

North Yorkshire Local Access Forum

11 February 2015

REPORT OF SUB GROUP ON ACHIEVEMENT OF MINIMUM STATUTORY STANDARD

1.0 PURPOSE OF THE REPORT

1.1 To consider the recommendations of a sub group which was asked, at the LAF meeting on 19 November 2014, to give advice on achieving minimum standards and yet achieve statutory duties

2.0 BACKGROUND

2.1 The sub group met on 6th January and considered the issues for both DMMO and maintenance work. This report details our recommendations, which, subject to any changes agreed at this meeting, are LAF recommendations to NYCC. We do recognise that NYCC staff have much more knowledge on these matters but, as “informed consultees” we think we can be of assistance to NYCC in achieving a very challenging target.

2.2 Each recommendation is detailed below in italics with, where necessary, some background information.

3.0 MAINTENANCE WORK

3.1 Priorities

NYLAF should focus on offering practical advice and encouragement to overcome any currently perceived negative attitudes and to support, where possible, council officers.

NYLAF recognised that some paths are more used than others and therefore had a greater claim for maintenance; however, this did not mean that other, less frequently used paths should be ignored

NYLAF supports the approach in the current NYCC RoWIP to concentrate on the more strategic routes that provide for current and future needs.

It was acknowledged that rights of way (ROW) were not perceived by the public & NYCC as a top priority compared with, for example, social services and that the main risk for NYCC in not fulfilling all/some of its statutory duties would be reputational damage. It was also acknowledged that services undertaken by NYCC had increased significantly over the years whilst the council, along with all other councils, was now facing severe cuts.

Prioritisation is an important issue to address in considering how to achieve maximum results with reduced resources. However the sub group had divided views on endorsing the further prioritisation of the route network.

3.2 Waymarking

The statutory duty of waymarking where a route leaves a publically maintained road, should be given priority, as well as waymarking along the route but this latter job could be given to trained volunteers, once agreement from the landowner had been established by the NYCC ranger or delegated person.

Waymarking along the route was deemed to be a priority job as losing the trail was often cited as a major problem by users

3.3 Landowner

NYCC should make more efforts to ensure that all landowners undertook their responsibilities at their own cost

Furthermore, landowners should be encouraged to go beyond their statutory duties and take over responsibility for cutting ROW surfaces where they border fields as they already have the duty to cut back hedges etc

A more informative and more upbeat information leaflet should be produced on the responsibilities of landowners which could be sent to all landowners. This leaflet should be endorsed by landowner friendly bodies such as the CLA and NFU. This leaflet should be backed up by publicity including articles/stories in the press so that the public would become aware of landowner responsibilities with examples of good and bad practice.

Volunteers might be used to act as a liaison point with landowners, particularly where they have local knowledge and contacts.

NYLAF considered that NYCC had appeared to be generous with landowners and had frequently incurred costs that were not really part of the NYCC budget. It was appreciated that this was often the simplest and most practical option with non-cooperative landowners to ensure that stiles and gates etc were properly maintained to an acceptable standard but it was felt that this was no longer appropriate in times of reduced budgets.

Landowners are much the best placed to cut field edge surfaces as well as hedges; both jobs can be done when most convenient to the landowner as and when they tend adjoining fields. The landowners' information leaflet produced by Durham County Council was put forward as a useful example that might be followed by NYCC.

3.4 Increase the use of Volunteers

Volunteers can be used effectively to help with a number of tasks including the following whilst acknowledging that (where appropriate) NYCC products, specifications and standards should be followed:-

- waymarking ROWs***
- liaising with landowners and tenants***
- surveying ROWs, including taking photographs, to identify where work is needed; this work could include an initial survey and assessment of problems reported by the public***
- Preliminary admin and liaison work needed before an actual maintenance/improvement job can be done***
- Maintenance/improvement jobs such as repairing or installing stiles, gates, bridges etc***
- General path clearance***
- Admin work tracking maintenance/ improvements required and action(s) completed (see maintenance backlog below)***

NYCC have accepted the use of volunteers with regard to libraries where NYCC staff have been cut and many libraries rely on voluntary staff to stay open. A similar attitude should be applied to ROWs.

Training in first aid, health & safety, strimming etc should continue to be undertaken where necessary but if volunteers are organised into effective groups, not everyone in every group would require training in everything.

