

CAIP Operational Management - Appendix 1

The management of what we do.



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CAIP Operational Management:

The management of what we do.

Introduction

1.0 The Countryside Access Improvement Plan (CAIP) establishes the overarching objectives for the Public Rights of Way and Access Service for the next five years. It links those objectives to the County Council's key strategies and wider policies. The review was completed during a time of static and reducing budgets, and in response to challenging financial targets for the Service. The CAIP rightly remains an ambitious and forward-looking document. It doesn't limit its ambit to the duties that the County Council is obliged to fulfil as highway, surveying and access authority. The statement of action is not fully resourced; it recognises the need to work with partners and stakeholders to deliver many of its elements.

1.1 This appendix is an integral element of CAIP focussing more directly on:

- how the Service delivers statutory elements of its work
- manages the resource available to it, and
- operational priorities

It draws together policy where this has been established by the County Council, and makes reference to operational practice.

1.2 This appendix, unlike its predecessors; the Kent County Council Countryside Objectives and Policy 2006 and The Right Way Forward 1996, assumes a little understanding of the subject matter. Basic information on Public Rights of Way (PROW) and countryside access is available at kent.gov.uk/countrysideaccess.

1.3 Practice continually evolves in response to: new legislation, guidance from Government, case law, changing political priorities, improving technology, emerging good practice in other authorities and regularly from our own officers and perhaps most importantly in response to feedback from our customers.

1.4 The review of CAIP provides an opportune moment to restate policy and practice and where necessary amend it. It also provides an ideal opportunity to set out the approach taken by the County Council to the management of PROW and access.

Overview

2.0 The Public Rights of Way and Access Service has not been immune to the financial challenges facing local government in contributing to the Governments drive to reduce the national deficit. The service has been required to find a 30+ % saving to its revenue budget, this has both impacted on activity on the ground, most obviously through a reduction in vegetation

clearance, and also through a reduction in the number of officers. The reduction in the number of officers employed in the Service has necessitated a restructure and changes to the way in which work is allocated. The need to innovate, work efficiently, encourage and enable volunteer participation and secure the greatest benefit from expenditure has never been greater.

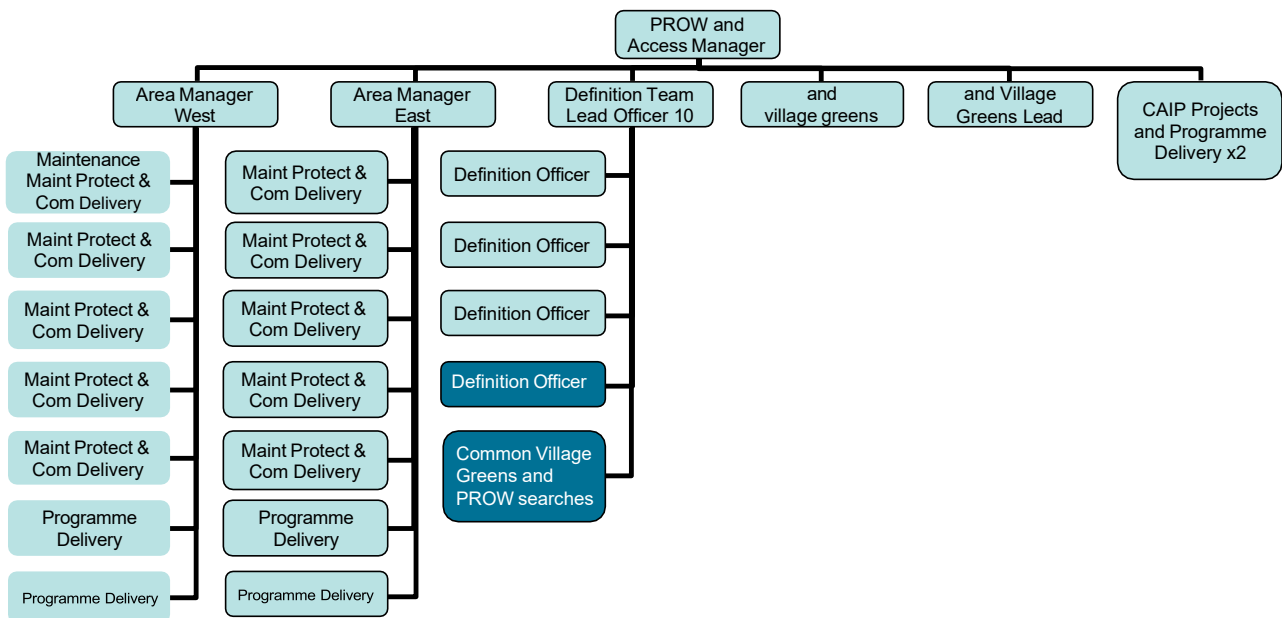
General

Delegation of Functions

- 3.0 The various functions relating to the delivery of the County Council’s statutory obligations relating to PROW and access are delegated by the County Council to committees of the County Council; primarily the Regulation Committee in the case of PROW and Access, elected members – principally the Portfolio Holder for Customer and Communities and officers.
- 3.1 Who the various duties and powers are delegated to and any limitations or requirements on their use are set out in the Kent County Council Constitution¹ and the PROW and Access Service Scheme of Delegation².

Structure of the Public Rights of Way and Access Service

3.2



■ Indicates post 100% funded from income
 NB Posts reflect number of post holders not number of FTE

1 Kent County Council Constitution – October 2012 – (Insert link)
 2 PROW and Access Service Scheme of Delegation – most recent

Statement of Priorities Overview

- 3.3** In common with many services the demand placed on the PROW and Access Service by our customers is greater than our capacity to meet it. How we allocate the resource available must therefore be prioritised. The priorities must reflect the need to adequately meet our statutory obligations while providing the greatest benefit to the public, and do so in a transparent and accountable way.

Network prioritisation.

- 3.4** The PROW & Access Service is receiving increasing numbers of service requests annually against a backdrop of static or reducing revenue budgets³. It is therefore essential that the Service prioritises the delivery of programmes of work that best reflect, and are responsive to the desires of Kent communities.

The network management priorities have been developed to reflect the extensive public engagement undertaken when reviewing the Countryside Access Improvement Plan.

- 3.5** Priority 'A' status paths will be managed before priority 'B' status paths in cases where the same operational priority has been identified.

3.6 Network Priority Status 'A'

- North Downs Way National Trail
- Paths used to access local amenities/ facilities (eg, transport links, school, church, tourist attraction, access land)
- Paths forming part of the continuous access link around England's Coast
- Multi- user routes with a clear public benefit
- Paths used daily for leisure walking
- Paths identified by local communities as having significant potential for improvement.
- Paths promoted by Explore Kent products and services.

