

NORTH YORKSHIRE LOCAL ACCESS FORUM

TUESDAY 12th FEBRUARY 2013

UNSURFACED UNCLASSIFIED ROADS

1.0 PURPOSE OF REPORT

- 1.1 To inform the Local Access Forum of the consultation response on the County Council's proposals for a "Policy on the Use and Management of routes currently recorded as Unsurfaced Unclassified Roads in North Yorkshire".
- 1.2 The report includes an amended management and maintenance proposal involving the PRow service and a transfer of maintenance and management arrangements for urban PRow.

2.0 BACKGROUND

- 2.1 The Highways Act 1980, Section 36(6) requires the County Council as Highway Authority to maintain a 'List of Streets' (LoS) that are maintainable at public expense. The list comprises all Classified (Principal A, Non principal B and Non Principal C) and Unclassified (U) Roads in North Yorkshire. The Highway network in North Yorkshire has evolved over many centuries with some roads and routes dating back to Roman times. The Unclassified Road element of the LoS comprises both surfaced and unsurfaced roads (i.e., Unsurfaced Unclassified Roads, UURs).
- 2.2 Inclusion of a route / road within the LoS does not automatically mean that rights exist for the use of mechanically propelled vehicles (MPVs) unless that road is either a Classified Principal (A) or Non Principal (B and C) Road. Historically it has been accepted that surfaced unclassified roads also have MPV status. The status of UURs has been neither designated nor defined.
- 2.3 There are three key issues that cause problems relating to the use of motorised vehicles, broadly, these are:
 - uncertainty surrounding what rights exist
 - conflicts between users focussed on the alleged impact of motor vehicles on the amenity value of the countryside
 - physical deterioration of routes as a result of insufficient maintenance and / or unsustainable levels of use by motor vehicles
- 2.4 In North Yorkshire issues concerning motorised vehicular use of UURs often arise from a one of or a combination of these issues. The proposed policy was designed to clarify, by virtue of route sustainability, what user rights are appropriate and thereby reduce the

potential for conflicts between users and also minimise the physical deterioration on the route caused by MPV use.

- 2.5 The underlying philosophy of the proposed policy for “The Use and Management of Unsurfaced Unclassified Roads in North Yorkshire” was that of seeking to achieve network sustainability based upon route capability. In doing so, it challenged the practice that status is based upon ‘proven’ (specifically vehicular) legal rights that in the eyes of some users will be highly contentious and provocative.
- 2.6 The Public consultation covered a 3 month period between February and April 2012 during which time we received a total of 825 responses of which 38 (4.6%) were hard copy, the remainder (787, 95.4%) being electronic via the County Council web-site. In terms of source, the largest proportion of responses was received from mechanically propelled vehicle (MPVs) users (cars / motorcycles).

3.0 CONSULTATION RESPONSE

- 3.1 An overview of the responses is included at Appendix 1
- 3.2 The clear outcome from both the consultation and the large number of subsequent ‘challenges’ to the proposals outwith the consultation is that there is no public appetite to migrate towards a network based upon sustainability rather than a network based upon ‘rights’ (irrespective of the resource implications with regards to research) and that any such move would be vigorously opposed on a legal basis.

4.0 AMENDED POLICY PROPOSAL

- 4.1 As a consequence of the work undertaken by both the County Councils team of Network Surveyors and a substantial number of Public Rights of Way Volunteers we have now almost completed an assessment of each of the UUR routes.
- 4.2 We have identified that within the general Category 6 Carriageway (i.e. the UUR network) that there are a number of ‘sub-categories’ that more appropriately describe the UUR route e.g.
 - Road serving one or more properties (residential / industrial / agricultural)
 - Road providing access to utility / infrastructure assets (e.g. Yorkshire Water reservoir, Network Rail line maintenance)
 - Through road linking two or more surfaced highways
 - Through road linking two or more PRoW routes
 - Dead end route not linking onto a highway (but that potentially provide access to ‘Open Access’ land)

Dead end road not linking onto a highway (and not providing access to 'Open Access' land)

- A dead end road, with no PRow leading into it at any point
- A dead end road, with PRow leading into it at any point

