

# Report to Deputy Leader & Cabinet Member for Transportation

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**Decision to be taken on or after 20 March 2020**

**Decision can normally be implemented at least  
3 working days after decision has been signed.**

**Cabinet Member Report No. T07.20  
(Democratic Services will fill this information in)**

**Title:** Footway Hierarchy 2020

**Date:** 12 March 2020

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**Local members affected:** All Electoral Divisions

*For press enquiries concerning this report, please contact the media office on 01296 382444*

## Summary

The Code of Practice gives Local Authorities guidance on how to manage their highways and footways which can be modified to suit that Local Authority. The Code recommends that a separate footway hierarchy is determined by functionality and scale of use. Although the Well-Managed Highway Infrastructure (WMHI) document provides suggestions on how to compile a footway hierarchy, it is only a guide, and local circumstances should also be taken into consideration. The Code also recommends that the frequency of inspections is based on a risk assessment.

A comprehensive review of the existing footway hierarchy has been undertaken over the last year in line with the new Code of Practice WMHI. The existing hierarchy was created over 10 years ago and the inspection policy has been revised several times in the intervening period. The hierarchy, although recorded in the Asset Management Information System (AMIS) is not readily available to all users of the system and not fully reflected in the inspection regime. The purpose of this paper is to seek approval to implement the new designations of the hierarchy

review. Work has also taken place to identify and record footways which are remote to the carriageway and other surfaced Public Rights of Way in urban areas, with the intention to include them in the next Safety Inspection Policy.

## **Recommendations**

- **The Cabinet Member approves this revised footway hierarchy which sets inspection frequency and the approach for prioritisation of capital maintenance schemes.**
- **The Cabinet Member recommends that work continues to identify and incorporate remote footways and surfaced Public Rights of Way into the network and that subsequently a revised Safety Inspection Policy is drafted for approval.**

### **A. Narrative setting out the reasons for the decision**

#### **Background**

1. BCC's Safety Inspection Policy identifies the Council's approach to inspecting public highways and identifying and responding to defects. The policy determines the frequency of inspection based on the identified hierarchy and references footways which are adjacent to the carriageway. It does not reference footways which are remote from the carriageway, often referred to as footpaths, but for the purposes of this paper all called footways, such as those through housing estates, or Public Rights of Way.
2. The existing hierarchy was identified over 10 years ago and the inspection policy has been revised several times in the intervening period. The hierarchy, although recorded in the Asset Management System, is not readily available to all users of the system and not fully reflected in the inspection regime. The rationale for assigning hierarchies is not clear and does not reflect changes to the network over recent years. Some remote walked inspections are included in the Asset Management System, but these have been added in an ad hoc way. Hence a thorough review is required.
3. TfB have reviewed the footway hierarchy in Buckinghamshire and propose revisions to the hierarchy which will impact on safety inspections and capital scheme prioritisation. The proposed changes to the hierarchy will update the assignments to reflect current usage and importance of the footways. This update has been undertaken in accordance with the Code of Practice WMHI. It is important that the hierarchy is kept up to date and hence the hierarchy will be periodically reviewed.

#### **The Process**

4. The project undertook a detailed, area by area, review of the entire footway network. It has reviewed each road in the network to identify the presence and extent of all footways. Once identified, the hierarchy of each footway was assessed using predefined criteria as laid down in the Well Managed Highways Infrastructure Code of Practice and in consultation with the Local Area Technicians and Local Members, using their local knowledge of the footways and their usage. This enabled a consistent approach throughout the county.
5. Two new hierarchies (5 & 6) were developed as the original hierarchy did not fully represent the distribution of the lower use footways. The criteria used to allocate footways to hierarchies are not purely a reflection of footfall but also consider the importance of the route to access facilities and the remainder of the footway network. Table 1 details the footway hierarchy. The upper 4 hierarchies remain fundamentally the same as the current network and two new hierarchies have been introduced.

