

# North Yorkshire County Council

## Business and Environmental Services

### Executive Members

23 March 2018

## Management of Unsurfaced Unclassified Roads and Urban Surfaced Public Rights of Way in North Yorkshire

### Report of the Assistant Director – Highways and Transportation

#### 1.0 Purpose Of Report

- 1.1 To provide the Corporate Director, Business and Environmental Services (BES), and BES Executive Members an update on the outcome of the recent Pilot Project;
- 1.2 For the Corporate Director, BES, in consultation with BES Executive Members to approve the transfer of management responsibilities for Unsurfaced Unclassified Roads (UUR) from the Highways & Transportation (H&T) team to the Transport, Waste and Countryside Services (TWACS) team; and,
- 1.3 For the Corporate Director, BES, in consultation with BES Executive Members to approve the transfer of management responsibilities for the network of surfaced Public Rights of Way (PRoW) in the urban areas from the TWACS team to the H&T team.

#### 2.0 Background

- 2.1 The County Council is under statutory duty to record highways in two different ways as follows:
  - i. Definitive Map and Statement, recording types of public paths; and,
  - ii. List of Streets.
- 2.2 It is under the Highways Act 1980, Section 36(6) that the County Council as Local Highway Authority maintains a 'List of Streets' (LoS) that are maintainable at public expense in North Yorkshire. The list covers both classified and unclassified roads and includes those routes which are commonly referred to as Unsurfaced Unclassified Roads (UURs).
- 2.3 The Wildlife and Countryside Act 1981 (as amended), requires the County Council as Surveying Authority, to maintain the Definitive Map and Statement (DMS). This is the legal record of Public Rights of Way. The DMS records four categories of public path as follows:
  - i. Footpath: Pedestrian use;
  - ii. Bridleway: As above with the addition of horse riders and pedal cyclists;
  - iii. Restricted Byway: As above with the addition of non-motorised vehicles (eg horse and carts); and,
  - iv. Byway Open to All Traffic: All traffic permitted.
- 2.4 The differing legislation, coupled with the fact that, almost exclusively, all routes on the DMS are unsurfaced and almost all routes on the LoS are surfaced, are the reasons that management of these two separate networks have been historically managed by differing teams; however, urban surfaced routes recorded on the DMS and the UURs on the LoS are an anomaly.
- 2.5 This report outlines the recent pilot project for management of the UURs in the Highway Area 3 (Scarborough District) by TWACS and management of the surfaced PRoW in the urban areas of Highway Area 4 (Ryedale) by H&T and identifies the service improvements which resulted.

- 2.6 The County Council's policies and strategies for managing and maintaining the non-PRoW highway network are set out in the Highway Maintenance Plan 2006 (HMP). The plan identifies the vision, goals and values of the County Council as they relate to highway maintenance and with reference to the National 'Well-maintained Highways' Code of Practice for Highway Maintenance Management. That code was superseded in 2016 by 'Well-managed Highway Infrastructure' although the 'old' Code is not being withdrawn until October 2018, to allow local highway authorities the time to align their current policies to incorporate the 36 recommendations within the new Code. The recommendations of this report at 10.1 and 10.2 accord well with the new Code of Practice which recommends that a risk based approach is made to Highway Asset Management and that that users expect the network to be managed holistically to provide appropriate levels of service.
- 2.7 Part of the County Council's management of that part of the highways network recorded on the LoS is through the establishment of a functional hierarchy based upon the recommendations of the Code of Practice. This categorisation is derived from traffic volume and composition and categories span (in order of importance) from Category 1 - Motorways and Trunk Roads (which are not the responsibility of the County Council) through Category 2 – Strategic Routes down to Category 4b – Local Access Roads, in addition to the Code of Practice categories we have added two further categories; Category 5 – Back Streets and Category 6 – UURs. As Category 6, the lowest category, UURs are the lowest priority for highway management.
- 2.8 North Yorkshire has one of the most extensive networks of UURs in England at around 730km, (about 7% of the total highway network length) with extremely low traffic flows. While many UURs are utility routes that provide access to land and property, the UUR network generates a great deal of interest from the various recreational users who seek to use it for differing purposes (walking, horse riding, pedal cycling, off-road motorcycling and 4x4 driving). This brings with it substantial management demands that need to be dealt as efficiently as resources allow.
- 2.9 UURs differ from the rest of the categorised highway network recorded on the LoS in that they do not have a sealed surface to protect any underlying road structure (where present) from the effects of vehicular traffic. They range in character from wide well engineered stone tracks able to sustain intermittent modern vehicular use to unmade moorland turf tracks significantly less able to do so. In order to sustain vehicular use, where appropriate, UURs require regular maintenance to retain the cross-section of the road, replenish surface material and ensure that drainage features are kept in good order.
- 2.10 Of the overall publicly maintainable highway network in North Yorkshire there is around 8,500km of surfaced road, 7,300km of footpaths, 2,700 km of bridleways, 730km of UURs, 53 km of byways open to all traffic (BOATs), 37km of cycleway and 9km of Restricted Byways.
- 2.11 Recreational use of the UUR network by Mechanically Propelled Vehicles (MPV) has increased significantly over the last 20 years. In common with other recreational use of the highway network this has the potential to bring an economic benefit to local businesses that provide food and accommodation, in addition to tour operators, garages and specialist suppliers catering for off-road vehicles. For the disabled or mobility-impaired the vehicular access over the UUR network can provide an opportunity to access some of the remoter parts of our countryside that is often taken for granted by the more able-bodied.
- 2.12 Unless adequately managed, use of the UUR network by MPVs can create conflict between users of this network (recreational motorised users, landowners, local residents and non-motorised users). Principal concerns about recreational MPV use are the negative impact on the quiet enjoyment of the countryside, damage to the surface of the route and the potential risks posed to non-motorised users.