3.7 Network Priority Status 'B'

- Paths not classified as priority 'A'.
- Access Land and coastal access margin

Permissive paths

- 3.8** Permissive paths will not be managed by the County Council unless they have been established under a formal signed agreement. Where the County Council has entered into such an agreement, the path will be given priority status 'B'.

³ August 2010 – August 2011 showed an increase of 50.6 % in service requests. Required budget savings 30% 2011-12 to 2013-14.

Operational priorities

3.9 Priorities for the operational management of definitive public rights of way and access land are set out in the table below. The table excludes definition and village greens and common land work the prioritisation of which is detailed at 4.0. Further detail is provided about our prioritisation of enforcement cases at 6.0.

3.10 The operational priorities reflect the feedback to the consultation on the Countryside Access Improvement Plan balanced with the continuing statutory obligations of the County Council as the highway and access authority. Response to reported issues and the delivery of work programmes will reflect our priorities and the resource available.

3.11

<i>Priority level</i>	<i>Issue</i>	<i>Initial Inspection response time (during normal working days)</i>
1	Public safety issues with a high potential to result in accident and injury or loss of life, or damage to property: for example, open excavations, dangerous trees, defective and dangerous structures.	Within 1 day
2	Matters with legal deadlines. Emergency network protection: for example construction work that would lead to the irredeemable loss of a path and require considerable resource to rectify at a later date.	Within 5 days
3	Proactive asset management, including programmes of work to install, repair and replace defective path surfaces and path furniture such as stiles gates fingerposts and bridges. Delivery of CAIP projects. Work programmes are to reflect network and local community priorities.	n/a

4 All service requests – including detailed reports of obstructions and nuisances affecting the network are recorded in the Countryside Access Management System (CAMs). This ‘intelligence’ may be interrogated to identify non-compliance in specific areas, by specific landowners, trends indicating increased levels of nuisance. This may then be used to target the available resource.

4	Time constrained offences and new obstructions to the network. For example non-reinstatement following cultivation and through crops other than grass, fence obstructions, fly tipping and other nuisances. Campaigns and programmes are to be established on the basis of intelligence ⁴ and local community priorities.	n/a
5	Natural obstructions for example vegetation growth.	n/a
6	Waymarking on promoted paths (National Trail, Coastal Access and Explore Kent products and services only)	n/a
7	Waymarking on non-promoted paths by Countryside Access Wardens	n/a
8	Long term obstructions ⁵	n/a
9	Access land ⁶ including coastal access that is not recorded as a PROW.	n/a

Scheme prioritisation

3.12 The need for the Service to secure the very best value for its customers from any investment made is essential. Programmes of work and specific schemes are therefore subject to a cost benefit analysis before resource is allocated to them. The cost benefit analysis was developed by the Service. It weights schemes on the basis of operational priorities, strategic objectives and practical considerations relating to how easily the scheme can be delivered and its longer term impact on maintenance budgets.

5 Obstructions by permanent structures such as buildings and works associated with dwellings. See section 6. The obstructions will generally be dealt with in order of priority as assessed using the Obstruction Assessment Tool a simple cost benefit analysis establishing which of the routes, if available, would provide greatest public benefit.

6 Land designated as access land under the provisions set out in the Countryside and Rights of Way Act 2000. Although the County Council is the Access Authority there is no obligation to act in respect of the protection of access to access land..

Network Inspection

3.13 The Service does not operate a programmed inspection regime of the PROW network given the length of network, the resource that this would require⁷, and the many factors over which the County Council has little influence but that can affect the network and would render an inspection regime ineffective; for example:

- Ploughing and cultivation
- Excavation by animals
- Private vehicle use
- Landowner liability items such as gates and stiles
- Livestock grazing.

3.14 In place of a programmed inspection regime the Service assesses all reports received in line with the network and operational priorities set out above.

Countryside Access Management System

3.15 The Service uses a bespoke map linked database to record service requests, asset data and work flow. The Countryside Access Management System (CAMS) is firmly established as the “industry” standard for the recording of PROW assets and the management of PROW and access work. The PROW and Access Service continues to work with the software provider to develop the system further to meet Service and Customer demands. Recent improvements have included:

- Provision for on-line map based reporting
- Automated updating of customers
- The recording of volunteer work.

Equalities Act 2010

3.16 The PROW and Access Service is committed to providing the best possible level of service to its customers.

3.17 In delivering our work we undertake assessments of the likely impact on the diverse communities and individuals who access our services. Where potential adverse impacts are identified we seek to mitigate them and ensure that discrimination is prevented. Where opportunities to improve the service provided or the accessibility of the public rights of way network, are identified we do our best to bring about those improvements within the resources available: for example the practical implementation of the least restrictive access policy.

⁷ Identified as approximately 3 full time employees to deliver a visual safety and asset inspection of the network in an 18 month period. (Excluding visual inspection of trees within falling distance of the highway).

Information Governance

- 3.18** The requirements of the Freedom of Information Act 2000 and the Environmental Information Regulations 2004 have placed an additional burden on the Service. The Service has in recent years invested to increase the number of documents held electronically. It is hoped to be able to continue with this investment as there are significant long term costs associated with the storage and retrieval of archived paper records.
- 3.19** In addition to the benefit of having archive material more readily available to officers this has enabled the Service to respond more easily to FOI and EIA requests reducing the time otherwise spent on this largely unproductive area of work.
- 3.20** In compliance with the FOIA the Service has a publication scheme on the County Councils website, detailing what information is readily available to the public and the charges associated with its provision. [kent.gov.uk/Documents/environment-and-planning/CountrysideAccess/ChargingSchedule revision April 2012.pdf](http://kent.gov.uk/Documents/environment-and-planning/CountrysideAccess/ChargingSchedule%20revision%20April%202012.pdf)

Development

- 3.21** The PROW and Access Service contributes to the shaping of development framework policies to bring benefits to PROW and access provision from the development process, prevent where possible the avoidable loss of access and to mitigate any adverse impacts of development where possible.
- 3.22** The Service responds to approximately 300 planning consultations annually. The applications relate to the full spectrum of development from major transport infrastructure projects, minerals and waste sites, large scale housing provision to the smaller scale change of use applications for agricultural buildings, house extensions etc.
- 3.23** Development can bring positive benefits for PROW and Access particularly through:
- The improvement of existing PROW
 - the application of good design principles to new routes
 - the provision of new or up-graded routes
- 3.24** Equally development can adversely impact upon the amenity and enjoyment of the network. Where this is the case responses will set out what those adverse impacts are likely to be and, where possible, how they can be designed out or mitigated.
- 3.25** The Service responds with advice about how the proposed development can contribute to improving PROW and access provision and will work with developers to secure improvements through good design and/or developer contribution
- 3.26** In some circumstances where the Service feel that there is the potential for significant harm to be caused to the network by proposed development and or the development conflicts with the development plan an objection to the proposed development may be made.

