

North York Moors National Park Authority

30 September 2019

Prioritisation System for Public Rights of Way

1. Purpose of the Report

- 1.1 To: present Members with revised proposals for the prioritised management of Public Rights of Way.

2. Main Issues

- 2.1 In 2014, as a result of continued reductions to the Authority's grant from DEFRA, Members agreed reductions to the budgets available for the management of public rights of way (PROW). This resulted in a restructure and the introduction of a prioritisation system for PROW as set out in the NPA paper at **Appendix A: Future Management of Public Rights of Way and Unsurfaced Unclassified Roads (2014)**. The 2018 review of PROW management for the NPA Scrutiny Committee noted the following issues:
- a. The current Business Plan states: 'Continue to focus resources on those 60% of rights of way which are most used by the public.'
 - b. The 2014 prioritisation system was based on an estimated figure; that promoted routes and priority community routes equate to around 15% of the PROW network. However, analysis of routes in each ranger area has established the percentage of promoted + priority routes (those considered important or essential) is now around 30-40% (though this varies between ranger areas).
 - d. Promoted routes should only be considered to be those promoted by the NYMNPA via the website and its own printed retail publications, rather than the many that are independently promoted by various means.
 - e. Not all promoted routes are on PROW.
 - e. Promoted routes created by externally funded projects also need to be taken into account. Land of Iron and Ryevitalise will add promoted routes and additional maintenance work, which realistically can only be accommodated at the expense of other work.
 - f. To date there has been no way of measuring the success of the policy as no distinction is made between promoted/priority and other routes in the current methodology for assessing ease of use.
 - g. Users generally have high service expectations for PROW maintenance. Clear messages are required to explain how decisions are made by the Ranger Service when resolving problem reports and planning capital works.

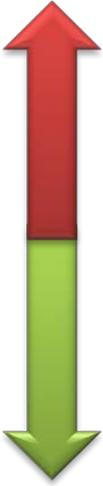
2.2 At the 2018 Scrutiny meeting, Members agreed the following key recommendations:

2	Prioritisation of RoW maintenance	Formalise the intention to identify the most popular routes using a percentage split (i.e. 20/80). Focus resources on maintaining the most popular routes to a high standard. Adopt a secondary prioritisation system to assist rangers in allocating resources to the issues on the least popular routes – for instance any dangerous reports will still need to be resolved immediately. Publish prioritisation system.
3	Performance indicators	Adjust BVPI ease of use system to select two separate samples. Set a target of 80-85% for the most popular routes. Accept a target of 65-70% for the less popular routes.

2.3 It is important to note that:

- a. PROW maintenance is only part of the Ranger Service's workload – in 2018 it was estimated at around 40% of Senior Ranger time allocation.
- b. The statutory responsibility for maintenance of the surface of public rights of way lies with NYCC as the Highway Authority. The responsibility is delegated to NYMNPA under a delegation agreement though the NPA does not receive any funding from NYCC for carrying out work under the agreement.
- c. The NPA retains delegated responsibility for all PROW in the National Park and can be enforced to repair the surface or bridges (maintainable at public expense) under Section 56 of the Highways Act.
- c. Many PROW issues involve people, communities and sensitive issues. It is an important part of the customer service we provide to act as go between and facilitator with all parties including user groups, land managers, wildlife and local residents/communities, for both high and low priority routes.
- d. Landowners have legal responsibilities for PROW maintenance on their land and Rangers work with them to ensure these are understood and appropriate action taken.

3. Proposed Principles of Prioritisation:

Priority	Description	Obstructions, furniture repair, surface vegetation clearance	Bridges	Surfacing
 <p>High</p> <p>Low</p>	Routes actively promoted by NYMNPA including Cleveland Way	Within 3 months	Works undertaken on a priority basis; subject to size, location and resource availability	Works subject to availability of resources
	Priority route – those known to be well used; community links			
	All other available routes	Works subject to availability of staff and funding		
	Routes that could only be made available by the significant investment of capital resources or requiring extensive legal work to resolve alignments and obstructions	Works only undertaken if resources are available to resolve major issues		

3.1 The prioritisation system will be applied to decision making by Senior Rangers about where their resources are committed, guided by detailed local knowledge and close community links.

4. Monitoring Performance

4.1 The Ranger service is currently monitored against three KPIs:

- a. Bi-yearly BVPI (Best Value Performance Indicator) ease of use survey. This involves a 5% random sample of all PROW and is conducted on behalf of NYMNPA by local Ramblers Groups. Assessed on the basis of 'ease of use' for the average member of the public and a benchmark monitoring tool used by all Highways Authorities.
- b. Annual 20% survey of all PROW, conducted by Voluntary Rangers. An essential safety monitoring survey which ensures that all PROW and structures are checked at least every five years.
- c. PROW user satisfaction survey conducted every three years by volunteers. Introduced in 2017 following the 2014 restructure, this aims to measure user enjoyment and satisfaction on our most popular routes.