- 2.13 Historically the County Council has carried out limited maintenance on UURs, prioritising funding for the maintenance of the surfaced road network in line with successive Local Transport Plans. Neither Codes of Practice nor the County Council's Highway Maintenance Plan address UURs. Nationally, they form a tiny element of the overall road network with little or no vehicular traffic and unsurfaced roads do not form part of the revenue or capital budget allocation formulae used by Central Government in distributing highway maintenance funding for local highway authorities; therefore we receive no funding for the repair and maintenance of UURs. A combination of limited maintenance and increased use by recreational MPVs has resulted in some of these routes falling into disrepair.
- 2.14 UURs are recorded in North Yorkshire County Council's List of Streets and are public highways maintainable at public expense. Given this the County Council acknowledges that the extent of public rights over those routes must as a minimum extend to pedestrian user though higher public rights may well exist. Determining the extent of any higher public right is a matter for assessment on a route by route basis. Use of UURs by the public beyond pedestrian user is not generally prevented by the County Council except where circumstances dictate that control or prevention of such use is appropriate.
- 2.15 Unlike the Definitive Map, which records every PRow with a status consequently defining who can legally use it, (footpath, bridleway, restricted byway and BOAT) the List of Streets, has no such requirement to define the status or class of legitimate user. Its sole purpose is to record that the routes concerned are publicly maintainable (implicit with that is that they are public highways). Some local authorities include in their LoS those public paths (which are after all public highways) which are publicly maintainable – those routes consequently being recorded on both the DMS and the LoS. That has never been the practice at NYCC. If a challenge arises over who is lawfully permitted to use a UUR it is often recommended that an application is submitted for a Definitive Map Modification Order to have the route added to the definitive map as footpath, bridleway, restricted byway or byway open to all traffic. However the highest of these classifications (byway open to all traffic) is intended for routes that are primarily used by non-vehicular traffic and is not considered by officers as an appropriate designation for a route predominantly used by vehicles.

Section 66(1) of the Wildlife & Countryside Act 1981 defines "byway open to all traffic" as follows:-

*"a highway over which the public have a right of way for vehicular and all other kinds of traffic, but which is used by the public mainly for the purpose for which footpaths and bridleways are so used"*

It is also difficult to ascertain what the predominant use of the route is when it is obstructed or sufficiently out of repair so as to restrict certain types of user that might otherwise use the route. This stance is frustrating to users with higher rights, such as equestrians, cyclists and motorists, who consider that historic evidence establishes that the majority of these routes are public carriage roads, and that it should not be up to them to prove the rights they believe they have, rather the County Council should identify routes which should be included on the definitive map as part of its duty as a highway authority to maintain an accurate record of the status of rights of way in the County.

- 2.16 The County Council uses powers under the Road Traffic Regulation Act 1984 to implement Traffic Regulation Orders (TROs) to restrict vehicular use on UURs which have badly deteriorated, where sensitive landscapes are considered to be at risk or where there are significant negative impacts for other users or landowners. The condition of UUR routes with TROs currently in force has generally improved, but the use of TROs as a solution has been challenged by recreational MPV user groups who feel that in many cases maintenance, repair or a voluntary restraint agreement with users should have been tried prior to implementing the TRO.