- 3.27** There is a high probability that objection will be made to planning applications that:
- fail to indicate the existence of recorded rights of way that would be directly impacted by the development, and or,
 - where public rights of way require diversion or extinguishment to facilitate the development and no provision has been made to secure the necessary legal orders.
- 3.28** There are a number of long standing and difficult to resolve obstructions on the PROW network as a result of development on the line of a PROW without the necessary diversion or extinguishment order having been made at the time. In the worst case this can result in a complete loss of public access and blighted property.
- 3.29** Where the permanent diversion or extinguishment of a PROW is required to enable development a temporary closure of the PROW to enable site operations to commence will not be processed unless the permanent order has been confirmed⁸. This is necessary to ensure that there is no obstruction of the PROW until the necessary legal orders are in place. Additionally new obstruction by development is treated as a high priority as once complete there is little motivation for developers or planners to resolve the issues that are created.

Training policy

- 3.30** The administration of PROW, Access, Common Land and Village Greens is a highly complex, high profile and often-contentious area of work requiring:
- An extensive knowledge of legislation and its application
 - Excellent skills of diplomacy and negotiation
 - Exceptional customer care skills
 - An understanding of practical and basic engineering techniques
 - Political awareness
 - The ability to deal with heavy and complex workloads.
- 3.31** The PROW & Access Service is committed to the continuing professional development (CPD) of its officers, and the CPD requirements of the Institute of Public Rights of Way Officers (IPROW). IPROW Membership is encouraged as it provides access to a wealth of experience and knowledge nationally, provides regular updates on case law and exposes officers to other forms of delivery and practice that may benefit the county.
- 3.32** As well as attendance at relevant external professional courses, the Service seeks to hold three staff development days annually on specific themes to update officers on PROW legislative developments and related topics. External experts or trainers are used when specific subject matter requires it. This usually enables considerable economies of scale to be secured.

⁸ Proposed amendments to the planning process as a result of the Penfold review should once enacted reduce such instances.

Community involvement

- 3.33** The CAIP is the principal way in which the Service engages with local communities to develop and identify its priorities. However there is an ongoing dialogue between the Service and parish councils, user groups and Kent Countryside Access Forum concerning local service provision and delivery and projects that local communities may wish to support either financially or by assisting in the delivery of. There has been significant parish council involvement in many of the most successful CAIP projects since 2007.
- 3.34** Closer involvement with communities will be even more important in the delivery of a successful service in future given funding constraints. We will continue to liaise with parish councils and user groups, and will place a greater emphasis on the delivery of projects and work programmes that are considered a local priority. We will help to deliver these priorities either by facilitating work on behalf of parishes through our procurement arrangements or by assisting them with specifications and local delivery they may wish to fund.

Volunteer Use

- 3.35** The PROW and Access Service provides a range of opportunities for volunteers principally through:
- The Countryside Access Warden scheme
 - Volunteer Project Officer placements
 - Volunteer Group Tasks
 - Kent Countryside Access Forum
- 3.36** In addition we have close links with Countryside Management Projects and Partnerships. Many of these projects run regular volunteer days and tasks some of which are access projects.
- 3.37** We also have links with the Sustrans Rangers who are involved with voluntary work on the cycle tracks network.
- 3.38** There are costs involved in the management and supervision of volunteers that are often overlooked and underestimated. However at a time of static and reducing budgets there is an expectation that we will do all that we can to secure greater volunteer input to the management and maintenance of the PROW network.
- 3.39** The Volunteer Warden Scheme particularly has enabled the Service to harness the goodwill and hard work of 300 volunteers. The scheme was designed to allow the use of volunteers in a way in which they can contribute as and when they wish, undertaking low risk but highly visible work with the minimum of supervision. The Countryside Access Management System has been developed to enable the wardens to report safety issues that they may find on the network as well as the work that they have undertaken.
- 3.40** The Service as part of Regulatory Service is producing a strategy to increase volunteering opportunities. We will work closely with the Volunteers and Additional Workers officer in developing this strategy and also to maximise the use of volunteers and to make sure that they are appropriately equipped and managed.

Cycling and horse riding - shared use provision

- 3.41** The Countryside Access Improvement Plan 2007-17 identified a shortage in the provision of cycling and equestrian routes. Much has been achieved with partners to increase provision of cycling and equestrian provision since 2007, although it would be fair to say that there has been greater opportunity to create provision for cyclists and to meet the costs of this through external grants.
- 3.42** Existing PROW and Access Service policy relating to the creation of cycle tracks using PROW is prescriptive in terms of the standards to be applied to routes to be converted to cycle tracks⁹ and bridleways to be promoted as routes for cyclists. In some instances this policy has been restrictive preventing the promotion of routes that are for the majority of their length entirely suitable for cycle use. The standards set out also conflicted with guidance provided in the Kent Design Guide – technical appendices. We therefore intend to view the standards as guidance only.
- 3.43** The Service intends to take the following approach in respect any further cycle tracks and bridleways it creates. This policy is not intended to prevent partners and other authorities from using their powers to create routes or promote opportunities for cycling or horse riding over land in their control.
- 3.44** In all instances where higher rights are to be created or dedicated we will seek to upgrade through the creation of a bridleway by agreement with the landowner or, with Executive backing, by order. Public bridleway status would accord a right to cyclists while also providing further opportunity for equestrians.
- 3.45** Where agreement cannot be reached with a landowner to create a public bridleway by agreement and creation by order is not being pursued then conversion of a footpath to a cycle track must be achieved through the successful making of a cycle track conversion order¹⁰. The use of such an order allows for all of the numerous factors that may apply to be properly considered and weighed and, where required, to be independently considered. The use of the Cycle Tracks Act 1984 procedures have in the past not been employed in instances where routes were being considered for conversion resulting in ongoing uncertainty about maintenance liability and third party liability and potentially inadequate consideration of the constraints that may exist on site.
- 3.46** Permissive agreements will not be used by the Service to enable cycling on existing footpaths; such agreements are invariably lacking in detail and fail to adequately deal with future maintenance and third party liability. This is not intended to prevent landowners such as other local authorities inviting cycle use on their land.
- 3.47** Where it is intended to run a new cycle track beside an existing public right of way there should be clear segregation between the routes.

⁹ Policy – Promoted Cycle Routes on PROW 1997.

¹⁰ Cycle tracks Act 1984 section 3

3.48 Where it is not possible to agree the creation of a bridleway and no highway currently exists the PROW and Access Service may enter into agreement for the creation of a cycle track¹¹ subject to the agreement of Kent Highways and Transportation to accept on going maintenance liability.

Crime prevention and public rights of way

3.49 Section 17 of the Crime and Disorder Act 1998 states that “without prejudice to any other obligation imposed on it, it shall be the duty of each authority.... to exercise its various functions, with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area”.