4.2 The user satisfaction survey (4.1c) has been carried out once in 2017 and would next be scheduled for 2020. It was a time consuming survey to prepare, carry out and analyse. The results stated that 99% of visitors enjoyed their walk/cycle/ride on the day they were interviewed. The figure is excellent but highly subjective; it does not assess the condition of PROW or the performance of the Ranger Service and is therefore of limited value.

4.3 Therefore, it is proposed to retain the indicators noted at 4.1 a & b, but replace the current user satisfaction survey with one which exclusively monitors our promoted and priority routes on an annual basis, using a form of the benchmark BVPI methodology. A target of 25% monitored per annum is proposed.

4.4 The new indicator and target for this would be:

The percentage of promoted and priority routes that are easy to use by the general public – Target 85%

5. **Key Messages for External Communication**

5.1 All Rights of Way work undertaken by the National Park Authority is dealt with on a priority basis, subject to the availability of resources.

5.2 The National Park Authority will prioritise works according to the importance of the route. This approach focuses limited resources on routes which will deliver the greatest benefit in terms of public enjoyment.

5.3 Reports of items considered dangerous anywhere on the network will be investigated and made safe as soon as possible where this is a NPA responsibility

5.4 In many cases, maintenance responsibility for furniture items and obstructions will lie with the landowner. The Ranger Service will work with landowners to ensure appropriate action is taken to resolve reported problems.

5.5 When a problem report is received, we will investigate the issue within 28 working days. Any work required to resolve the problem will be assessed on a priority basis. Every problem report will receive an automated message explaining the next steps.

6. **Way Forward**

6.1 It is proposed that:

- a. The principles of prioritisation at pt 3. are agreed.
- b. The key messages at pt 5. are communicated to stakeholders and the public, primarily via the website and also through usual communication channels as appropriate.
- c. The target of 85% of promoted and priority routes that are easy to use by the general public is adopted.

7. **Financial and Staffing Implications**

7.1 The proposals will be implemented by the Head of Recreation and Ranger Services and the Senior Area Rangers.

8. **Contribution to National Park Management Plan**

8.1 The recommendations contribute to the delivery of the National Park Management Plan policies U2, U3, U4, U7, U8, and U9.

9. **Legal Implications**

9.1 The NPA retains delegated responsibility for all PROW in the National Park and can still be enforced to repair the surface or bridges (maintainable at public expense) under Section 56 of the Highways Act.

10. **Recommendation**

- 10.1 That: The percentage split of 20:80 (priority: other routes) noted at the 2018 meeting of the Scrutiny Committee is updated to 40:60 but as noted at 2.1b.
- 10.2 That: The targets agreed by Members at the 2018 Scrutiny meeting of 85% easy to use for promoted and priority routes and 70% for all other routes are adopted.
- 10.3 That: Officers implement the principles of prioritisation noted at pt 3 and communicate the key messages at pt 5 as appropriate.

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Background papers to this Report

File ref

- 1. NPA Paper from 2014 - **Future Management of Public Rights of Way and Unsurfaced, Unclassified Roads**
- 2. NPA Scrutiny Paper from July 2018 - <N:\Committees\Scrutiny Meetings\Shared Documents\Reports\Reports 2018\30 July\V2 Draft report on RoW programme.docx>

Future Management of Public Rights of Way and Unsurfaced, Unclassified Roads

1. Background

- 1.1 At its meeting on 22 September 2014, the National Park Authority resolved to make a reduction of £290,000 from its annual budget for access, recreation and rights of way, including staff cost savings of £149,000.
- 1.2 It was reluctantly accepted that a reduction in manpower of this scale would have an impact on delivery and performance but was unavoidable. The key area of work affected will be management of public rights of way which makes up the bulk of these two teams work. It will no longer be possible to maintain 100% of the network of rights of way to the same high standard and it is clear that the condition of the network will decline.
- 1.3 It should be remembered that the statutory duty for management of public rights of way rests with the Highways Authorities: North Yorkshire County Council and Redcar and Cleveland Borough Council. The Authority currently manages the network on their behalf under the terms of delegation agreements. However, no resources are given to the National Park Authority in respect of these works carried out on the Highways Authorities' behalf. This is clearly unsatisfactory and pressure should continue to be placed upon the Highways Authorities to make some investment in this important resource to reflect their statutory duties and in light of the networks importance to local communities, to the public in general, to the economy and to public health.
- 1.4 It has been agreed that, in order to deliver the greatest public benefit in terms of the Authority's purpose to promote public enjoyment, work should focus on those rights of way most used