- 2.17 As referred in 2.11 recent years have seen an increased level of interest from recreational users of the UUR network. A variety of customer services requests are received which relate to usage rights, inappropriate use and maintenance. These requests can be very time consuming to resolve and involve research from a variety of sources including the County Archives. In many cases the only resolution is to investigate the need for permanent Traffic Regulation Orders to prohibit or restrict use by MPVs. The background work which goes in to implementation of TROs can be extremely time consuming. This is especially true when they are subject to legal challenge by MPV users and user groups, in these cases in addition to senior officer involvement, senior solicitors also spend officer time analysing consultation objections and providing advice to H&T officers. Below is an estimated breakdown of the hours spent dealing with recent issues:

District Area	Location	Time Spent/ hrs	Approx. Cost/ £
Richmondshire	Helwith and Wanless Lane	14	481.25
Hambleton	Kirby Bank Trod	500	17,187.50
Scarborough	Freeze Gill Farm, Troutsdale, Seggimire and others	220	7,562.50
Ryedale	Lowna	115	3,953.13
Harrogate	Deadmans Hill	65	2,234.37
Countywide	General Enquiries	175	6,015.63
	<b>Total</b>		<b>37,434.38</b>

### 3.0 Scope of the Pilot Project

- 3.1 Network users are unable to differentiate between the nuances of the different legislation which requires the County Council to record the PRoW and non-PRoW networks; these being the Wildlife and Countryside Act and the Highways Act respectively. Users therefore understandably presume that unsurfaced routes are PRoW with surfaced routes being 'roads and footways' and report issues accordingly. This issue is perfectly acceptable as staff within CAS, H&T and Customer Services are able to pass service requests to the correct team for action.
- 3.2 There are significant similarities between the character, usage and management techniques required on UURs and PRoWs. The purpose of the pilot study was to determine if UUR management could be undertaken more effectively by NYCC's Countryside Access Service (CAS) rather than by its Highways Teams. In return the Highways Teams would trial the management of surfaced urban PRoWs that are recorded on the definitive map but not on the List of Streets.
- 3.3 It was felt that CAS could draw on their experience in the management and maintenance of similar unsurfaced routes on the PRoW network using specialist contractors and in partnership with stakeholder groups including the National Parks and other specific user groups, this would offer an improved service than the current use of the local Area Highway teams whose specialism is with the surfaced network.
- 3.4 Similarly, the Highways & Transportation division could offer an improved level of service due to their experience and knowledge of management of the surfaced network which compares very well to the urban surfaced PRoW network.
- 3.5 The Pilot (UUR) was undertaken in the 2016-17 financial year in Highway Area 3 (Scarborough District) and £30,000 was allocated to CAS to undertake UUR maintenance work.

3.6 The Pilot (surfaced urban footpaths) was undertaken in the 2016-17 financial year in Highways Area 4 (Ryedale District) and a list of surfaced PRow footpaths in the urban area was provided by CAS for incorporation into the Highways Maintenance Network.

#### **4.0 2016/17 UUR Pilot Maintenance Programme**

4.1 A series of preliminary site visits to the whole of the UUR network in the area concerned were made, many of which were carried out by PRow volunteers in preceding years. This resulted in a coarse list of priorities for maintenance. Routes in the pilot area are listed below, with those where maintenance was undertaken underlined.

Plum Tree Farm U7102

Moor Cottage Farm U2420

Three Howes Track U2420

Reasty Hill U8119

Langdale Forest U586

Egton Esk Valley Rail U7087

Cowgate Slack U2422

Church Way U2392

Troutdale U7069

Standingstones Rigg U8120

Troutdale Moor U618

4.2 An additional prioritisation and sense check of these routes was carried out by CAS, with particular consideration of the risk that the condition of the routes posed for non-motorised users. Of particular concern were routes with deep ruts concealed by surface vegetation that posed a serious risk to horse riders. The routes were also ranked in order of priority for maintenance.

4.3 As all the priority routes were in the North York Moors National Park, the National Park Authority (NYMNP) agreed to act as a NYCCs delivery partner, with their Rangers to act as project managers. The role of the NYMNP Rangers included liaison with landowners and other stakeholders, developing a schedule of works and appointing and managing contractors.

4.4 The list of high priority routes was provided to NYMNP and they determined that it was feasible to undertake repairs on three routes from the priority list within the budget and timescale of the project. They also suggested an alternative route (U618) in Troutdale which they considered should be a higher priority due to it providing an important link in the local bridleway network.

4.5 Work was completed on these routes within the pilot period. Appendix A provides more detail of works undertaken on the respective routes.

#### **5.0 2016/17 Urban Surfaced PRow Pilot**

5.1 A list of those surfaced PRow in the urban area, defined as where the road speed limit is 40mph or less was provided to H&T. These routes were added to the Highway Maintenance Network.

5.2 Each route was identified as a category 4 Local Access Footway with an inspection frequency of annual and each has been added to the local Highways Officers list of sites for cyclic Highway Safety Inspection.