3.50 The PROW and Access Service leads on Gating Orders for the County Council, processing any applications and maintaining the statutory register. The gating of a highway results in a loss of access for public users. The bar for accepting applications and drafting orders is therefore set high. Other options for reducing crime and anti-social behaviour are explored in the first instance. The extent of any restriction is limited to that necessary to address the specific issues that relate to a case. Only those applications brought forward with the full support of the Police and Community Safety Unit are considered¹².

3.51 Further detail is provided on-line at:
kent.gov.uk/environment_and_planning/countryside_access/definitive_map_and_statement/statutory_registers.aspx

3.52 In addition to gating orders the Service works closely with Clean Kent to tackle fly tipping where PROW are regularly affected.

3.53 Barriers and bollards are frequently introduced on the network to combat nuisance motor vehicle use, where the rights attached to a route are not in question and where there are no private vehicle rights recorded or asserted. The introduction of barriers in such instances is subject to an equality impact assessment and it is expected that barriers can be negotiated or by-passed by lawful users without the need to deviate from the public highway. (see paragraph 5.16)

11 Highways act 1980 section 38.

12 Report to Regulation Committee 22 May 2007 & Regulation Committee Gating Order Panel procedure.

Charging schedule

3.54 Where permitted the PROW and Access Service charge fees for the provision of information, products and services. This income has proved vital in supporting roles within the Definition Team particularly and lessening the impact of budget reductions on the provision of some of our services. A schedule of our charges for information, products and services was approved by the Cabinet Member for Customer and Communities on the 21 March 2012¹³. A schedule of our charges is published on the County Council's website: <https://shareweb.kent.gov.uk/Documents/environment-and-planning/CountrysideAccess/ChargingSchedule>

Special Events Act closure and filming on the highway closure

3.55 Statutory provision was made in 1994 for the closure of highways to facilitate the holding of special events. Originally introduced to facilitate the Tour de France the provisions enable highways to be closed on one occasion for up to three days in any one year to facilitate the holding of an event or to enable spectators to view an event. Regulations setting out the circumstances in which the provisions could be used, and how they were to be used were intended to follow the introduction of the original legislation. This has never happened although the Department for Transport did produce non-statutory guidance, since withdrawn by the Secretary of State for Communities.

3.56 Historically the County Council has not made orders for the closure of PROW under these provisions understanding that its true purpose was to enable events such as the Tour de France or London Marathon to take place. However in the absence of Regulations, authorities have increasingly taken a pragmatic view on the use of the legislation and facilitated the closure of PROW in order to enable events to take place. Given the many events in the county, some commercial and some community based that would benefit from short closures of PROW a decision was taken¹⁴ to utilise the provisions to support business in Kent, charitable and community ventures and filming. Any costs incurred for commercial events and filming are fully recharged in line with our charging policy. In the case of charitable and community events the administration costs may be waived.

3.57 Given the absence of regulation and guidance for Special Events Act¹⁵ closures a Special Events Act procedure for Public Rights of Way was established that balances public and event organiser needs and ensures that closures are limited in extent to cause the minimum of disruption to public users and are given appropriate and proportionate publicity.¹⁶

¹³ Decision 12/01883 Countryside Access Service Charging Policy.

¹⁴ Special events and filming on the highway closures. Decision 11/01734 September 2011.

¹⁵ Road Traffic Regulation (Special Events) Act 1994.

¹⁶ Special Events Act procedure for Public Rights of Way Decision 11/01734 September 2011.

Common Land and Village Greens

- 3.58** Common Land and Village Greens are steeped in history and have their origins in the era of manorial waste and customary law. Today they are much loved and valued green spaces which, in many cases, form a focal point of community life.
- 3.59** Village Green status provides rights of recreation for the residents of the locality as well as the highest level of protection available to any land, thereby preserving it for recreational use for future generations. Until relatively recently, there was no public access to Common Land, use instead being restricted to those with specific rights (largely to graze animals). However, the Countryside and Rights of Way Act 2000, which included Common Land in the definition of Open Access Land, has led to nearly 2000 additional acres of land being made available for public access in Kent. In total, there are currently 109 areas of registered Common Land in Kent, and 195 registered Village Greens (amounting to 775 acres).
- 3.60** The number of Village Greens is increasing year on year as a result of the large number of application to register land as new Village Greens under section 15 of the Commons Act 2006. Indeed, Kent has one of the highest rates of new Village Green applications in the country and the number of applications received annually has increased, on average, five-fold compared to a decade ago.
- 3.61** Village Green applications are, by their nature, very complex and time-consuming to resolve. Not only is the determination of Village Green applications a quasi-judicial function of the County Council thereby making it imperative that the correct decision is made in relation to each application, but the consequences of an application are potentially very serious for both the landowner (who faces a sharp reduction in the value and utility of the land if registered) and the local community (who could lose the use a much valued recreational area if the application is not successful). As a result, the majority of cases are highly emotive and Village Green applications are regularly featured in the local press. Additionally, case law in this area is constantly evolving and, in some cases, it will be necessary for applications to be referred to a Public Inquiry which places a significant financial burden on the County Council.
- 3.62** Clearly, the development pressures faced by this county have played a part in the increasing number of Village Green applications, but another possible explanation may well be the publicity surrounding Kent's participation in DEFRA's pilot project to implement the new provisions contained in the Commons Act 2006.
- 3.63** Under the previous legislation (the Commons Registration Act 1965) the County Council had only very limited powers to update the Registers of Common Land and Village Greens or to amend any errors contained within the legal records. The Commons Act 2006 has introduced a wide range of new measures intended to increase the County Council's scope for managing and updating the legal records. The County Council now has the power to initiate its own proposals for amending errors contained in the Registers as well as having a new responsibility to deal with applications from landowners and members of the public to correct such errors.

- 3.64** One of the requirements of the new provisions has been for the County Council to undertake a review of each and every Register unit to identify any possible errors, which has involved checking over 300 entries and accompanying maps. The next step will be to use the new legislation to republish the Register maps at a more useful scale on a more modern and up-to-date base map. This will overcome many of the current problems encountered in interpreting the current Register maps which were originally prepared in the 1960s.
- 3.65** The republication of the Register maps will greatly assist with the County Council's other duties in relation to Common Land and Village Greens, particularly in relation to dealing with and responding to enquiries from solicitors relating to the sale of property which is another time-consuming and resource-intensive activity.
- 3.66** The Growth and Infrastructure Bill will create further new challenges in the field of Common Land and Village Green. The current proposals, which restrict the circumstances under which a Village Green application can be made, are likely to lead to an overall reduction in the number of Village Green applications in future years, although it is not clear whether there is likely to be a short-term peak in applications to avoid the impact of the new proposals. The Bill will also introduce a new system enabling landowners to protect their land against future applications (similar to that already in place in relation to public rights of way) which will ultimately be administered by the County Council.