NYLAF suggest that NYCC consider appointing recognised bodies (such as Ramblers, British Horse Society, Bridleways etc.) as contractors as these groups frequently have their own groups of trained, organised and expert volunteers together with appropriate insurance and administration.

It was acknowledged that the successful use of volunteers needs good management on the part of NYCC particularly recruitment of the right person(s) for the right job, effective training where appropriate, clear instructions on the job to be done & rules to be followed, good supervision, and regular feedback from officer to volunteers & vice versa.

3.5 Better Use of Parishes

NYLAF consider many parishes have a great deal of local knowledge of ROWs combined with great enthusiasm to see their local ROWs maintained and improved. NYLAF therefore suggest that NYCC re-explore their relationship with parishes, perhaps by resurrecting the Parish Paths Partnership, and see which parishes would be happy to take a role in ROW maintenance/improvement.

NYCC could and should make much more use of all available PR to promote support and improve co-operation with parish councils.

NYLAF acknowledged that North Yorkshire had both a large number and a huge variety of parishes. Some parishes would not be coerced by NYCC into encouraging access locally, whilst others might be amenable to taking a role in maintenance. Many parishes had a great deal of local knowledge combined with an enthusiasm to see their local row's maintained and improved.

PR should be used to promote good practice of cooperating parishes.

3.6 Improved System for Users

Users need a customer friendly system for reporting problems and tracking follow up.

The new computer system should provide a clear checklist for the user to complete (similar to street lighting problem reporting) which includes a grid reference and/or path name together with a reference number for easy tracking.

NYLAF are aware that an extension of the highways system "Symology" is being developed for footpaths. NYLAF regret that software specifically developed for ROWs is not being adopted but reserve judgement on Symology until the system is fully up and running.

3.7 Check Maintenance Backlog Records

NYLAF suggest that volunteers be recruited to go through the backlog list and remove any duplication. Volunteers should be given lists of older issue in their local area in order to check if the problem still exists and record the actual current situation including the use of photographs.

NYLAF considered that there may be duplication in the problems reported and listed on the back log.

3.8 Opportunities to Share or Sub Contractor Services

NYCC should explore sharing services such as joint purchasing, joint computer systems, Prow management etc

NYCC might wish to consider sub-contracting some/all of its maintenance services to one or both of the National Parks who might be able to undertake this work more efficiently and cheaper than NYCC.

NYLAF point out that North Yorkshire has three public bodies responsible for ROWs across the county – NYCC, the Yorkshire Dales National Park and the North York Moors National Park. Each body has its own team of officers and accompanying overheads.

4.0 DMMO WORK

4.1 Ensure all ROWs are included on the Definitive Map (or appropriate list) by the 2026 Deadline

NYLAF consider that this work is absolutely top priority and NYCC should implement a robust strategy to ensure all ROW's are recorded in such a way that they are protected from being lost for future generations

There is a role for volunteer office staff on this task and NYLAF recommend that NYCC look into this urgently

The definitive map is, as it says, the definitive map of all ROWs. NYLAF is very concerned about the 2026 deadline.

NYLAF appreciates that the forthcoming Deregulation bill has led to uncertainty and that the situation will not be clarified or be helpful for some years.

NYLAF further appreciates that the original Definitive Map may not have been as complete as it might have been and that there are a number of issues regarding the List of Streets, RT routes and particularly where the status may be uncertain. Nevertheless, the work needs to be completed by the deadline especially given the risks for non-unsurfaced unclassified roads.

4.2 Better Alert for ROW Issues in Planning Applications

NYLAF urge NYCC to recognise that statutory consultees (eg Ramblers, BHS) and Parishes have a role in alerting the Planning Authority if there are any ROW issues involved

NYLAF understand that NYCC are consulted in planning applications where appropriate for highway issues and that the Highways Department may not automatically investigate if there are any ROW issues.

5.0 CONCLUSIONS

5.1 NYLAF are asked to consider and endorse the recommendations set out in this report to NYCC as NYCC develops a strategy for achieving minimum standards with reduced budgets.

5.2 NYLAF wish to be consulted as NYCC develops its strategy to meet this challenge.

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Joint Chairs of the Sub Group