5.3 Additionally each route was the subject to a Detailed Visual Inspection Survey (a United Kingdom Pavement Management System industry standard survey) which would identify any structural defects.

5.4 A list of the Urban Surfaced PRow is attached at Appendix B together with the repair works carried out.

## **6.0 Future Proposals**

6.1 As a result of the success of both parts of the pilot it is proposed that the pilot be formalised countywide as follows:

6.2 UURs: Management transferred to the TWACS team, this includes; maintenance, delivery in partnership with the National Parks and other stakeholder organisations, implementation of TROs, enforcement of route obstruction. **H&T will retain the responsibility for strategic decisions including route alignment and usage status.**

6.3 Research (see background documents) has shown that there are economic benefits generated by recreational use of the UUR network. This subject would benefit from further study to provide measures of the current and future benefits for specifically North Yorkshire's economy. Recreational MPV use of the UUR network in the UK is a multimillion pound industry with the potential for a good proportion of which to be spent in North Yorkshire. In addition, the UUR network is well used by other user groups such as walkers, cyclists and horse riders. Given that not all the network is in good condition or well promoted it would seem there is good potential for growth in the recreational use of UURs especially in attracting a younger generation of outdoor enthusiasts who are looking for more exciting ways to interact with the countryside than previous generations. It is acknowledged that opportunities for growth in the recreational use of UURs need to be carefully balanced with protecting the environment; nevertheless, a modest investment to improve the condition and usability of the network would result in a more sustainable network for current users and accommodate modest growth in usage resulting in positive benefits for the rural economy.

6.4 BES Executive Members will recall the report dated 21 July 2017 which circulated a note regarding current practice for the Management of UURs in North Yorkshire; this note will form the basis of the management principles to be adopted by TWACS in line with their own skills and experience.

6.5 Urban Surfaced PRow (defined as where the road speed limit is 40mph or less): Management is transferred to the H&T team, this includes; cyclic Highway Safety Inspection and emergency repair if necessary, programmed maintenance, basic enforcement of overgrown hedges and trees. TWACS will retain responsibility for strategic decisions including route alignment, usage status, Definitive Map Modification Order and Diversion applications, temporary closures and complex enforcement issues.

## **7.0 Equalities Implications**

7.1 Although the Council does not state defined usage rights on UURs, including the absolute right for use by MPVs, we do not generally prevent any user groups from using these routes unless there is good reason, as referred in 2.14 above. On those occasions where it is necessary to implement permanent Traffic Regulation Orders there is an exemption for 'blue badge' holders. This allows those mobility impaired motorists, who are unable to use the majority of the unsurfaced network of PRow access to the rural countryside they would be otherwise denied.

7.2 Consideration has been given to the potential for any adverse equality impacts arising from the note and an Equalities Impact Assessment (EIA) screening form is attached as Appendix D.

7.3 The EIA screening form concludes that there are no known equality impacts and a full EIA is not required.

## 8.0 Financial Implications

- 8.1 Although no detailed condition surveys of UURs have been carried out, using the preliminary site visits the estimated cost of maintenance required to bring the UUR network into sustainable condition is in the region of £1.85m. It is suggested that an investment of £150k per year be allocated to UURs to enable TWACS to deal with the backlog of repairs within a reasonable timescale. This sum equates to approximately £205 per km, which compares favourably with the allocations per km of the surfaced network (£1,100 – £5,300 per km depending on category).
- 8.2 The receipt of customer service requests may identify the need to undertake reactive maintenance activities (removing vegetation, cleaning of drainage grips, enforcement actions etc.).
- 8.3 In recognition of the additional resource generated by the management of UURs and the importance of the UURs as links to the wider PRow network, a new post, funded directly from the UUR capital allocation, is proposed to be added to the TWACS team and dedicated to managing the UUR network. The use of volunteers from the various stakeholder groups, together with the TWACS Countryside Volunteers would potentially maximise the outcome of the financial and resource investment by the County Council.

## 9.0 Legal Implications

- 9.1 In previous years the County Council has faced a number of legal challenges to the condition of the UUR network through use of section 56 of the Highways Act (Failure to Maintain). A single successful claim has the potential to cost the Council several hundred thousand pounds. In addition to the threat of s56 claims, the new Code of Practice recommends networks be managed proportionate with their usage and that users should not be expected to understand the internal management differences between PRowS and other unsurfaced highways. The recommendations at 10 below will provide a standardised method by which officers are able to manage UURs, and Urban surfaced PRow respectively, most appropriately and respond to any challenges.

