

**North Yorkshire County Council****Transport, Economy & Environment Overview and Scrutiny Committee****26 October 2016****Report on the operational review of Public Rights of Way****Report of the Corporate Director – Business and Environmental Services****1.0 Purpose of Report**

- 1.1 To provide the Committee with an overview of progress on a comprehensive review of the Public Rights of Way Service following a restructure carried out in 2015.

**2.0 Background**

- 2.1 Under the auspices of the North Yorkshire 2020 programme, Waste and Countryside Services undertook a restructuring exercise in December 2014 – March 2015 to move the service to a ‘minimum standards’ position. The restructure removed 3FTE front line Public Rights of Way (PRoW) staff. The new staffing structure for the PRoW team became operational in October 2015. The team now has a Principal Officer, four Public Rights of Way Officers, two Field Officers and a Technical Officer shared with the Definitive Map Team. The saving also removed £105k from PRoW maintenance and operational budgets.
- 2.2 In Autumn 2015 the team started a fundamental review of its purpose and operational work models and practices, with the aim of ensuring that the savings made are sustainable in the long run and that the service meets its statutory responsibilities while providing the best level of service for the available funding.
- 2.3 The review being carried out is a ‘root and branch’ review of the PRoW Service and how the Council delivers its responsibilities for management of public rights of way. The intention is that this review will provide greater transparency over why we do what we do, and therefore why we don’t do other things. An important part of this approach is the development of service standards which will be published towards the end of the programme.
- 2.4 The NY Local Access Forum received a detailed report on initial proposals in February 2016. North Yorkshire County Council BES Executive Members received an update report in April 2016. Executive Members were happy that the review should continue along the lines set out.

**3.0 Update on Review Progress at September 2016**

- 3.1 Paragraph 3.2 sets out the scope of the review programme, and provides an update on progress to date. Sections 5, 6 and 7 provide more detail on three key elements of

the review – our approach to route categorisation; working procedures and 3<sup>rd</sup> party volunteers respectively.

3.2 The workstreams within the review of the Public Rights of Way service are:

**3.2.1 To refresh the service’s policy framework.**

*Update: A proposed updated policy statement has been prepared. In practice the proposed new statement is little changed from the old.*

**3.2.2 To deliver a revised, comprehensive and transparent route categorisation of all the paths on the network, resulting in publishing a category map of the entire network on the Council website for the first time.**

*Update: The NY Local Access Forum provided comments on an initial route categorisation proposal at their February meeting. Those proposals have since been mapped in detail. The mapping exercise suggested that the initial proposals were too complex and included too many path characteristics. The proposals have been simplified and remodelled, and are ready for public consultation to begin once support resources are available. An 8-week consultation is envisaged to allow all interested parties enough time to provide their comments.*

*The main elements of the revised proposal to be consulted on are:*

- (a) that we would initially implement categorisation based on route characteristics alone,*
- (b) that we would provide a formal mechanism for PRow Officers to be able to alter the category assigned to routes based on characteristics – providing the flexibility that NYLAF felt was required, and*
- (c) that we would seek over time to include a measure of community value into the model, but that this would happen on longer timescales than originally envisaged due to resource constraints.*

*Section 5 provides more detail.*

**3.2.3 To refresh the model used by the team to prioritise the resolution of defects reported to it.**

*Update: The existing issue prioritisation model has been examined and alternatives discussed. The conclusion is that the existing model has the benefit of being simple and familiar, and therefore no change is proposed to how the team prioritises its response to customer reports of defects. This will not be the subject of public consultation.*

*The three factors that contribute to prioritising our response to a report of a defect will remain:*

- *The category of the route,*
- *The effect that the reported defect has on the ability of people to use the network,*
- *The health and safety risk posed by the reported defect i.e. potential severity of injury x likelihood of injury.*

*The model ensures that while in general defects on higher category paths will be prioritised, defects that cause a risk to the public and defects that stop people using paths will tend to come to the top of the pile for attention even when they are on lower category paths.*

**3.2.4 To revise all existing detailed work processes to ensure consistently efficient approaches are taken to reported network defects. New procedures will be developed for all of the ‘volume’ issue types reported by customers.**

*Update: Work has been undertaken on almost all of the service’s work processes. A more detailed update on this element of the review is provided in section 6.*