*Table 1: Footway Hierarchy Criteria Description*

Hierarchy No.	Hierarchy Description	Criteria Description
1	Primary Walking Route	Busy, urban shopping areas, large offices, transport hubs, and amenities that generate significant footfall (or a combination).
2	Secondary Walking Route	Medium use routes feeding into Primary Routes. High Streets in smaller towns and local shopping parades in larger towns (5+ shops). Footways outside schools, amenities and transport hubs that generate moderate footfall.
3	Link Footways	Connecting footways through urban areas. Footways serving small amenities and single businesses/shops and busy rural footways.
4	Local Access Footways	Footways associated with low usage - estate roads and cul-de-sacs.
5	Rural Footway	Footways adjacent to rural/semi-rural roads where there are no significant property frontages.
6	Low Use Remote Footways	Footways not adjacent to highways and some surfaced Public Rights of Way.
NF	No Footway	No footway present

- For remote footways the County's GIS record showing the areas of highways maintainable at public expense has been reviewed and new "dummy" streets have been created to allow for these footways to be added to the Asset Management System. Similarly the County's Definitive Plan for Public Rights of Way has been investigated and those in urban areas assessed and assigned a hierarchy if they are surfaced.
- Further details of the assignment of the footways to the hierarchy are given in Appendix A.

### Highways Liability Risk Management

- The changes to the hierarchy will affect the frequency of safety inspections on some footways. However, footways are generally inspected for safety defects at the same time as the adjacent carriageways in line with the Highway Safety Inspection Policy. Table 2, below, shows the inspection frequency by hierarchy as stated in the Highway Safety Inspection Policy and adds the new hierarchies. The newly created hierarchies; 5 and 6, are equivalent to the lowest hierarchy as per the previous Policy and will be inspected annually, subject to any future revision of the Safety Inspection Policy.

*Table 2: Footway Safety Inspection Frequencies*

Footway Hierarchy No.	Frequency of Safety Inspection	Hierarchy Description
1	Monthly	Primary Walking Route
2	Quarterly	Secondary Walking Route and Safer Routes to School
3	Annually	Linked Footway
4	Annually	Local Access Footway
5	Annually	Rural Footway
6	Annually	Low Use Remote Footways

9. Occasionally, there is a mismatch between the inspection frequency required for a footway hierarchy and the frequency required for the adjacent carriageway hierarchy. Generally the inspection frequency required for the carriageway is either the same, or higher than required for the adjacent footways and can therefore be considered sufficient. However, in some cases a footway may require an increased inspection frequency compared to the carriageway. This mismatch will be built into the inspection programme to ensure compliance with the Highway Safety Inspection Policy. Table 3 summarises the length of footways where additional inspections are required. Overall this will not constitute a significant change to the existing inspection regime. The table does not include the lengths of remote footways and surfaced rights of way which will require an inspection. This length is estimated to be 70km surfaced ROW and 100km remote footways.

*Table 3: Length of Footways where Additional Safety Inspections are Required*

	<b>Additional Monthly Inspections (Carriageway quarterly) (km)</b>	<b>Additional Monthly Inspections (Carriageway annual) (km)</b>	<b>Additional Quarterly Inspections (Carriageway annual) (km)</b>
Previous Hierarchy	1.10	4.37	25.42
New Hierarchy	0.85	4.67	29.58