## 10.0 Recommendations

- 10.1 It is recommended that the Corporate Director BES, in consultation with BES Executive Members note the outcome of the Pilot Project and approve:
- i) The transfer of management responsibilities for UURs countywide from the H&T team to the TWACS team which includes an annual budget of £150k from the capital allocation; and,
  - ii) The transfer of management responsibilities for urban surfaced PRowS countywide from the TWACS team to the H&T team.

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### Background Documents

Pilot Project Brief

Management of Unsurfaced Unclassified Roads in North Yorkshire (Current Practice Note)

[Ramblers Assoc Report on benefits of Walking inc Economic Benefits](#)

[Economic Benefits of the UK Motor Cycle Industry](#)



## Pilot Routes Repaired

### **U168 Troutsdale Moor**

This 5km route is mostly through Forestry Commission land linking Troutsdale with Langdale End. It has the appearance of a 'thirty foot' wide enclosure road with clearly defined ditch and bank boundaries. Most of the surface is natural apart from 1km which is shared with a surfaced forest access road. 320m was obstructed by forestry and a 5 foot gate and fencing obstructs access to some users at the southern end.

When the route was surveyed in 2007 it was being heavily used by MPVs which was causing significant deterioration to the sections of route in the forest with a natural surface (Figure 1). Much of this use was generated by the nearby Langdale Quest 4x4 driving centre which has since ceased to operate. As a result the route is currently closed to MPVs until August 2017.

Since the closure has been in force the route has re-vegetated although this has partially hidden large ruts and holes (Figure 2). In order to make the route safe for all users the rutted sections have been re-profiled reforming the original camber and side ditches to shed surface water off the road. This was achieved predominantly with material won from the site although some imported local stone was used to fill in any remaining low spots (Figure 3).

The intention is to maintain the route with its original natural surface where possible. In order to allow the re-profiled section of the route time to re-vegetate it is intended to extend the TRO into 2018. Beyond this it is recommended that monitoring be undertaken to determine the amount and type of use of the route, and whether this can be sustained by the unsurfaced section in order to determine if further restrictions are required.

Working with the Forestry Commission the route of the road through the section obstructed by tree planting was identified, the understory cleared and the road surface re-profiled. A number of mature trees remain within the highway extent but as this compartment is due for clear felling this will be resolved in the near future and the entire 30 foot width of this section of route will be clear of trees. This will open up this section of the route to more light and air and create a drier, firmer surface.



Figure 1



Figure 2





Figure 3



Figure 4

When the route was surveyed by the CAS it was noted that it was obstructed by a 5 foot wide gate, barrier and associated fencing at the southern end (Figure 4). It is the view of the CAS that this is an unlawful obstruction to a carriage road and the landowner should be required to widen the gate to the minimum required width of 9 foot. However, following consultation with Highway Asset Management it was noted that there had not been a public complaint about this obstruction and given that the route is not a 'proven' carriage road then it was not appropriate to take enforcement action. Enforcement action requirements differ between the Highways Act and the Wildlife & Countryside Act.

### U2392 Church Way

This route is a 1.4km stoned moorland track with steep inclines crossing Danby Rigg linking Danby Dale and Little Fryup Dale. The drainage ditches have become blocked and surface water has flowed down the surface of the track, eroding surface material, in some locations down to the bedrock (Figure 5).

Drainage ditches have been reinstated, the surface re-profiled and water bars installed at intervals to shed water off the surface of the track (Figure 6).

Locally sourced stone, approved by Natural England for use on the adjacent SSSI moorland, was brought in to restore the original surface.



Figure 5



Figure 6

As at Troutsdale, the route is restricted by two 5 foot gates at the western end (Figure 7). Although most of the route appears to have been constructed to carry vehicles these two gates are on stone stoops and do appear to be original features so it is not clear whether these are in fact obstructions. Further research is required to determine if this route is in fact a bridleway, or if the route is incorrectly aligned and obstructed at the western end.



Figure 7:

Again, monitoring is recommended to determine usage of this route following completion of the maintenance work.

### U7102 Plum Tree Farm

This is a 400m moorland track descending from Danby Rigg into Little Fryup Dale with similar drainage issues to Church Way, resulting in deeply eroded channels in the surface creating a serious hazard for the public (Figure 8).

Drainage features have been reinstated and improved, overgrowth cleared and the surface re-profiled and resurfaced with locally sourced stone (Figure 9).



Figure 8



Figure 9



As with Troutsdale, the road is obstructed by a dilapidated 5 foot gate. Again, it is the view of the CAS that this gate has been unlawfully narrowed from its original nine foot width and that the landowner should be required to reinstate the original gate; however, Highway Asset Management advised against taking enforcement action at this time to set a precedent of a two-tier approach to enforcement within the Pilot area which couldn't be applied Countywide. Again, monitoring is recommended to determine usage of this route following completion of the maintenance work. Regular light maintenance of the drainage features would benefit the long term viability of the route. User groups have expressed an interest in volunteering to assist with this and it is recommended that this offer is explored further beyond the end of the pilot.