Recording

The Definitive Map and Statement

- 4.0** The Definitive Map and Statement (DMS) is the conclusive legal record of public rights of way. The Wildlife and Countryside Act 1981 section 53 places a duty on the County Council as the surveying authority to "keep the DMS under continuous review".
- 4.1** The DMS is the foundation for the work of the PROW and Access Service; it is essential that the record is accurate. The work associated with maintaining the DMS is not only essential for the delivery of front line maintenance and protection work but in dealing with:
- Property searches
 - Applications to add unrecorded rights to the DMS
 - Applications to amend recorded PROW
 - Recording statutory declarations to protect land from future claims for rights
 - Applications to divert or extinguish existing PROW in the landowner or public interest.
 - Gating highways for the purposes of preventing criminal and antisocial behaviour.
- 4.2** The duty to maintain the DMS is a front line activity in its own right affecting a great many people. Cases can have a significant bearing on the quality of life of an individual or a local community. Cases can be highly emotive and demand a high level of professionalism from the officers involved in determining them. For example in 2010 a case involving a number of claimed routes in Adisham was the lead item on BBC South East and Meridian Tonight.

- 4.3** In December 2012 the PROW and Access Service successfully completed a 6 year project to produce a new consolidated Definitive Map and Statement for Kent. Despite the length of the project, which involved the whole service, in meticulous labour intensive work, the process of producing this consolidated DMS was achieved more quickly than in other comparable authorities. On completion of a number of cases currently with the Planning Inspectorate for determination it will be possible to publish the map.
- 4.4** The new map took advantage of the improvements in mapping technology that had occurred since 1987. It delivers many improvements on the previous version of the DMS in terms of both the quality and accuracy of the base mapping. The PROW network is also digitised to a high degree of accuracy and may be overlaid on the most recent available survey data. This overcomes difficulties that the service has had in the past as the base mapping on which the PROW information is recorded is rapidly dated; the 1987 base map failing to show development such as:
- Channel tunnel terminal
 - Channel Tunnel Rail Link
 - The M20 & numerous other new roads,
 - New housing, particularly around Ashford and Kent Thames-side.
- 4.5** The consolidated DMS has a relevant date of 12 December 2012.
- 4.6** The principal objectives and policies of the PROW and Access Service relating to the Definitive Map and Statement are as set out below:
- 4.7** Keep the Definitive Map and Statement up to date and ensure the status and alignment of all PROW are correct in accordance with statutory duties by:-
- 4.8**
- a) Investigating and determining all claims in accordance with the statement of priorities
 - b) Investigating and determining anomalies in accordance with statement of priorities
 - c) Processing applications to change PROW in accordance with policy and statement of priorities
 - d) Ensuring all changes are covered by a formal Order

Recording and Definitive Map Policy

- 4.9** The main aim of the Definitive Map element of the PROW service is to ensure that Kent is covered by an up to date Definitive Map and accompanying Statement that correctly records the alignment and legal status of all PROW. Within this are component tasks which include investigating claims for additions to the PROW network, investigating and determining reported map anomalies, ensuring network changes are covered by a formal Order and to improve and enhance the alignment of PROW.

- 4.10** The resolution of anomalies and mapping errors is essential for the effective management of the PROW network. There are backlogs in all areas of work which tend to grow rapidly but diminish slowly.
- 4.11** The Definitive Map underpins the PROW network and the ability to deliver the whole Service.

Neutral Stance at Public Inquiries

- 4.12** The County Council is occasionally directed to make orders to amend the Definitive Map and Statement by the Secretary of State following appeal against an earlier decision of the authority. Where objections are received to such orders they stand referred back to the Secretary of State for determination. This is usually through written representations, public local hearing or public inquiry.
- 4.13** In cases where the County Council has been directed by the Secretary of State to make an order to amend the Definitive Map and Statement it shall remain neutral in further proceedings unless delegated power to take a different position is specifically sought and secured by the relevant officer.

Statement of Priorities

Definitive Map Key principles

- 4.14** The policies set out are designed to assist the service in pursuing its statutory functions, which can be defined by the main objective:
- 4.15** “To ensure that Kent is covered by a Definitive Map and Statement that correctly records the alignment and legal status of all PROW”
- 4.16** Priority will be given to the investigation and determination of outstanding claims and the resolution of anomalies and mapping errors. A lower priority will be given to public path change orders unless applied for under the new provisions contained within the Countryside and Rights of Way Act 2000 (although these provisions are not in force at the time of writing).
- 4.17** Working within the framework provided by statute and the budget provided by the County Council, work will be prioritised according to the key principles listed below:
- 4.18** **Where public safety could be substantially improved:**
- 4.19** Definitive Map claim cases may be given priority where, for example, the resolution of an application would enable the County Council to properly assess or manage issues of public safety.
- 4.20** Public Path Change Orders may be given priority where for example the effect of an Order, if confirmed, would significantly enhance public safety.

4.21 Where a route has been identified in the Countryside Access Improvement Plan as part of a strategic improvement and the County Council's actions could result in a significant positive impact on the network:

4.22 Definitive Map cases may be given priority when the resolution of the application may enable the County Council to manage the network more effectively by resolving whether for example:

- A claimed route would form all or part of a missing link in the network.
- A claimed route forms part of a longer route e.g. a circular route or long distance route and overcomes current difficulties
- An anomaly in the Definitive Map and Statement would be resolved.

4.23 Public Path Change Orders may be given priority where for example:

- A route forms all or part of a missing link in the network
- A route forms part of a promoted or long distance or circular route
- A problem exists which cannot be solved through maintenance or enforcement.
- A route is not shown in the Definitive Map and Statement but has an anticipated high level of use if it were to be added either by Agreement or Order
- A route is shown in the Definitive Map with lower rights and the anticipated level of use would be greater if higher rights were to be added either by Agreement or Order.

4.24 Where planning permission has been granted for Development:

- Definitive Map claim cases may be given priority where a claimed path is threatened by imminent development
- Public Path change Orders may be given priority where planning permission has been granted to enable development to take place.
- Public Path Change Orders are made concurrently with Orders made under Section 53 of the Wildlife and Countryside Act.

4.25 These key principles are reflected in policies set out in more detail below:

Evidential Modification Orders

4.26 The County Council as Surveying Authority has a duty to keep the Definitive Map and Statement under continuous review (Wildlife & Countryside Act 1981 S. 53). This includes all evidential events giving rise to the modification of the Definitive Map and Statement (S.53 (3) b and C). The County Council is often under pressure to investigate certain cases in advance of others. A policy is required to set out the priority that will normally be applied by the County Council to individual cases and hence the order in which applications will be dealt with.