**3.2.5 To ensure that the service maximises the benefit from the continuing support of its existing group of countryside volunteers, by ensuring that the volunteer role is set out clearly within the new working procedures, and by ensuring that we manage our offer to the volunteers and other groups more efficiently.**

*Update: All of the work undertaken to revise working processes has led to draft processes that meet this objective. There is a consistent desire within the service for countryside volunteers to play a key role in supporting the service to work more efficiently.*

**3.2.6 To decide on the future of the team’s core IT system.**

*Update: A systems appraisal has been undertaken and considered, but was not conclusive. NYCC Technology and Change has been asked to undertake a further comprehensive analysis of the current and future benefits of either maintaining and investing in the current system, or transferring to an alternative system that would need to be developed but that could offer significant potential synergies with the system currently used by NY Highways. In the meantime the team is continuing to use the current system.*

**3.2.7 To explore the potential to make use of new IT functionality around managing volunteers, enforcement activity, mobile working and statutory reporting. To develop integrated on-line defect reporting for customers, to reduce administrative work and to provide better real time feedback for customers.**

*Update: No progress has been made on these items as they are dependent on a decision regarding the team’s core IT system. Both system options will be able to support these objectives.*

**3.2.8 To examine how we can work with existing community and user groups who want to work on maintaining or improving the network.**

**To set out our approach to requests from communities to improve the network to ensure consistency in response and that expectations are realistic.**

*Update: Progress has been made to develop a pilot with the Lower Wharfedale Ramblers Group who are keen to support the service by undertaking practical maintenance and improvement tasks on the network within an area comprising 17 parishes. We hope that this pilot will inform our approach to improving the network. Further detail is set out in section 7 below.*

### 3.2.9 To set out a published statement of service standards.

*Update: A statement of service standards will be developed and published once the prioritisation and new working processes have been implemented.*

## 4.0 Review Timetable.

4.1 While progress has been made, the review programme has fallen behind its initial timetable. The route categorisation work in particular has taken longer than expected. Table 1 sets out an outline timetable for key expected activity relating to the route categorisation and process review elements of the review programme.

Table 1: Review programme – revised outline timetable

Autumn 2016	Develop detailed proposals around the proactive seasonal vegetation programme.
Autumn 2016 to Winter 2016/17	Public consultations on: <ul style="list-style-type: none"><li>• approach to route categorisation;</li><li>• principles applying to the proactive seasonal vegetation programme.</li></ul>
Winter 2016/17 to Spring 2017	Implementation of route categorisation, with knock on effect on issue prioritisation.
Through to Summer 2017	Ongoing programme of process reviews relating to the majority of reported defects.
Through to Summer 2017	Implementation of process reviews, following agreement of a categorisation model following public consultation.
2017/18	Develop workable proposals on the detailed measurement of community value.

## 5.0 Review of Approach to Route Categorisation.

5.1 North Yorkshire's PRow network is the longest in the county. Outside of the National Parks, the Council is responsible for approximately 6120km of rights of way.

5.2 Highway authorities have an overriding duty under section 130 of the Highways Act 1980 to "assert and protect the rights of the public" to use public highways. This duty extends to public rights of way (e.g. footpaths and bridleways). It relates to keeping highways free of obstruction.

5.3 Further, section 41 of the Highways Act 1980 imposes a duty on authorities to "maintain" highways that are maintainable at the public expense. That includes the majority of public rights of way. The duty to maintain extends essentially to providing that the route is reasonably capable of use safely by the traffic that ordinarily uses it.