### U586 High Langdale

This route connects Langdale End with High Langdale. The majority of the 3.5km route follows a well maintained forest access road with only 900m at the northern end on an unmade surface which is badly eroded by vehicle use. This section is currently closed to motor vehicles until August 2018. The majority of the route was also severely obstructed by overhanging and encroaching conifers (Figure 10).



Figure 10: at time of 2016 survey



Figure 11: and after vegetation clearance, re-profiling and drainage 2017

Works included clearance of encroaching trees, re-profiling the surface of the route, improved drainage, infilling the most eroded sections with imported road stone and reseeded.

Clearance of encroaching vegetation and improving drainage will allow the route to dry out and result in a firmer, more durable surface. Further monitoring will be required to ascertain if this can sustain vehicular use when the current TRO ends in 2018.

### Urban Surfaced PRow Works

The following urban routes in the local Area 4 (Ryedale District) were added to the Highway Maintenance Network, provided with Link and Section references as the rest of the Highway Maintenance Network and included as part of the local Highway Officers Inspection Routes.

These routes have all been subject to a cyclic (annual) Highway Safety Inspection and any minor maintenance works which may have been identified in line with the NYCC Highway Safety Inspection Manual has been undertaken.

Examples of the work which has been carried out are:

Street Lights repaired  
Footpaths weed-sprayed where required  
Potholes repaired

DRAFT

Table 2: Inspections and maintenance undertaken on urban surfaced PRoW in Area 4

P22/2/50	FOOTPATH FROM SPITAL FIELD COURT TO NEWBIGGIN	MALTON
P17/1/50	FOOTPATH FROM MIDDLECAVE ROAD TO NEWBIGGIN	MALTON
P19/1/50	FOOTBRIDGE OVER A64 FROM MIDDLECAVE ROAD	MALTON
P9/1/50	FOOTPATH FROM HOSPITAL ROAD TO MIDDLECAVE ROAD	MALTON
P8/1/50	FOOTPATH FROM CASTLE HOWARD ROAD TO MAIDEN GREVE	MALTON
P3/1/50	FOOTPATH FROM TINLEY GARTH TO MANOR CLOSE	KIRKBYMOORSIDE
P6/1/50	FOOTPATH FROM 51 KELD HEAD ORCHARD TO RYEDALE VIEW	KIRKBYMOORSIDE
P4/1/50	FOOTPATH FROM FEVERSHAM DRIVE TO WEST END	KIRKBYMOORSIDE
P5/1/50	FOOTPATH FROM KIRKDALE ROAD TO FEVERSHAM DRIVE	KIRKBYMOORSIDE
P2/2/50	FOOTPATH FROM MANOR VALE TO GOLF CLUB	KIRKBYMOORSIDE
P1/2/50	SAWMILL LANE	HELMSLEY
P28/1/50	FOOTPATH FROM ST NICHOLAS STREET TO CHURCH STREET	NORTON
P16/1/50	FOOTPATH FROM SPITAL STREET TO FINKLE STREET	MALTON
P24/2/50	RAINBOW LANE	MALTON
P23/2/50	HAWKSWELL LANE	MALTON
P18/1/50	FOOTPATH FROM CHURCH HILL TO OLD MALTONGATE	MALTON
P21/2/50	FOOTPATH FROM YORKERSGATE TO WHEELGATE	MALTON
P15/2/50	THE SHAMBLES	MALTON
P14/1/50	FOOTPATH FROM 15 MARKET PLACE TO CATTLE MARKET	MALTON
P13/1/50	FOOTPATH FROM 13 MARKET PLACE TO CATTLE MARKET	MALTON
P12/1/50	FOOTPATH FROM MARKET PLACE TO WOOLPARK YARD	MALTON
P20/1/50	FOOTPATH FROM HORSEMARKET TO MARKET STREET	MALTON
P10/1/50	FOOTPATH FROM WHEELGATE TO GREENGATE	MALTON
P11/1/50	FOOTPATH FROM RYDER SQUARE TO PRINCESS COURT	MALTON
P7/1/50	FOOTPATH FROM MANOR CLOSE TO RYEDALE CRESCENT (BACK LANE)	KIRKBYMOORSIDE
P20/1/50	FOOTPATH FROM HORSEMARKET TO MARKET STREET	MALTON
P15/2/50	THE SHAMBLES	MALTON
P25/2/50	FOOTPATH FROM WELHAM ROAD TO FOOTPATH JUNCTION	NORTON
P28/1/50	FOOTPATH FROM ST NICHOLAS STREET TO CHURCH STREET	NORTON
P26/2/50	SOUTH PARADE	NORTON
P27/1/50	FOOTPATH FROM SCARBOROUGH ROAD TO PARLIAMENT AVENUE	NORTON
P26/2/50	SOUTH PARADE	NORTON
P15/2/50	THE SHAMBLES	MALTON