4.3 In undertaking this route assessment work we have identified (visual) evidence of different users on the route e.g.:

1) Motorised

- Cars
- 4x4 vehicles
- Agricultural (tractors and other agricultural vehicles)
- Motorcycles

2) Non-motorised

- Walkers
- Horses
- Horse drawn vehicles
- Cyclists

3) No visible evidence of use

4.4 In addition we have identified various route management and maintenance issues ranging from:

- surface water damage
- drainage issues
- overgrown vegetation
- obstruction
- encroachment
- Vehicle damage (e.g. rutting)

5.0 Proposal

5.1 Step 1 - Sub-categorise the Category 6 UUR Network

e.g.

Sub Category	Definition
6a	Road serving one or more properties (residential / industrial / agricultural)
6b	Road providing access to utility / infrastructure assets (e.g. Yorkshire Water reservoir, Network Rail line maintenance)
6c	Through road linking two or more surfaced highways
6d	Through road linking two or more PRow routes
6e	Dead end route not linking onto a highway (but that potentially provide access to 'Open Access' land)
6f	Dead end road not linking onto a highway (and not

	providing access to 'Open Access' land)
6g	A dead end road, with no PRoW leading into it at any point
6h	A dead end road, with PRoW leading into it at any point

5.2 Analyse outputs from PRoW Volunteer Highway Asset Management Network Surveyors Route based assessments in order to:

- Identify an appropriate Inspection / Assessment regime (frequency between 1 and 4 year cyclic inspections), based upon both sub-category and the potential for damage to occur on a route, e.g. the most susceptible requiring more frequent inspections. The safety inspection regime for the surfaced road network (attached as APPENDIX 2) provides the guideline and has an inbuilt flexibility so that routes could be inspected at an increased frequency should route condition demand as a precursor to investigating the implementation of a management regime (e.g. voluntary restraint, TRO, prohibition, weight restriction, seasonal prohibitions etc.).
- Identify and prioritise 'work streams' (e.g. Seasonal Undergrowth, Signposting, Major Projects)
- In conjunction with the PRoW Volunteer Group coordinator Identify user group interest in undertaking 'maintenance activities'.
- Initiate TRO consultation process ('as necessary', e.g. where the PRoW network is being used illegally to gain access to the UUR) for any routes that appear to be progressions of Public Rights Of Way network (e.g. UUR sandwiched between footpaths / bridleway).

5.3 Trial the above process in Area 3 as a consequence of the following:

- A number of routes are consequently at risk from excessive MPV damage
- A number of routes with prohibitions are regularly being used by MPV groups (4x4s)
- Various routes have time limited Temporary Traffic Regulation Orders in place
- The North Yorkshire Moors National Park Authority have confirmed their desire to assist

5.4 As the proposal is based upon route management rather than defining route status there is no need to set up a 'UUR Working Group'

6.0 **EQUALITIES IMPLICATIONS**

6.1 As part of the consultation process we included an Equalities Impact Assessment (EIA) questionnaire.

	No Answer	Adverse effect	Positive effect	Neither
In terms of equalities, do you feel any of the protected characteristics have been adversely or positively affected through the proposed policy?	61	79	38	647
Percentage %age of total responses (825)	7.4%	9.6%	4.6%	78.4%

Analysis of the data suggests that the adverse affect was primarily identified by MPV users whose access to the countryside would be (potentially) reduced had route management been based upon principles of sustainability.

6.2 In all likelihood, the proposed policy would have a similar impact on current network users.

7.0 FINANCE IMPLICATIONS

- 7.1 The cost of implementing the policy and individual route assessments and reviews would be undertaken within existing revenue or capital budgets. It is proposed that annual or less frequent route inspections would be undertaken by the PROW volunteer groups.
- 7.2 Implementation of the policy will however identify the need to undertake reactive cyclic maintenance activities (removing vegetation, cleaning of drainage grips, sign posting etc), hence the intention to involve volunteers from the various stakeholder groups. Without undertaking a 'pilot / test' of the proposals it is not possible to identify resource implications.
- 7.3 The process will identify the need for works of a more substantial nature and whilst this cost would have to be met from existing budgets, the use of volunteers from the various stakeholder groups would potentially maximise the outcome of the investment by the County Council. It is currently envisaged that an annual budget available of £200,000 from the Highways Capital Programme would mean that the County Council would be far better placed to defend potential 3rd party claims and argue against Section 56 notices requiring the County Council to carry out unscheduled works.