4.27 Modification Order cases will normally be investigated in the order in which applications are received, except in any of the following circumstances where a case may be investigated sooner:

4.28

- Where it will satisfy one or more of the relevant key principles set out above
- Where the physical existence of the claimed route is threatened by development
- Where investigation of a case would involve substantially the same evidence as a route currently under investigation or about to be investigated

- Where an application relies primarily on user-based evidence; one user-based application will be allocated for every one application based on historic, documentary evidence (subject to there being outstanding user-based applications).

4.29 The above exceptions will enable the authority to prioritise certain applications where this is appropriate and likely to be in the public benefit. Please refer to the Guidance notes for modification orders more information on making an application.

Public Path Change Orders

4.30 The Highways Act 1980 gives the County Council the power to make a Public Path Diversion Order if it can be shown that it is in the interests of the landowner and/or in the interests of the public. A PROW may be extinguished if it can be shown that it is no longer needed for public use or is unnecessary. PROW can also be created either agreement or by Order.

4.31 The Countryside and Rights of Way Act 2000 gave the County Council new statutory powers to process path change Orders that meet new criteria relating to school security, crime prevention and the protection of Sites of Special Scientific Interest.

4.32 Applications which are considered not to satisfy the new criteria but to fall within our general powers to process may be dealt with under those powers instead in appropriate cases.

4.33 Public Path Diversion or Extinguishment Orders to enable development to take place are usually dealt with under the Town and Country Planning Act 1990. It is important to note that an Order cannot be made under this Act if the development has already been completed or is substantially complete.

4.34 Applications in respect of Byways Open to All Traffic follow different procedures than those for Footpaths, Bridleways and Restricted Byways.

4.35 The County Council will take into account whether the following criteria are satisfied before promoting a Public Path Change Order. Irrespective of the following, the statutory tests (as set out within the various acts) for changing a PROW must apply.

4.36

- The status of the route must not be in dispute at the time of the application, unless the Public Path Order is being implemented concurrently with an application under Section 53 of the Wildlife and Countryside Act 1981.
- The Applicant must agree to meet the County Council's costs of promoting the Order and bringing the new path into a fit condition for public use.
- The applicant must also agree to defray any compensation which may become payable as a result of the proposal.
- The definitive line should where it is considered by the County Council to be reasonably practicable be open, clear and safe to use.

4.37 As with Evidential Modification Orders, the County Council is often under pressure to process certain applications in advance of others. A policy is therefore required for this area of work also, to set out the priority that will normally be applied by the County Council to individual cases and hence the order in which applications will be dealt with.

4.38 Public Path Change Orders will normally be processed in the order in which applications are received, except in any of the following circumstances where an Order maybe processed sooner:

4.39

- Where it will satisfy one or more of the relevant key principles set out above.
- Where an application has been made to the County Council in its capacity as Planning Authority
- Where the processing of an Order could save significant costs incurred in other Rights of Way functions.
- Where a Public Path Change Order is made concurrently with Orders made under Section 53 of the Wildlife and Countryside Act.

4.40 For the purpose of these policies the term ‘Public Path Change Order’ shall be taken to include:

4.41

- Orders made under Section 26 (creations), 118 (extinguishments) or 119 (diversions) of the Highways Act 1980
- Applications to the Magistrates Court under Section 116 of the Highways Act 1980 (extinguishments or diversions).
- Orders made under Section 257 of the Town and Country Planning Act 1990 (extinguishments and diversions).

4.42 Please refer to the General Notes for more detail including the application form and associated costs.

Processing Dedication and Creation Agreements

4.43 The County Council has powers to accept dedications of new rights. A policy is required to set out the priority that will normally be applied by the County Council to individual cases and hence the order in which applications will be dealt with

4.44 Dedications and Creation Agreements will normally only be processed in the following circumstances:

4.45

- Where it will satisfy one or more of the relevant key principles set out above.
- Where the requirements to make a dedication forms part of an obligation in a section 106 agreement.

Maintenance

Asset Management Planning

5.0 In the first Countryside Access Improvement Plan the service formally adopted asset management planning principles in its approach to maintaining the network. The approach has proved valuable in:

- Identifying the value of the network as a physical asset¹⁷ (excluding the value of land)
- Identifying short and long term maintenance budget requirements
- Managing risk – particularly at a time of static or reducing budgets
- Evaluating new products and materials
- Identifying potential issues at an early stage, enabling appropriate intervention¹⁸

The Service subsequently produced an asset management plan¹⁹ and a table of calculations based on the assumptions about asset performance made within the plan. The plan and tables are subject to annual revision as the assumptions on which they are based are refined.

Maintenance design standards

5.1 The public rights of way network, with a limited number of exceptions, is publicly maintainable in the same way as the wider highway network. The first CAIP identified need to generally improve the quality of furniture on and surfacing of the PROW network. The Service produced and adopted a set of widely applauded design standards in response. These standards continue to be developed.

5.2 In addition the Service adopted the use of nationally produced technical guidance for maintenance specifications for shared use routes²⁰. This provides the basis for most scheme design.

5.3 While the standards establish a level of construction/ repair that is the optimum it does not establish the standard of provision at which the County Council would consider that its obligation to maintain the highway has been met. This is of particular relevance at times of reducing budgets when the risk of actions being pursued to compel the County Council to act to bring a highway into repair may increase.²¹ In 2010 Durham County Council were unable to successfully oppose an application against them relating to the non-repair of a highway.²² Central to the case was the fact that Durham County Council had no established standard for repair and was unable to demonstrate the highway was in repair as a result.

¹⁷ 2012 asset value placed at £83M

¹⁸ In the event of a structure failing all structures of a similar age and construction can be identified, inspected and managed through repair or replacement.

¹⁹ Countryside Access Service Asset Management Plan 2012 and calculations.

²⁰ On the right track surfacing standards for shared use routes – The Countryside Agency 2005

²¹ Highways Act 1980 section 56 provisions.

²² Reported in the Byways and Bridleways Trust -Sept 2010 – Durham CC had no established standard for repair and were unable to demonstrate a route was in repair as a result

5.4 On the basis of case law the PROW & Access Service will consider a right of way to be in repair if:

- There is no unreasonable interference with the rights of the person using the right of way
- It is safe and fit for ordinary traffic at all times of year
- The level of repair has adjusted over time to meet the needs of current use
- It is adequately drained
- It is free from trips (though not necessarily free from shallow depressions, sometimes water filled, or uniformly even under foot)
- It reflects the character and the land use of the area

Least restrictive access

5.5 In October 2010 DEFRA produced good practice guidance relating to the relevance of the Equality Act 2010 to public rights of way management. The Equality Act 2010 replaced the earlier Disability Discrimination Act 1995.