## Implementation

10. For footways adjacent to carriageways, inspections for the new hierarchy cannot be implemented immediately. Amendments will be made and revised inspections added for implementation in 2020/21. This will be recorded as an attribute against the Whole Street Asset to inform Safety Inspectors and Local Area Technicians (LATs). This is likely to be completed for full implementation by summer 2020. It should be noted that the vast majority of footways are already being inspected at the appropriate frequency.
11. Following the amendments, future condition surveys will be scheduled using the revised footway hierarchy. Hierarchy 1 and 2 footways are surveyed using a Detailed Visual Inspection (DVI) which allows better identification of potential maintenance schemes for these important hierarchies. Capital maintenance schemes will be prioritised using the new hierarchy. Members will be consulted on schemes for the higher two hierarchies and will be asked to prioritise schemes on the remaining hierarchies. This will mirror the approach taken for carriageway scheme prioritisation.
12. Remote footways and surfaced Rights of Way are identified and a condition survey is carried out which confirms the length of the footway to be included. Any significant defects are identified and reported to the LAT to be risk assessed and prioritised for repair in line with the Safety Inspection Policy. A formal safety inspection is then scheduled for an appropriate point in the next 12 months.
13. Following adoption of the revised hierarchy it is proposed that the Highway Safety Inspection Policy is reviewed and revised to add reference to remote footways and surfaced rights of way and to make any other changes which might be identified from the review. This review should consider the necessary frequency of those lower used footways or whether they require a specific inspection at all.
14. Table 4 below shows the total length of footways before and after the review broken down by Hierarchy.

Table 4: Length of Footways before and after review

Footway Hierarchy No.	Hierarchy Description	Total Before Review (Km)	Total After Review (Km)
1	Primary Walking Route	18.3	13.2
2	Secondary Walking Route and Safer Routes to School	97.7	104.6
3	Linked Footway	1064.5	524.2
4	Local Access Footway	953.6	1297.2
5	Rural Footway		118.2
6	Low Use Remote Footways	*	*
	No footway	5.4**	82.3**
Total			

\* The table does not include the lengths of remote footways and surfaced rights of way which will require an inspection. This length is estimated to be 70km surfaced ROW and 100km remote footways.

\*\* There were 5.4Km of footway in the current hierarchy where footways have now been identified which had not been previously recorded. There are 82.3 Km of footways in the new hierarchy where footways were previously recorded but where there is no footway present.

## Risks

15. Some footways requiring a more frequent inspection than the adjacent carriageway are not currently being inspected at the correct frequency. This will be rectified once implementation is complete.
16. It should be possible to refute challenges to the revision of the hierarchy. An authority must have the power to make amendments and improvements to its policies and it is best practice to review the asset and inspection regime to take account of changes in condition, circumstances, usage or policy.
17. Many remote footways are not included in the highway maintainable area recorded in the County's GIS record. These may be the responsibility of others (Housing Associations, District, Town or Parish Councils or the responsibility may be uncertain). Additional work may be required to identify any more footways which are the responsibility of the Highway Authority.

## B. Other options available, and their pros and cons

18. If revisions to the hierarchy are not made then the network will continue to fall out of line with current use and changes which have taken place. The Authority may then not be able to defend against claims for personal injury and damage resulting from trips and falls on our footways.

## C. Resource implications

19. Currently the Authority sets its budgets through the Medium-Term Financial Plan (MTFP). The Annual Business Planning Process (ABPP) reviews its levels of service to align with budgets set by the Authority. This process; undertaken for all highway services delivered by TfB, considers local needs and priorities by reviewing a number of key datasets. These datasets describe and evidence risk to users of the network. The balance between levels of service and affordability is agreed through TfB's ABPP.

20. Changes to the inspection frequency and additional inspections for remote footways and surfaced rights of way will be included in the relevant business plan and resources allocated as needed to deliver the Safety Inspection Policy. The increased inspections are not expected to add greatly to the inspection burden. In overall terms the length of remote and other footways is not large when compared to the overall length of footways. There may be an initial increase in required reactive repairs following the initial inspections, which will be managed through the governance of the TfB contract which is reported monthly.
21. Assessment will be made of the increased capital costs of maintaining these footways through the MTFP process once the length and condition are known. Again this increase is not expected to be significant unless long lengths of footway are found to be in need of complete reconstruction.

#### **D. Value for Money (VfM) Self Assessment**

22. This is a revision to the footway network and not a new policy. The adoption of properly assessed maintenance hierarchies provides improved Value for Money as it will better target resources to those areas in most need. The County as Highway Authority has a duty to maintain the Public Highway and to inspect it in line with the requirements of the Highway Act 1980. The arrangements through the Annual Business Planning Process and the contract with Ringway Jacobs ensures that Value for Money is achieved.