8.0 PROPOSAL TO MANAGE URBAN (SURFACED) PROW BY THE HIGHWAYS AND TRANSPORTATION SERVICE

8.1 BACKGROUND

The public expect that the urban network of surfaced Public Rights of Way footpaths (and some bridleways) will be maintained to the same

standard and inspected at the same frequency as the footways on the highway network. Neither is the case as a consequence of budget deficiencies which makes the defence of 3rd party claims exceptionally difficult and there is unfortunately an increasing number of claims where no defence is possible.

- 8.2 PRow, like any highway are often used by utility companies to install their apparatus and as the County Council has yet to add the PRow network to the Local Street Gazetteer (LSG), the fabric of the route can be damaged without us being aware which in turn has the potential to be the cause of further 3rd party claims.

8.3 SERVICE DELIVERY PROPOSAL

The service proposal is to add the network of surfaced urban PRow routes to the existing Highway network so that they are subjected to the same (and) existing maintenance and management regime.

- 8.4 We have undertaken a relatively crude analysis of the PRow network and identified a potential 290 PRow routes (approximately 150 Km) that fall within the 'urban' highway network (i.e. with a speed limit of 40mph or less).
- 8.5 In accordance with our maintenance strategy we would then categorise the footpath network, this categorised hierarchy, based upon pedestrian footfall subsequently forms the basis for maintenance inspections and standards. (Attached as APPENDIX 3). These routes would then need to be added to both the NYCC Local Street Gazetteer and Highway Maintenance Network.
- 8.6 It is proposed to undertake a pilot of the proposal in Area 4, Kirby Misperton as there are a number of urban PRow footpaths in relatively close proximity and some preliminary work has already been undertaken.

9.0 **FINANCE IMPLICATIONS**

- 9.1 The cost of implementing the total change in service, typically the cost of additional cyclic inspections (likely to be a mixture of monthly, 3 monthly and annual inspections) will probably be less than 0.5 FTE in total and these costs will be met / subsumed from within the existing H&T staffing budget.
- 9.2 The cost of any necessary repairs identified during inspections cannot be estimated but the analysis of the outcomes / outputs of proposed Area 4 trial will provide sufficient detail to provide a network wide cost but these costs will be met from the existing H&T revenue budget.

10.0 EQUALITIES IMPLICATIONS

10.1 Consideration has been given to the potential for any adverse equality impacts arising from the recommendation. It is the view of officers that the recommendation does not have an adverse impact on any of the protected characteristics identified in the Equalities Act 2010.

11.0 RECOMMENDATIONS

11.1 It is recommended that members receive this report for information.

Contact:
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Highway Asset Manager

Overview of UUR Public Consultation

Unsurfaced Unclassified Roads consultation - overview						
		Paper	Online			
Number of respondents =	825	4.6%	95.4%			
Please indicate which statement you agree with: The County Council is proposing a move away from a rights based network to one which is purely based upon sustainability. Q1 Do you agree or disagree with the proposal outlined above? Q1a Of those who left comments (563) - the general categories are:	No Answer 2.9% Clear signage 0.9% TRO/Weight restrictions 7.3% Other - general 11.9%	Yes 19.9% Educate users 1.6% Volunteers to assist 13.9% Other - status observation 2.3%	No 77.2% Permits/cost for usage 3.7% Maintain access for all 14.4% Other - sustainability query 3.4%	Seasonal restrictions/ closures 6.0% No changes needed 14.6% Other - legal observation 6.4%	Road by road basis 6.7%	Discriminates against vehicle users 6.9%
Please indicate which statement you agree with: The County Council is proposing to allocate resources for highway maintenance in accordance with the road hierarchy set out in the Table 1. Q2 Do you agree that unsurfaced roads should have a low maintenance priority compared to more heavily used routes? Q2a Of those who left comments (314) - the general categories are:	No Answer 2.5% All roads should have maintenance 23.9% Volunteers to assist 11.5%	Yes 67.5% Asses on a route by route basis 9.6% Other 17.8%	No 29.9% Ban motorised activities 3.2%	Could lead to closure/ permanent TRO 18.2%	Legal duty by NYCC 11.5%	Preventative maintenance 4.5%
Please indicate which statement you agree with: Do you think that the assessment of problems relating to the use of vehicles on unsurfaced roads contained in 'Making the Best of Byways' published 7 years ago is still correct? Q3 Q3a Of those who left comments (318)- the general categories are:	No Answer 16.8% Damage caused by large/ farm vehicles	Yes 48.7% Deliberate obstructions/ abuse	No 34.4% Lack of clear signage	Lack of maintenance	Not read the paper	Damage caused by all users (not just motorised)