2. Proposed Future Management of Public Rights of Way

- 2.1 At the meeting on 22 September it was resolved that in order to minimise the impact of the agreed cuts in staffing and funding upon public enjoyment the following principles should be applied:
 - The key "driver" for the Authority's work on rights of way will be user satisfaction rather than the condition of the entire network. Huge improvements have been made to the whole network over the past 13 years and now our work must increasingly focus upon those routes which are most important to visitors and to local communities.
 - The new staffing structure will require new ways of working including delegation of workload management to the Maintenance Rangers working more independently with a team of volunteers (has proved to be successful in managing the Cleveland Way and in the Community Access Project).
 - We will encourage greater involvement by local communities in the management of key local routes.
 - We will work with landowners and land managers to encourage a greater input into the management of rights of way across their land, in line with their statutory duties.
 - In 2015/16 we will carry out the user satisfaction survey and then repeat this every other year so as to monitor the impact of these changes.

NPA paper from 2014

2.3 It is recommended that in light of the above, the Authority's resolve to place a continued high priority on rights of way and the need for clarity for the public and for the managers, the Authority should at least for now retain delegated responsibility for the whole network and prioritise work as set out below.

2.4 **Priority routes** (15% of the network). These are routes promoted by the Authority, routes identified as most important by local communities and the other routes which do not fall into these categories, but which are identified by Rangers as busiest. These will be maintained to the same high standard as currently.

2.5 **Non priority routes** (the remaining 85%). We will **aim** to maintain non-priority routes to an optimum basic standard set out at the end of this report. Within this 85% of the network there will continue to be some prioritisation with staff responding most quickly to those reported problems which are a safety concern or which affect more popular (but not priority) routes.

2.6 The optimum basic standard means that the National Park Authority will no longer do the following:

- install finger posts where the path leaves the road (a waymark disc will be used)
- install gates and stiles (or convert stiles to gates) The Authority will offer the choice of a kit for landowner/occupier to install or 25% of the reasonable cost of installation (our statutory obligation under the delegation agreement).
- Clear fallen trees or encroaching/overhanging vegetation
- mow as much up-growth

2.7 On the non-priority routes landowners/occupiers would in future be expected to fulfil their statutory responsibility by doing the following:

- Install gates and stiles – with a contribution from the Authority as set out above.
- Clear fallen trees
- Clear encroaching/overhanging vegetation
- Resolve reported problems within reasonable timescales

(Note: we installed 45 stiles and 79 gates on behalf of landowners last year on “non-priority routes”).

2.8 We will continue to inspect the entire network, including non-promoted routes, on a five year rolling programme (carried out by volunteers) to prioritise works. Issues which have public safety implications will be prioritised wherever they are on the network (ie on priority or non-priority routes) and we will ensure that we satisfy all requirements relating to health and safety and public liability.

2.9 Whilst these proposals will amount to a significant reduction in the resources allocated to fulfilling the Highways Authorities' statutory duties, there will also be a big reduction in the resources dedicated by the National Park Authority to carrying out work which is the responsibility of landowners and occupiers, especially the replacement of gates and stiles. The impact of this will have to be closely monitored and it is anticipated that in the beginning, it will be necessary to spend more time communicating with landowners and occupiers to remind them of their responsibilities, to clarify the new working practices and to manage expectations.

NPA paper from 2014

3. Other Changes to Current Management of Public Rights of Way

- 3.1 Following previous reductions in resources and to adapt to the current reductions, other changes to the Authority's work on rights of way and access have been implemented as follows:

We no longer have responsibility for the definitive map

- We no longer have responsibility for inspection and maintenance of around 80 bridges – responsibility for large structures has been handed back to NYCC
- We will not be posting site notices relating to changes to the legal record, except in exceptional circumstances
- Large scale improvements and upgrades will only be carried out when external funding is secured and staff resources allow
- BVPI ease of use survey will be carried out every other year (rather than every year) and will be carried out by trained volunteers
- Increased involvement of volunteers and communities
- No direct involvement in management of unsurfaced, unclassified roads (see section 8 below)

4. Impact on the Condition of the Public Rights of Way Network

- 4.1 It would be naïve to suggest that this level of reduction in investment will not have an impact on the quality of the network of public rights of way. It will be important to monitor the impact of this on public enjoyment as set out at 7 below.

5. Management Beyond 2015/16

- 5.1 The above proposals will be trialled for the financial year 2015/16 only. Delegation agreements with Highways Authority's will be terminated in March 2016 and in December 2015 a review of the new way of working and the level of future resources that the Authority will be able to invest in this area of work will be carried out to inform any future agreement.
- 5.2 In the meantime, pressure will continue to be placed on the Highways Authorities to make some investment in the network of public rights of way in the National Park to reflect statutory duties and in light of the networks importance to local communities, to the public in general, to the economy and to public health.

