures.
  - Prioritise spend.
  - Manage risk.
  - Improve access while reducing long term revenue requirements.

## **5. Legal Implications**

- 5.1 The asset management plan details an approach to the management of Kent's 6900Km PRow network and the management of the risks associated with the maintenance, repair and replacement of the assets it comprises. While mitigating the risks to the authority the plan does identify areas where

improvement can be made particularly in respect to investment, maintenance back logs and inspection regimes.

- 5.2** There are no additional General Data Protection Regulation requirements established in delivering the plan. Where personal data is captured as a result of members of the public reporting faults this information is stored in compliance with the Data Protection Act 2018.

## **6. Equalities Act Implications**

- 6.1.** An Equalities Impact Assessment (EQIA) has been completed for the Asset Management Plan. This draws on the comprehensive information gathered in preparing the Rights of Way Improvement Plan and its accompanying EQIA. The EQIA for the asset management plan identifies positive benefits from the application of asset management principles in improving accessibility to the network for those with a disability, the young and the elderly.

## **7. Conclusions**

- 7.1** The asset management plan is an essential foundation on which the County Council's management of the 6900Km network of PRow is based. The PRow and Access has applied the principles of asset management planning to the management of the network since 2007 and it has proved to be a powerful tool for prioritising spend, managing risk and assessing alternative materials and products. The revised plan further builds on this work.

## **8. Recommendation:**

The Cabinet Member for Community and Regulatory Services is asked to agree:

- (i) The Public Rights of Way and Access Service Asset Management Plan
- (ii) The approach taken to managing the risks associated with not fully funding the maintenance of the PRow network in line with asset management principles.
- (iii) The proposed Service Level Risk Assessments which set out our approach to the management of risk on the PRow network.

## **9. Background Documents**

Record of Decision  
Public Rights of Way Asset Management Plan 2019  
Equalities Impact Assessment

## **10. Contact details**

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