- 5.4 These duties apply to any public highway whatever its status. Prioritising routes that make up the public rights of way network in North Yorkshire is seen as a way of meeting those duties in an efficient and appropriate manner with the resources available.
- 5.5 The practical impact of categorising the network is threefold:
- a) Over time, the focus of proactive maintenance will be focused onto higher category paths. For example the new route categories will influence the paths selected as part of the seasonal strimming programme.
  - b) We will take a different operational approach to dealing with different category paths within the detailed procedures. For example we may decide to make a larger financial contribution to the maintenance of furniture (a landowner responsibility) on higher category paths.
  - c) The category of a route will be a factor in how we prioritise the reactive maintenance of defects that we find or that are reported to us.
- 5.6 A number of principles sit behind the proposed approach. These are that:
- 5.6.1 Route categorisation needs to be meaningful and produce outcomes that distinguish effectively between routes – inevitably with some routes being seen to be lower priorities than others. The service must move away from a situation where a lack of transparent and comprehensive prioritisation led to a ‘he who shouts loudest’ approach. This is inappropriate at any time but particularly following significant budget and staffing reductions.
- 5.6.2 The need to retain an appropriate level of formal operational flexibility, within the framework of a transparent model. There will always be exceptions to a rule and a system needs to be flexible enough to respond accordingly whilst protecting against the current approach.
- 5.6.3 The desire to recognise the level of use of different types of paths as a key element of route categorisation. Paths which get the most use should be a priority for us, although we need to recognise that some routes will be less well used simply because they have not been well maintained or are blocked. Hence;
- 5.6.4 The desire to recognise how communities value their paths within the route categorisation. We want to work with parishes and user groups to understand which routes are most valuable to the different types of customer.
- 5.7 The current route prioritisation approach is ineffective. Not all paths have been prioritised and the approach is inconsistent. Too many of the paths that have been rated are set as high and medium priority. The new model, once agreed, will present a more realistic spread of high, medium and low category paths.
- 5.8 Overview of the Proposed Approach to Route Categorisation  
The aim is to assign and then publish a route category for every section of path across the network. We have considered a range of options, and propose the following model with the following key elements:
- We will continue to manage the network based on ‘Links’ – sections of paths.
  - Each link will have a category assigned.

- Eventually, a category banding will be assigned based on a total points score which will be the sum of the ratings of the following two elements.
- Each link will be assigned a characteristic score – a points score between 4 and 10 based on the key characteristic of the link.
- Each link will be assigned a community value score – a points rating between 1 and 5 based on an assessment of the comparative value placed on the link by the local community.
- Each link will therefore attract a score between 5 and 15 points.
- We will assign a category banding to each link. This will be mapped and published on the website.
- The category will be assigned based on the distribution of scores once all links have been scored, and on the capacity level within the service.
- The category rating will then form part of the issue prioritisation model.

5.9 This approach has been proposed because we think:

- (a) that it is a transparent approach to assessing the entire network;
- (b) that the inclusion of community value in the model will focus attention and resource onto parts of the network that will provide greatest benefit and value per pound spent.
- (c) that it provides a means to alter obviously perverse and incorrect categorisations over time.

5.10 Community Value: While we believe that the aim to measure and include community value remains valid, measuring the value that different communities place on different types of footpath is fraught with difficulty:

- It is difficult to define community;
- It is difficult to define community value;
- We have no data of any kind relating to how the community (however defined) value the different elements of their right of way network;
- We have no method of measuring community value.

5.11 The approach being considered is to recognise a primary and secondary idea of community. We will define the primary community as those people living within the parish. We expect to deal with the Parish Council as the representative of the primary community.

5.12 We will define the secondary community as other network users who benefit from and have an interest in the PRow network, and who will take a view on how NYCC prioritised and maintains the network. We define other user groups and communities of interest as:

- Auto Cycle Union Ltd, The British Horse Society, Ramblers, Byways and Bridleways Trust, Open Spaces Society, The British Driving Society, Cyclists Touring Club, All Wheel Drive Club, Trail Riders Fellowship, Range Rover Register, LARA, North East Laners.

5.13 We would propose to define the level of value by reference to a subjective assessment by the primary community (Parish Council), and by whether there is any evidence of interest in the route from one or more of the user groups listed above.

- 5.14 We will need time to consider how best to measure and then combine the value placed in a route by the local community (as defined by Parish Councils) and the value placed on the network by communities of interest (as defined by user groups).
- 5.15 Therefore, the proposal is to initially implement the new route categorisation based on the characteristic score alone. Then over time we would seek to add a measure of community value into the model, but that would happen on longer timescales than originally envisaged due to resource constraints.
- 5.16 Detailed Proposals: Characteristics  
Given the difficulty of measuring community value, the proposal is to initially assign a route score and category based solely on the key characteristic of the route. Table 2 contains the proposed characteristic scores to be applied. It shows the type of characteristic that we consider important, how that characteristic is to be defined, and the score linked to each defining characteristic. Many paths and sections of route are multi-faceted in nature and could fall into more than one of the defining characteristics set out below. It would be possible to give a multi-faceted section or path points for each of its characteristics. However this would make the model much more complex. Therefore we have opted for a 'key characteristic' model that will assign one score to each path based on its highest scoring characteristic. The characteristics chosen have the advantage of being factually objective. They can all be mapped using currently available datasets and so the model, if agreed, can be implemented quickly.