		15.4% Out of date 4.4%	10.1% Other - legal observation 2.5%	1.6% Other 23.3%	4.4%	18.9%	19.5%
Q4	Do you have any suggestions as to how responsible and legal use of unsurfaced unclassified roads in the County could be encouraged? (794 comments)	Clear signage/promotion 28.0% Speed/access restrictions 3.7%	Better policing 11.2% Ban motorised activities 5.3%	Educate users 6.4% Keep/re-open routes 1.6%	Permits/cost for use 6.8% Volunteers to assist 3.8%	Partnerships/ encourage membership of local groups 22.5% Other 8.8%	Maintained to a higher standard 1.9%
Q5	Can you recommend ways of increasing the involvement of volunteers in helping the County Council to manage the networks? (611 comments)	Advertise in media/magazines and social media 7.9% Offer incentives (ie. open more UUR) 5.9%	Arrange volunteer days/working bees 3.9% Use probation/ community service etc. 1.5%	Ban motorised vehicles 0.5% Remove 'red tape' 4.6%	Contact all user groups 59.9% Create working group 4.1%	Educate students/ users 1.1% Other 8.2%	Monitor improper use 2.5%
Q6	Please indicate which statement you agree with: Do you think that the use of Voluntary Restraint on a seasonal/bad weather basis is an appropriate management option?	No Answer 4.5%	Yes 63.8%	No 31.8%			
Q6a	Of those who left comments (410)- the general categories are:	Generally agree 12.2% Dependant road condition, not season 7.6%	Agree - for all users 1.7% Access needed for all seasons 1.2%	Use one-way system 0.7% Lack of maintenance, not weather 3.2%	Volunteers to assist 1.0% Must be strictly enforced/signed 15.9%	Road by road basis 1.7% Won't deter illegal use 32.4%	Weight/class restrictions 7.6% Other 14.9%
	What is your main reason for using unsurfaced unclassified roads?	No Answer 1.7%	Walking 49.4%	Cycling 32.9%	Equestrian activities 7.3%	Motorised activities 73.3%	Other 5.5%