6. Monitoring Impact of Management Changes on Public Enjoyment

- 6.1 It is impractical to accurately measure the percentage of users on each of the variety of routes unless significant cash and staff resources are made available for installation of people counters and gathering of data on a selection of both types of route across the national park and over a reasonable length of time. It is proposed therefore that the detailed and considerable knowledge of levels of use which the Rangers and Field Staff have should inform our initial decisions as to which routes are managed at which level.
- 6.2 To measure the impact of these changes on the public's enjoyment of the National Park and to inform future management, it is proposed that a user survey be carried out every two years. Over time this could also assist in building a picture of where visitors go and relative levels of use across different routes.
- 6.3 More immediate visitor feedback will be encouraged by clearly notifying the public of opportunities to comment (on rights of way, at visitor centres and Mobile Display

NPA paper from 2014

Units) and monitoring levels of problem reports for individual routes. As well as highlighting problem areas it will provide a guide to levels of use.

7. Unsurfaced, Unclassified Roads

- 7.1 It is proposed that the Authority withdraw completely from any direct involvement in work to manage unsurfaced, unclassified roads (often referred to as “green lanes”).
- 7.2 As part of the highways network, UURs are the statutory responsibility of the Highways Authority. They have never been included within a delegation agreement.
- 7.3 The Authority does have the power to make Traffic Regulation Orders to restrict vehicular use of these routes in extreme circumstances and (as set out in the current business plan) has recently been engaged in assessing the sensitivity of the routes and developing proposals for their management where the National Parks special qualities are being most compromised by vehicular use. The bulk of the work associated with this has been carried out by the Access Officer, a post which is being made redundant; we therefore no longer have capacity to continue this work.
- 7.4 Bearing in mind the Authority’s continued investment of much of its access resources in the Highways Authorities’ public rights of way networks, it is expected that the Highways Authorities will undertake to carry out all activity related to UURs including within the National Park and to give priority to works where conservation and public enjoyment of the National Park is being most compromised. A clear, written undertaking from the Councils, to this effect is being sought.
- 7.5 The results of the Authority’s work to date on UURs will be passed to the Highways Authorities and our future involvement will be restricted to highlighting issues to the Highway Authorities and requesting action where necessary due to use of the route having a negative impact on the special qualities of the national park and their enjoyment by the public

8. Recommended Action

- 8.1 It is therefore recommended as follows:
 - The Authority agree delegation agreements that have the effect of extending the current terms and conditions for a further year only.
 - That notice is served to terminate these agreements with effect from 1 April 2016.
 - That work be carried out as set out in this report.
 - That the effectiveness of the above way of working and the resources available to continue is reviewed and reported to members in December 2015
 - That pressure continues to be put upon the Highways Authorities to make some investment in fulfilling their statutory responsibilities for the public rights of way network in the National Park
 - That the Authority withdraw from any work relating to the management of unclassified, unsurfaced roads and that confirmation be obtained from the Highways Authorities that this network is their responsibility and that they will prioritise works necessary to prevent negative impact on the special qualities of the National Park and public enjoyment.

NPA paper from 2014

Proposed Optimum Basic Standards for Non–Priority Public Rights of Way

Set out below are the responsibilities for managing public rights of way which have not been identified as “priority routes” by the National Park Authority.

Responsibility of the Highway Authority (and its agents)

Public rights of way will be:

- **Signed** where they leave the road – correctly coloured waymark disc carrying path status in words is acceptable
- Provided with an **adequate surface** suitable for the “ordinary traffic of the neighbourhood”
- **Obstruction free**
- **Clear of up-growth** such as thistles, nettles, brambles and bracken which would **block** the right of way to appropriately dressed users (expect legs to be covered). Long grass is not an obstruction – merely an inconvenience when wet, so other than field-edge paths will not be cut
- **Provided with crossings of water courses** whenever deemed by the HA to be required and able to be provided within available budget
- **Waymarked** or otherwise defined on the ground where the course of the path is unclear after reference to the latest edition of the OS Explorer map
- **Recorded** on the definitive map, with an up-to date working copy available on the Council’s website

Responsibility of the Landowner/Occupier

Public rights of way will be:

- **Provided with gates and stiles** which are reasonably convenient for the public to use as outlined in guidance to be issued by the HA. HA to contribute minimum 25% cost of maintenance by paying an agreed percentage of reasonable invoiced costs for works completed to an acceptable standard, or by providing standard materials in lieu of a fixed percentage contribution.
- **Clear of fallen trees** and encroaching or overhanging branches / scrub / vegetation
- **Free from issues arising through ploughing and cropping**
- **Obstruction free:** No padlocked gates, rubbish, barbed wire, slurry/manure; electric fences; misleading signs; intimidating dogs or aggressive livestock
- **Provided with warning notices** where necessary such as beside electric fences and slurry lagoons
- **Repaired** where damaged through private vehicular use