Table 2: Path characteristic scores

Path characteristic	Defined by / as	Score
National Trail	Defined by Natural England	10
National Cycle Network	Defined by Sustrans	
Safe routes to schools	Rights of Way that coincide with the SRTS network. Only included within 3km of secondary school and 2km of primary schools. Usually surfaced routes providing alternative direct pedestrian / cycle route from population centres to schools avoiding busy roads or roads without a footway. Just that section of the route defined as a SRTS scores 10.	
Routes within urban areas	Routes mostly within a development limit of service centres/large villages. The whole length of the route is classed as a 10.	
NYCC promoted routes	A number of routes promoted by NYCC. This list will be subject to review over time	8
Routes within 1km of urban fringe	Routes that lie within 1km of the development limit of service centres/large villages. The whole length of the route scores 8.	
Multi-user trails	Largely barrier free, surfaced strategic routes that can be used by walkers but which are also good for cyclists and horse riders either linking communities or over 5km in length. For example Nidderdale Greenway.	
Routes within 1km of village centres.	Paths that lie within a radius of 1km from a village centre. The whole length of the route scores 6.	6
Routes within AONBs	As defined by Natural England	
Routes along main rivers and canals	As defined by the Environment Agency	
Routes avoiding A and B class roads	Routes within 50m of an A or B class road that run parallel and offer an alternative route.	
Routes onto access land	As defined by Natural England	
Other routes	Routes that don't have any of the other characteristics	4

5.17 The modelling undertaken has not pointed to any obviously unreasonable or perverse results overall. However officers and the Local Access Forum, while understanding the benefits of operating within a 'strong' model, were keen that officers had a degree of flexibility at the local level. We therefore intend to develop and operate a mechanism by which officers can amend path category scores within the model in order to recognise specific local characteristics and amend any obvious local anomalies.



5.18 The following table illustrates the proposed breakdown of the network into four category bandings:

Table 3: Path Characteristic Categorisation.

Path characteristic	Length (km)	Characteristic Score	Path Categorisation
National Trail	87.5	10	Category A (15.1%)
National Cycle Network	260.2	10	
Safe routes to schools	411.7	10	
Routes within urban areas	161.7	10	
NYCC promoted routes	609.7	8	Category B (21.4%)
Multi-user trails	65.3	8	
Routes within 1km of urban fringe	633.5	8	
Routes within 1km of village centres.	2211.6	6	Category C (45.9%)
Routes within AONBs	411.8	6	
Routes along main rivers and canals	74.1	6	
Routes avoiding A and B class roads	4.5	6	
Routes onto access land	102.8	6	
Other routes	1077.5	4	
			Category D (17.6%)

## 6.0 Review of Working Procedures.

6.1 Each year approximately 3000 issues and defects are reported to the service (about 250 per month). At October 2015 there was a backlog of about 8500 unresolved issues – some stretching back many years. One objective of the review is to ensure that the newly structured team has clear and consistent procedures in place to prioritise cases reported to it, resolve cases on the ground, and review, close or resolve the backlog cases.

6.2 To this end, work has being undertaken on a rolling programme of procedure reviews. Some procedures exist but are outdated and have fallen into disuse. Work has been undertaken to review the service’s approach to the following issue types:

- a) Ploughing and cropping
- b) Obstruction / approach to enforcement
- c) Furniture - gates and stiles
- d) Signposting
- e) Waymarking
- f) Seasonal vegetation
- g) Bridge inspection

Defect reports falling broadly within these categories make up about 85% of the reports received by the PRow team officers.