<p>UUR Working group: Who do you think should be represented on this group?</p> <p>Of those who answered 'other' (290) - the general categories are:</p>	<p>No Answer</p> <p>1.8%</p> <p>Youth groups</p> <p>0.7%</p> <p>Cyclists</p> <p>14.5%</p>	<p>Walking groups</p> <p>67.8%</p> <p>Parish Councillors</p> <p>41.1%</p> <p>Disabled groups</p> <p>1.7%</p> <p>NYCC highways</p> <p>9.7%</p>	<p>4x4 Users</p> <p>79.5%</p> <p>YDNPA/ NYM</p> <p>78.4%</p> <p>GLASS</p> <p>4.5%</p> <p>Equestrian groups</p> <p>19.3%</p>	<p>Motorcycle groups</p> <p>83.6%</p> <p>County Councillors</p> <p>40.5%</p> <p>Land owners</p> <p>4.5%</p> <p>Open to everyone</p> <p>17.9%</p>	<p>Outdoor groups</p> <p>70.6%</p> <p>Local residents</p> <p>57.4%</p> <p>Environmental groups</p> <p>4.8%</p> <p>Exclude walkers/equestrian groups</p> <p>4.1%</p>	<p>District Councillors</p> <p>37.6%</p> <p>Other</p> <p>23.5%</p> <p>Police</p> <p>5.5%</p> <p>Other</p> <p>12.8%</p>
<p>Equalities questions</p> <p>Gender</p> <p>Age</p> <p>Disability</p> <p>In terms of equalities, do you feel any of the protected characteristics have been adversely or positively affected through the proposed policy?</p>	<p>No Answer</p> <p>4.8%</p> <p>Under 25</p> <p>2.1%</p> <p>No Answer</p> <p>5.9%</p> <p>No Answer</p> <p>7.4%</p>	<p>Male</p> <p>85.6%</p> <p>25 - 35%</p> <p>6.5%</p> <p>Yes</p> <p>9.1%</p> <p>Adverse effect</p> <p>9.6%</p>	<p>Female</p> <p>9.6%</p> <p>36 - 45</p> <p>23.4%</p> <p>No</p> <p>85.0%</p> <p>Positive effect</p> <p>4.6%</p>	<p></p> <p>46 - 55</p> <p>33.5%</p> <p></p> <p>Neither</p> <p>78.4%</p>	<p></p> <p>56 - 65</p> <p>19.2%</p> <p></p> <p></p>	<p></p> <p>Over 65</p> <p>12.1%</p> <p></p>

APPENDIX 2

CARRIAGEWAY INSPECTION HIERARCHIES / FREQUENCIES

Category	Hierarchy Description	Type of Road	Detailed Description	Frequency
1	Motorway	Not applicable	Not applicable	Not applicable
2	Strategic Route	Trunk and some Principal "A" roads between Primary Destinations	Routes for fast moving long distance traffic with little frontage access or pedestrian traffic. Speed limits are usually in excess of 40mph and there are few junctions. Pedestrian crossings are either segregated or controlled and parked vehicles are generally prohibited.	1 month
3a	Main Distributor	Major Urban Network and Inter-Primary Links. Short-medium distance Traffic	Routes between Strategic Routes and linking towns to the strategic network with limited frontage access. In urban areas speed limits are usually 40mph or less, parking is restricted at peak times and there are positive measures for pedestrian safety.	1 month
3b	Secondary Distributor	B and some C class roads. Some unclassified urban bus routes carrying local traffic with frontage access and frequent junctions	In rural areas these roads link the larger villages and industrial sites to the Strategic and Main Distributor Network. In built up areas these roads have 30mph speed limits and very high levels of pedestrian activity with some crossing facilities. On street parking is generally unrestricted.	1 month
4a	Link Road	Roads linking between the Main and Secondary Distributor Network	In rural areas these roads link the smaller villages to the distributor roads. In urban areas they are residential or industrial or inter-connecting roads with 30mph speed limits random pedestrian movements and uncontrolled parking.	3 months
4b	Local Access Road	Roads serving limited numbers of properties carrying only access traffic	In rural areas these roads serve small settlements and provide access to individual properties and land. They are sometimes only single lane width and unsuitable for HGV. In urban areas they are often residential loop roads or culs de sac.	12 months
5	Back Street	Roads serving limited numbers of properties	Only applicable to urban areas, will typically be the rear access road to terraced properties	12 months
6	Unsurfaced Road		Only applicable in rural locations includes those roads locally known as 'Green Lanes' or 'County Roads'.	Between 12 months and 4 Years

APPENDIX 3

FOOTWAY INSPECTION HIERARCHIES / FREQUENCIES

Category	Hierarchy Description	Description	Frequency
1a	Prestige Pedestrian Zone	Pedestrianised areas	1 month
1	Primary Pedestrian Route	Busy town centre shopping and business areas, and main pedestrian routes linking transport interchanges to the town centre.	1 month
2	Secondary Pedestrian Route	High usage routes connecting a number of residential areas and providing access to the primary routes, shopping centres, large schools, leisure complexes and industrial centres.	3 months
3	Link Footway	High/Medium usage routes providing a link for a residential area to the primary and secondary walking routes.	6 months
4	Local Access Footway Urban	Urban low usage footways, usually on housing estates.	12 months
5	Local Access Footway Rural	Low usage rural footway usually between villages	12 months