5.6 The good practice guidance indicated that authorities should

- 1) Have a published policy on how it will meet the requirements of the Equality Act in relation to public rights of way.
- 2) Ensure that any structures they give lawful authority to are clearly specified and documented.
- 3) Consider including in any specification, provision to remove the structure when the need for it changes or ceases.
- 4) Consider displaying information on all lawful structures (including their accessibility) to enable someone with limited mobility to plan routes other than just those that are officially designated as easy access

The service has adopted policy and practice to address each of these elements:

- 1) Have a published policy on how it will meet the requirements of the Equality Act 2010 in relation to public rights of way.

5.7 A policy of least restrictive access was formerly adopted by the County Council in 2006. The policy sought to limit the introduction of further structures on the rights of way network and to actively seek the removal of existing stiles. It is one way in which the service actively tackles disadvantage within communities. 3000+ stiles have been removed from the public rights of way network since the introduction of this policy. Where stiles remain they prevent use of paths by many in the community, particularly the elderly, young and those who suffer some form of ambulant disability.

- 5.8** The removal or replacement of existing stiles is carried out with the agreement of landowners. Where stiles are replaced with more accessible structures the County Council will contribute greater than the 25% of the landowner's reasonable costs in maintaining a structure that it is obliged to. This contribution is generally provided in the form of new furniture such as gates and kissing gates for the landowner. This we believe represents good value in that improvement to the network is secured as it is safer and more accessible. Additionally the gates and kissing gates are of a high quality and reduce long term maintenance costs.
- 2) Ensure that any structures they give lawful authority to are clearly specified and documented.
- 5.9** The record of authorised structures on the rights of way network in Kent is incomplete for a number of reasons principally stemming from the delivery of the PROW function through agency agreements, the use of volunteers and the inconsistent application of practice in the authorisation of new structures in the early 1990s. The whole network survey 2004-7 identified over 13000 stiles and gates.
- 5.10** This document establishes policy to clarify which stiles and gates the County Council will presume in the first instance to be authorised and is therefore liable to contribute to the maintenance of.
- 5.11** The County Council will view a structure as authorised where one of the following criteria is met:
- 1) It is recorded in the Parish or Draft Map Statements.
 - 2) It is recorded as a limitation within the Definitive Map Statement
 - 3) It is recorded as a limitation within a legal order.
 - 4) There is a record of authorisation by the authority; Highways Act 1980 section 147.
 - 5) If there is any other record of the County Council agreeing to the installation of the structure or installing the structure where the criteria in Highways Act 1980 section 147 are met.²³
 - 6) The structure was installed by the County Council under its powers under the Highways Act 1980 section 66.²⁴

²³ The land is in use for agriculture, forestry or the breeding and keeping of horses and a stile or gate is required to prevent the ingress or egress of animals.

²⁴ A Highway Authority may provide in a footpath or bridleway maintainable at public expense barriers, posts, rails or fences as they think necessary for the purposes of safeguarding persons using the highway.

5.12 Where the evidence on the ground or provided by the landowner indicates that at the time the structure was installed that the land was in use for agriculture and forestry and the purpose of the structure was to prevent the ingress or egress of animals, (i.e. the circumstances indicate that the requirements of the legislation were met), and the type of structure is compatible with the recorded rights the continued presence of the structure will be tolerated. This is without prejudice to the discovery of further evidence that would lead the County Council to the conclusion that the structure was an obstruction of the highway.

3) Consider including in any specification, provision to remove the structure when the need for it changes or ceases.

5.13 Those structures authorised since 1996 have been recorded and are subject to a number of conditions including a requirement to remove the structure should the original reason for it no longer apply. Those authorised since 2006 specify the relevant British Standard.²⁵

4) Consider displaying information on all lawful structures (including the accessibility) to enable someone with limited mobility to plan routes other than just those that are officially designated as easy access

5.14 Detail of all structures on the PROW network may be viewed on the Explore Kent website interactive map. This enables suitable routes to be identified by all users in line with limitations they may have.

Installation of barriers and gates for the purposes of public safety

5.15 Where barriers are requested for the purposes of safeguarding the public, for instance:

- in response to reports of nuisance motor vehicle misuse on public footpaths and bridleways
- in response to damaging use, or
- barriers are required to enforce traffic restrictions

full consideration will be given to the need to preserve access for legitimate public users. Where required easy access radar key operated gates may be installed alongside barriers to facilitate use by mobility vehicle users.

5.16 In all instances where barriers are requested it is expected that the evidence available will satisfy the satisfy tests that the County Council must meet.²⁶ The installation of barriers must be likely to prevent a nuisance and safeguard users of the highway.

Bridge management and inspection.

5.17 There are 2991²⁷ bridges on Kent's PROW network; as with the wider highway network the bridges are a mixture of privately and publicly maintainable structures. They range from simple sleeper bridges to complex steel, concrete and timber structures of significant value. The majority pass over natural watercourses and drainage channels with a number passing over railways and roads.

25 Currently BS 5709:2006

26 Section 66 HA 1980:

27 CAMS 2012.

- 5.18** The County Council has historically undertaken basic safety inspections on the main river bridges and other major PROW structures; 279 structures in total. These structures are inspected every two years at a cost of approximately £20K. The basic safety inspections have adhered to the national code of practice²⁸ looking at the condition, integrity and safety of the structure. More detailed inspections have been commissioned separately on an ad-hoc basis.
- 5.19** The inspection regime is not consistent in terms of the type or construction of those structures surveyed. While those bridges surveyed are generally the more complex structures of longer spans, predominantly though not exclusively over main-river courses, other similar structures have not been included in the inspection schedule. There is as a result an incomplete picture of the condition of the PROW bridge stock and therefore the resource implications for future programmes to maintain that stock in an appropriate condition for public use.
- 5.20** While given the current financial constraints there is limited opportunity to expand the inspection regime; where clear anomalies are identified the current schedules of inspections will be amended to manage risk appropriately.

Trees

- 5.21** Those trees which are situated within the highway (of which any have yet to be identified on the PROW network) would be inspected and maintained in accord with the County Council, Kent Highways and Transportation Tree policy.²⁹ However it is simply not possible for the Service to operate a programmed inspection regime of the PROW network for other private trees which are within falling distance of and could potentially pose a risk to users of PROW. The responsibility for those trees rests with the owner of land in which they are rooted.
- 5.22** The majority of tree issues reported to the Service relate to trees that were planted by landowners to form part of the highway boundary, have grown in the highway boundary, or that are rooted in land adjacent to the highway. In such instances they are the responsibility of the landowner.
- 5.23** Many of the reports received relate not to a danger to highway users rather to private nuisance such as leaf fall, interference with TV signals or blocking light: These are not matters for the local authority.
- 5.24** Where trees are reported as posing a danger to the public the Service may commission an inspection by a trained arboriculturist and take action based on the advice received. In the event that a tree does pose a significant risk to the users of the public right of way and no landowner can be identified action will be taken to make the area safe. No on going liability for the future inspection or management of a tree should be inferred from such an action.