#### **E. Legal implications**

23. The Code of Practice is actively encouraging authorities to review and adopt revisions to their hierarchy. The adoption of this hierarchy review, in conjunction with the previous approval of the Highway Inspection Policy, provides a defence against claim under Section 58 of the Highways Act 1980. Given the relatively small number of amendments and the clear documentation of this review the risk is considered to be low. The formal addition of remote and surfaced Rights of Way to the maintenance hierarchy will strengthen future defence.

#### **F. Property implications**

24. There is the opportunity to include any footpaths within or around BCC owned property (e.g. Schools) within the overall footway maintenance regime. This is not covered by this paper.

#### **G. Unitary Council**

25. The responsibility for maintaining and inspecting the public highway will not change with the new Authority. Opportunities may be available to incorporate footways which are currently the responsibility of District Councils (such as those in Parks and gardens) and will be considered in the future but this does not impact on this decision. The new authority will need to review other footpaths and which department will be responsible for them.

#### **H. Other implications/issues**

26. None

## **I. Feedback from consultation, Local Area Forums and Local Member views**

27. The implications of the new Code of Practice have been discussed at length in the Authority's Asset Management Board meetings attended by the Cabinet Member for Transportation and his Deputy. Both have contributed towards the development of implementation of the Code of Practice with full understanding of its aims and objectives.
28. Levels of service have been reviewed during workshops held in TfB's annual Stakeholder Conferences, and so the risk-based approach has been well tested with County, District, and Parish Councillors. Workshops undertaken at the Stakeholder Conferences included: "Be a Highways Inspector for a day" where intervention thresholds and response times for a range of defects were evaluated, and "Be a Highway Authority for a day" where competing demands for levels of service were evaluated against affordability. Feedback from these workshops influences the ABPP.
29. Finally, annual meetings are held with individual Members to discuss programmes of work within the Capital Maintenance Programme (CMP). Members are given the opportunity to review the Maintenance Hierarchy to ensure the categories reflect the importance of the roads and footways. The Authority's approach to risk-based setting of levels of service in accordance with the new Code are discussed.

## **J. Communication issues**

30. A Communications Strategy ensures relevant information is provided to key stakeholders to inform the setting of performance targets, budgets, and in key decision-making. The Strategy outlines how TfB promotes communication in providing information to key stakeholders and receiving feedback. It covers communication inside the service, across the authority and with external stakeholders such as the public, and Parish Councils. The plan lists the key stakeholders, the channels of communication used, and an annual communications action plan.
31. The change in hierarchy will not generally be noticed by the Public or Key Stakeholders. The hierarchy will increasingly be used in future communication, stakeholder events and documentation to communicate the County's approach to maintenance. The hierarchy will be communicated individually to members at their annual meeting with the Asset Management team to review the future maintenance programmes. The hierarchy will be communicated to key staff as part of a general review of training for Local Area Technicians, Inspectors and other maintenance staff.

## **K. Progress Monitoring**

32. Progress will be monitored through TfB's monthly reporting system and governance arrangements including Senior Management Team, Operational Management Board and Strategic Board agendas. Key issues and risks are escalated in the wider Council governance including escalation to the Cabinet as required.

## **L. Review**

33. The Hierarchy will be kept under regular review and an annual report of changes will be provided to the Cabinet Member by the Highways Asset Manager. This review is the first part of this process.

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## **Background Papers**

### Appendix A – Footway Hierarchy Criteria

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#### ***Your questions and views***

*If you have any questions about the matters contained in this paper please get in touch with the Contact Officer whose telephone number is given at the head of the paper.*

*If you have any views on this paper that you would like the Cabinet Member to consider, or if you wish to object to the proposed decision, please inform the Democratic Services Team by 5.00pm on 19 March 2020. This can be done by telephone (to 01296 382343), or e-mail to [democracy@buckscc.gov.uk](mailto:democracy@buckscc.gov.uk)*