

NORTH YORKSHIRE
LOCAL ACCESS FORUM

AUGUST 21ST 2008

BUILDINGS AND OTHER OBSTRUCTIONS ON PUBLIC RIGHTS OF WAY

1.0 PURPOSE OF REPORT

- 1.1 To provide a background on the issue of buildings and other obstructions on Public Rights of Way in North Yorkshire.

2.0 BACKGROUND

- 2.1 An initial trawl of the Countryside Access Management Data Base (CAMS) has indicated there are at least 272 buildings and Quarries on public rights of way in North Yorkshire (Outside the two National Parks). No data is currently available for Harrogate.
- 2.2 These buildings and quarries are obstructions and NYCC has a statutory duty to deal with obstructions on public rights of way.
- 2.2 Currently North Yorkshire County Council employees 1 FTE on a Yearly temporary contract to deal with diversion orders. Currently we process approximately 20 to 25 orders per year and receive 12-15 new applications per year. The current back log is approximately 200.
- 2.3 The Diversion of public rights of way is a power and not a statutory duty. North Yorkshire County Council can and does use this power to resolve obstructions on the network.
- 2.4 Diversion orders can be made in the land owner's interest, in the public's interest or both. There is currently a charge made for diversion orders of £800 + advertising. The final cost of a diversion order to the applicant can range from £1,300 to £1,700 depending on the cost of advertising.
- 2.5 NYCC can and does contribute towards the cost of a diversion depending on circumstances. In exceptional circumstances NYCC will fund the order at no cost to the land owner.

3.0 Way Forward

- 3.1 With the current resources it is clear NYCC will not be able to make a significant impact upon either the diversions back log or the buildings and quarries identified as obstructing public rights of way in North Yorkshire.
- 3.2 The only way extra staff could be appointed to help with this back log is if the business case is self funding.
- 3.3 To fund the current diversions officer and a new post it will cost

in the region of £35,000 to £40,000. To cover these costs the two person team would need to undertake 43 to 50 orders per year.

- 3.4 The current output for one person 2007-08 was 21, with the help of an assistant the number of orders undertaken per year could be raised to the required amount 43-50 to make both posts self funding.
- 3.5 A large number of the obstructions have been inherited so landowners are unlikely to want to contribute to the cost of resolving the issue as they do not see it as there problem.

4.0 RECOMMENDATION

It is recommended that:

- a) This report is received for information and Forum support the Access and Rights of Way Manager in presenting a business case to the Director of Business and Environmental Services to appoint another member of staff to support the work of the diversions officer

Contact Officer:

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