- 6.3 A number of common themes have come through.
- a) We will triage reports initially in order to prioritise them more consistently and close out cases that are invalid.
  - b) We will seek to ensure that work is undertaken at the appropriate level within the team – for example by making more use of Technical / Administrative resource, and by passing cases on to PRoW Officers/Field Officers only when full information is available.
  - c) Volunteers will be asked to undertake activities that help the service react to defects reported to us – in particular undertaking site inspections to act as the service’s ‘eyes and ears’ on the ground.
  - d) Volunteers will become an integral part of the thinking of team staff when faced with an issue to resolve, and staff will use volunteers more consistently.
  - e) We will ask landowners to take more responsibility.
  - f) We will move to enforcement action more quickly within the procedures. We cannot afford to go back and forth numerous times before taking action or requiring landowners to undertake necessary works.
- 6.4 To provide an example of the sort of issues we are considering, Table 4 below sets out the approach envisaged to deal with reports of routes obstructed due to ploughing and cropping activities. This includes desired outcomes together with potential risks and issues to consider at each step. The table shows that we will seek to have the appropriate officers undertake appropriate work, seek to reduce the need for officers to undertake site inspections and visits, and place more emphasis on landowners to do what they should be doing.

Table 4: Ploughing and Cropping draft processes.

Step	Outcome, issues and risks
Customer sends a report of a P&C issue on the network, logged accurately within the system.	There is scope to encourage customers to send us a photo of the issue? This would reduce need for inspection. Potential to improve the advice offered on the NYCC website.
Initial screening undertaken by Technical Admin staff instead of PRoW Officers/Field Officers. Is there a photo, is the report valid, do we know the landowner details?	Desire to ensure that as much information is available as possible before PRoW Officer or Field Officer gets involved in a case
If landowner not known Field Officer tries to find the information.	Potential to put less effort into this activity for low priority paths.
Technical Admin staff to send a standard letter to the Landowner where known asking them to reinstate within 14 days. Ask them to send us a dated photo once they have undertaken any reinstatement work, and inform them of intention to take enforcement action to reinstate the route and seek to recover costs and to inform Rural Payments Agency of the situation.	We are going to take reports that appear valid at face value and contact known landowners without prior inspection. Risk that the report is incorrect. A proportion of cases will be resolved through this action alone.  Potential to stop after this point and close the case for low priority paths. Is it appropriate to enforce P&C issues on low priority paths?

Depending on response (if any), Technical Admin staff to organise a volunteer site inspection within an appropriate time period, take a photo and report on site condition.	Reduces the need for multiple visits. Confirms issue either exists or has been resolved.
If path has been reinstated send thank you letter and record on P&C spreadsheet for proactive work in future seasons.	We may wish to undertake proactive work with landowners in future seasons where there have been issues reported.
If path has not been reinstated and remains blocked then pass case to PRow Officer for review and decision on whether enforcement is in public interest.	There are occasions when it may not be in public interest.
If so undertake enforcement action and seek to recover costs. Inform RPA and record on P&C spreadsheet for proactive work in future seasons	

## 7.0 Third Party Volunteers

- 7.1 Staff from NYCC Transport, Waste and Countryside Services have been working to develop a pilot project with Lower Wharfedale Ramblers. A draft agreement is now in place ready for discussion and agreement the group. Assuming we can agree, we hope to implement the project as soon as practicable. Work on the pilot to date has included:
- a) Data protection – a protocol is now in place to enable us to share landowner contact details;
  - b) Health & Safety – we have discussed risk assessments and training requirements and have identified which types of work can proceed without certificated training so that the pilot can get underway. Work will continue on future training arrangements so that additional types of work can be added as the pilot develops.
  - c) A list of potential maintenance tasks has been identified and the group will begin site visits on these soon.
  - d) Members of the group have done some practical work with the PRow staff to further develop the relationship and to assess confidence and competence in a range of tasks.
- 7.2 Once the Lower Wharfedale Group agreement is in place and work starts, we will engage with other groups around the county that have also expressed an interest in proactively supporting the service to maintain the network. This will allow us to review and refine the model as appropriate.

## 8.0 Recommendation(s)

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| 8.1 | Scrutiny Committee members are asked to note the content of the report.  |
| 8.2 | The service would welcome the Committee's advice on the approach to route categorisation, suggested in section 5.        |
| 8.3 | The service would welcome any advice on the idea of measuring community value set out in 5.10-5.15.                      |
| 8.4 | The service would welcome the Committee's advice on the approach being taken to work processes as detailed in section 6. |

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Background Documents:

Report to NY Local Access Forum 4 February 2016

Report to BES Executive Members 22 April 2016

Report to NY Local Access Forum 7 July 2016