### Pilot Project: Lessons Learnt

**CAS Resource:** While the pilot has demonstrated that CAS has the capability and expertise to deliver effective UUR maintenance, the six members of CAS's maintenance team are fully occupied managing the PRoW network and any UUR work carried out is at the expense of PRoW work. Any up-scaling of the programme to cover additional Highways Areas or the whole County would have a detrimental impact on the ability of CAS to deliver its core statutory function. *Any expansion of the Pilot project should include an element of contribution to additional staff resource.*

**Communication:** As the Pilot progressed it became clear that Highways Area 3 have been involved in UUR management, especially in dealing with customer complaints and landowner issues, and have good intelligence on the routes proposed for the maintenance programme. Working more closely with the Highways Area Team later in the project has allowed the successful coordination of works with extensions to TROs required to allow time for the maintenance works to consolidate. *The local Area Highway Office Area, CAS, National Parks, AONBs and other stakeholders continue to work together.*

**Stakeholder Engagement:** Over the course of the pilot external stakeholders have expressed a keen interest in the work programme. They have provided useful information, which will help to inform maintenance priorities for the network.

Some stakeholders were especially supportive of the project and welcomed the proactive and inclusive approach to all UUR users adopted by CAS. As a result a small amount of additional funding for the project was offered by the stakeholder group. Unfortunately due to the timescales involved it was not possible to deliver the additional scheme within the scope of the pilot but it is understood that the offer of funding continues to be available should the Pilot project continue or be rolled out Countywide.

Additionally some stakeholder groups were also keen to explore ways for their members to provide volunteer labour to assist with UUR maintenance. Use of third party volunteers in this way is something that CAS are very keen to promote in order to assist the maintenance of the PRoW network. A separate pilot project involving a local walking group helping with footpath maintenance work in Lower Wharfedale has proved successful and this model could be adopted to include work on UURs. Other authorities such as Cumbria County Council already utilise volunteers in this way.

CAS has extensive experience of utilising volunteers in PRoW maintenance and are confident that working with third party volunteer groups on UUR maintenance would bring significant benefits to the Council.

*Involve user groups and key stakeholders at an early stage of route management proposals. Opportunities for working with volunteers are fully evaluated.*

*Explore opportunities for external funding.*

*Benchmark other Highway Authorities to establish best practice for the management of UURs.*

*Explore opportunities for utilising TWACS Countryside Volunteers to assist with survey work.*

**Strategic third party delivery partners:** Working closely with the NYMNPA has been extremely effective. The National Park authorities currently maintain the PRoW network in their respective areas under a Delegation Agreement with NYCC; hence CAS does not have staff deployed within the National Parks. Consequently, National Park Rangers have a better understanding of the



UUR network in terms of how it used and how it relates to the PRow network. In addition, they have better links with local landowners, stakeholders and contractors. As a result the staff time accrued by National Park staff in managing the delivery of the maintenance elements of the project was considerably less than would have been the case for CAS staff working from County Hall. Approximately 100hrs of staff time was accrued by National Park staff on the Pilot project and a similar amount by CAS staff.

*Given the success of this year's pilot, it is recommended that options for continuing to engage with the NYMNPA are fully explored. The Yorkshire Dales National Park Authority has also indicated they would be willing to explore a similar arrangement for managing UURs in the Dales. All stakeholders will be made aware of the relationship and roles and responsibilities of NYCC and NPs in respect of UUR management.*

**Cost Benefit:** Although no comparison has been done with works by the local Highway Area teams Term Maintenance Contractor, the Highway Contractors focus is towards works on the surfaced network and works on unsurfaced routes are not their specialty. As the procurement, design and supervision of works was carried out by the National Park Rangers the costs and outcomes of the pilot maintenance programme offer excellent value and are comparable to similar schemes delivered on the PRow network.

*Continued partnership working with the National Park Authorities will continue.*

**Restrictions:** Experience of the pilot is that TROs are being applied effectively to those routes on the UUR network that are deteriorating the most due to unsustainable levels of vehicular use. Information on the restrictions is easily accessible to users via NYCC's website and affected routes are clearly signed on the ground. User groups have indicated to CAS that they would like to be more involved in the process of determining what restrictions may be appropriate and are keen to work with NYCC in exploring alternative management options such as seasonal restraint, downhill-only travel or permit schemes before an outright ban on motor vehicles is imposed. In the pilot responsibility for TROs was retained by Highways Teams.