28 Management of Highways Structures Code of Practice 2005 (UK Roads Liaison Group)

29 Insert KH & T Tree Policy.

Protection

Statutory requirement

- 6.0** The Highways Act 1980 section 130 places a duty on the County Council as the Highway Authority to “assert and protect the rights of the public to the use and enjoyment of any highways for which they are the highway authority including any roadside waste that forms part of it”. No discretion is provided within this provision, i.e. the County Council is obliged to investigate and to act if the highway has been obstructed.
- 6.1** The Countryside and Rights of Way Act 2000 introduced new provisions³⁰ to enable the public to serve notice on a highway authority to remove an obstruction and to seek a direction from the Magistrates’ Court should the authority not act. To date 5 notices have been served on the County Council although none has yet been brought before the Magistrates’ Court. This compares well with other Authorities where we understand that the service of such notices is common.
- 6.2** Where short term obstructions and nuisances such as crops and barbed wire are reported the CAS will continue to target persistent offenders or run specific campaigns to highlight issues and improve compliance. We will also continue to place greater emphasis on taking direct action to resolve issues rather than to pursue action through the Courts although this will remain one of a number of potential sanctions. Action will be pursued in accordance with the published enforcement policy and following established protocols.³¹
- 6.3** No amendments are proposed to the enforcement policy or priorities. However the approach taken by the Service to resourcing and resolving the long-standing obstructions to the PROW network should be noted:

Long term obstructions

- 6.4** 1452 obstructions (other than crops, temporary circumstances, camps and broken furniture) to the PROW network were identified through the full network survey in 2004-7 and the meticulous work to produce a consolidated Definitive Map and Statement. Working through these obstructions in a systematic way the Service was able to resolve 637 over a two year period in the course of its normal operations. A further 815 known obstructions to the definitive alignment of PROW remain to be resolved.
- 6.5** As with maintenance a simple cost benefit prioritisation system has been developed; the Obstruction Assessment Tool. This to establish which obstructions the authority should devote its limited resource to resolving notwithstanding the obligation to assert and protect the highway as set out in section 130 Highways Act 1980.

30 Highways Act 1980 sections 130A-D.

31 PROW enforcement policy as published in PROW Objectives and policy 2006.

- 6.6** The priority accorded to dealing with long-term obstructions reflects the established policy and additional factors including:
- Potential safety risks presented by continuation of the obstruction
 - The resolution of the obstruction providing a significantly enhanced PROW network (as defined in CAIP objectives)
 - The resolution of the obstruction contributing significantly to other Council objectives (access to schools etc)
 - The obstruction adversely affects a promoted route
 - The availability of a safe, suitable, alternative route
 - The level of and source of complaints
 - Direct action being a viable solution to removal of the obstruction
- 6.7** A significant number of routes are obstructed by buildings (including residential property) that were constructed in the absence of an order for the diversion or extinguishment. Where the local land charges search process identifies a property obstructing a PROW it is the intention of the Service to identify the obstruction of the PROW to the prospective purchaser irrespective of the purchaser requesting this information³² in the expectation that this will at the very least highlight the existence of the issue to the prospective purchaser and hopefully encourage the making of an application for an order to resolve the matter.

Access Land and Coastal Access:

- 6.8** The designation of mountain, moor, heath and down as access land under the CROW Act 2000 led to the recording of 2075 hectares of land in the County as access land, to which the public have a right to enter and remain for the purposes of open air recreation.
- 6.9** In addition Kent is in the first tranche of authorities selected for the introduction of access to the coast, as a result of the Marine and Access to the Coast Act 2009. There is an intention to create a national trail; around the coast of England including the designation of access land along the coastal margin where access rights do not already exist.
- 6.10** Kent County Council holds powers to negotiate and provide access to access land as the Access Authority. However there is no obligation to do so and the powers to protect access land in the face of deliberate acts of obstruction have proved inadequate and resource intensive. The assertion and protection of access to access land is therefore a low priority for the PROW and Access Service.

³² The existence of a PROW affecting a property falls within part 2 of the CON29 options form and is an optional question that may not be asked.

Vehicles

6.11 The motor vehicular use of PROW is one of the more contentious issues that the Service has to manage. The use of Byways Open to All Traffic (BOATs) often generates strong feelings within local communities who wish nuisance, and indeed legitimate motor vehicle use, to be stopped. There are a number of existing policies relating to the management of BOATs.³³

6.12 The DEFRA publication “Making the Best of Byways” provided a great deal of practical advice for Highway Authorities, vehicular and non vehicular user groups and landowners about the management of byways. The publication set out the good practice stakeholders should adopt to support the effective management of BOATs. The publication may be viewed at: (www.defra.gov.uk/wildlife-countryside/cl/mpv/index.htm)

6.13 Suggested actions for Authorities, such as Kent, with an extensive BOAT network include:

- The creation of a mechanism for direct liaison with recreational motor vehicle users
- Transparent policies to manage BOATs, including applying Traffic Regulation Orders (TROs)

6.14 In order to address the above two points a Byway Management Working Group was established for the County in 2006 the purpose of which is to consider and advise the County Council on proposals for the management of BOAT’s including specific proposals for the management of individual BOATs. The group meets occasionally as and when new cases are brought forward. The length of time required to implement recommendations and the resource available for this means that there can be long periods between meetings.

6.15 Since 2006, the management of seven BOATs or networks of BOATs has been considered resulting in the making of six Traffic Regulation Orders (TROs) . These have included:

- Three seasonal traffic regulation orders (TROs) prohibiting four wheel drive use through the winter months
- Three innovative access by permit schemes.

This work has been involved and time consuming, however it is appropriate that issues are considered on the facts relevant to the case and that the management interventions introduced are proportionate in all of the circumstances. Where TROs have been recommended an Executive Side decision has been sought to give authority for the making of an order and where necessary to make an order in the face of objections.

6.16 The introduction of management measures such as TRO’s is resource intensive and requires input from other partners, particularly Kent Police, to be effective. Kent Police have consistently indicated that their capacity to support such initiatives is limited and will be subject to meeting other competing priorities. Equally the capacity of the Service to consider the management of vehicle issues with the detail and balance required has been reduced. Therefore fewer BOAT management issues are likely be considered in future without the identification of additional resource.

33 Vehicles in the Countryside; Report to the Environmental Sub Committee – 4 October 1996. Measures to Protect PROW with Heritage Value: report by County Environmental Management Board 12 January 2001

6.17 Where nuisance use affecting non motor vehicular rights of way is evident and unlawful, the use of barriers will be considered to prevent access and advice provided to landowners about how they can secure land boundaries to prevent trespass.

Further Information:

If you have any enquiries relating to this document please contact PROW – EX EHW

Copies can be requested and the additional information referred to in the text can be obtained by writing to:-

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Or by sending an e-mail to: - prow@kent.gov.uk