*CAS to manage this element going forward with resource made available.*

**Signage:** It is a statutory duty of highway authorities to sign all PRowS where they leave a metalled road. This, combined with additional signage along the route (way marking), gives confidence to both users and landowners about the location and status of rights of way. There is no such signing requirement for UURs which can result in users becoming lost and inadvertently deviating from the highway.

*Begin a phased implementation of signs on the UUR network where required to bring significantly benefit to the public.*

**Urban Surfaced PRow:** Condition Survey and Highway Safety Inspection of the urban surfaced PRow network by Highways Area teams is vital as these high use routes are often subject to insurance claims by members of the public resulting from trips and falls. As CAS do not currently have the resources to formally survey the PRow network, the regular survey information and records of preventative maintenance resulting from the pilot would be useful in defending these claims. Additionally a higher level of planned maintenance is also desirable on these routes to enable access for all users including those with disabilities.

<b>Initial equality impact assessment screening form</b> (As of October 2015 this form replaces 'Record of decision not to carry out an EIA') <b>This form records an equality screening process to determine the relevance of equality to a proposal, and a decision whether or not a full EIA would be appropriate or proportionate.</b>			
<b>Directorate</b>	BES		
<b>Service area</b>	H&T		
<b>Proposal being screened</b>	Highway Hierarchy: Transfer of Responsibilities		
<b>Officer(s) carrying out screening</b>	<b>Neil Leighton</b>		
<b>What are you proposing to do?</b>	Transfer the Management of Unsurfaced Unclassified Roads (UUR) from the Highways & Transportation Service (H&T) to The Transport, Waste and Countryside Service (TWACS) and transfer the network of Surfaced Public Rights of Way in the Urban areas from TWACS to H&T.		
<b>Why are you proposing this? What are the desired outcomes?</b>	To ensure a consistent approach in the management of both unsurfaced and surfaced highways, regardless of status, countywide.		
<b>Does the proposal involve a significant commitment or removal of resources? Please give details.</b>	<b>No – This guidance does not change this. The proposal includes partnership working with National Park Authorities and appropriate user groups, who may provide some financial resource and/ or volunteer staff.</b>		
<b>Is there likely to be an adverse impact on people with any of the following protected characteristics as defined by the Equality Act 2010, or NYCC's additional agreed characteristics?</b> As part of this assessment, please consider the following questions:			
<ul style="list-style-type: none"> <li>• To what extent is this service used by particular groups of people with protected characteristics?</li> <li>• Does the proposal relate to functions that previous consultation has identified as important?</li> <li>• Do different groups have different needs or experiences in the area the proposal relates to?</li> </ul>			
<b>If for any characteristic it is considered that there is likely to be a significant adverse impact or you have ticked 'Don't know/no info available', then a full EIA should be carried out where this is proportionate. You are advised to speak to your <a href="#">Equality rep</a> for advice if you are in any doubt.</b>			
<b>Protected characteristic</b>	<b>Yes</b>	<b>No</b>	<b>Don't know/No info available</b>
Age		✓	
Disability		✓	
Sex (Gender)		✓	
Race		✓	
Sexual orientation		✓	
Gender reassignment		✓	
Religion or belief		✓	
Pregnancy or maternity		✓	
Marriage or civil partnership		✓	

## Appendix D

<b>NYCC additional characteristic</b>			
People in rural areas		✓	
People on a low income		✓	
Carer (unpaid family or friend)		✓	
<b>Does the proposal relate to an area where there are known inequalities/probable impacts</b> (e.g. disabled people's access to public transport)? Please give details.	The UUR proposal relates to rural areas; however, the UUR network is used predominantly for recreational use. The Surfaced PRow proposal relates to urban areas. The proposals will have a positive effect on users of both networks as it provides clarity for management and maintenance and includes cyclic inspection of the surfaced PRow network.		
<b>Will the proposal have a significant effect on how other organisations operate? (eg partners, funding criteria, etc.). Do any of these organisations support people with protected characteristics?</b> Explain why you have reached this conclusion.	The proposals allows partnership working with other organisations (National Park Authorities); it will have a positive effect, but not a significant effect, on how these operate and these organisations do not support people with protected characteristics.		
<b>Decision (Please tick one option)</b>	EIA not relevant or proportionate:	✓	Continue to full EIA:
<b>Reason for decision</b>	The proposal will ensure a consistent approach is taken to management of both unsurfaced and surfaced highways and will have no negative impact on people with protected characteristics (or NYCCs additional characteristics).		
<b>Signed (Assistant Director or equivalent)</b>	<i>Barrie Mason</i>		
<b>Date</b>	<i>13 March 2018</i>		