North Yorkshire County Council – countryside access service

A new approach to categorising the public rights of way network
January 2017

Contents

Introduction

This paper sets out more detail on three proposals to govern how the countryside access service will undertake its work. This includes:
- a statement of service delivery principles;
- categorising the public rights of way (PROW) network; and
- prioritising the response to reported network defects.

These proposals have been developed taking account of discussion with and comments from the North Yorkshire Local Access Forum (NYLAF), and internal consultation with the Council's public rights of way and definitive map team members.

The statement of service delivery principles will provide a framework to govern the work of the public rights of way team. The consultation asks whether respondents are satisfied with the statement.

The proposed approach to network categorisation is new. We now want to consult the public about their views on how we can put in place a transparent categorisation of all the sections of path across the network.

The approach to how the service prioritises issues and defects reported to it has not changed. Therefore we do not intend to consult formally on this element. However the detail is provided in this document to ensure that respondents have a full picture of the models.

Proposed statement of service delivery principles

Asserting and protecting public rights of way on behalf of the public

The County Council has a duty to assert and protect public rights over the public rights of way (PROW) network. This duty includes an obligation to ensure the network is safe to use and free from obstruction. In order to fulfil this duty the County Council will ensure:

- Surfaces and items of infrastructure (e.g. stiles, gates and bridges) on the PROW network are appropriate and safe to use.
- Maintenance works on the PROW network are carried out so as to ensure provision at least equivalent to historic levels, with improvements made where resources allow, having regard to expected use, community value and significance of individual routes.
- Maintenance and improvement works are carried out within available resources and according to a published method of prioritisation.
- Access to the network from metalled roads is clearly signed.
- Provision of other signs including waymarks along the length of public rights of way is adequate and fit for purpose in order to inform and protect users and safeguard adjacent property and land.
- Landowners understand their responsibilities in relation to the PROW network where applicable, including those relating to maintenance of infrastructure and furniture, control of vegetation, control of livestock, reinstatement of surfaces and removal of obstructions.
- Appropriate enforcement action is taken where it is in the public interest to do so, to remove unlawful obstructions and reinstate obstructed routes.
- It is always responsive, open, honest and fair in its dealings with users, land owners and other stakeholders in relation to public rights of way.
- It collaborates and works closely with stakeholders, Parish Councils, user groups, volunteers and other interested bodies and individuals to share skills and resources and maximise the potential to maintain and improve the PROW network.
- It encourages users to use the network responsibly.
- It supports an effective Local Access Forum and appropriate liaison groups in order to facilitate strategic advice and good working relationships between users, landowners and the Council.
- It processes applications to record, divert or modify rights of way (through Definitive Map Modification Orders or Public Path Orders) in a timely way and will regularly communicate with applicants to keep them informed of progress.

Our activity will be carried out in accordance with legislative requirements; the Council's published guidance and resources available.

Route categorisation, issue prioritisation

North Yorkshire's public rights of way network is one of the longest in the country at over 10,000km. The two National Parks maintain that part of the network within their boundaries on behalf of North Yorkshire County Council. However outside of the two National Parks, the Council is responsible for approximately 6,100km of rights of way.

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.

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.

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.

The aim of this proposal is to consult on and subsequently introduce a transparent categorisation of all the paths across the network. We can then use the route category to help us to prioritise defects that are reported to us.

A number of principles sit behind the recommended approach. These are that:

- Route categorisation needs to be meaningful and produce outcomes that distinguish effectively between routes – inevitably with some routes being seen to be lower priority than others.
- 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, although we need to recognise that some routes will be less well used simply because they have not been well maintained or are blocked.
- With the above in mind there is a need 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.

It is intended that the new model, once agreed, will present a realistic spread of high, medium and low category paths.

Why is route categorisation important?

Categorising the network will have three practical impacts:
- Over time, proactive maintenance will be focused onto higher category paths. For example the new route categories will influence the paths selected for inclusion in the seasonal strimming programme.

- 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.
- We will take a different operational approach to dealing with different category paths within the detailed work procedures. For example we may decide to make a larger financial contribution to the maintenance of furniture (a landowner responsibility) on higher category paths.

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. After consideration of a range of options, we are proposing a model with the following key elements:
- We will manage the network based on sections of the path or 'links'.
- Each link will be assigned a **characteristic** score – a points score between four and ten based on the key characteristics of the link.
- Each link will be assigned a **community value** score – a points score between one and five based on an assessment of the comparative value placed on the link by the local community.
- Each link will therefore attract a score between five and 15 points. The characteristic score will have more weight than the community value score.
- We will assign a category banding to each link based on the combined score.
- The category banding of all routes will be mapped and published on the County Council website.
- The category banding will be assigned based on the distribution of scores once all links have been scored, and on the capacity level within the service.

This approach has been proposed because we think that:
- it is a transparent approach to assessing the entire network; and
- 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 to local communities.

Detailed route categorisation proposals: characteristics

Table 1 shows the proposed characteristic scores. It illustrates 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 are proposing 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 and can all be mapped using currently available datasets.

Table 1: Proposed path characteristics and scores

Path characteristic		Length of paths with this characteristic (km)	Proposed characteristic score	% of network in each proposed category (Cat)
National trail	As defined by Natural England	88	10	Cat A 15.1%
National cycle network	As defined by Sustrans	260	10	
Safe routes to schools (SRTS)	Rights of way that coincide with the SRTS network. Only included within 3km of secondary schools 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 ten.	412	10	
Routes within urban areas	Routes mostly within a development limit of service centres or large villages. The whole length of the route scores ten.	162	10	
NYCC promoted routes	A number of routes promoted by NYCC. This list will be subject to review over time.	610	8	Cat B 21.4%
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.	65	8	
Routes within 1km of urban fringe	Routes that lie within 1km of the development limit of service centres/large villages. The whole route scores eight.	633	8	
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 six.	2,212	6	Cat C 45.9%
Routes within AONBs	As defined by Natural England.	412	6	
Routes along main rivers and canals	As defined by the Environment Agency.	74	6	
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.	4	6	
Routes onto access land	As defined by Natural England.	103	6	
Other routes	Routes that don't have any of the other characteristics.	1,077	4	Cat D 17.6%
Totals:		6,112		100%

Measuring community value

While the aim to measure how communities value their public rights of way is an important part of the proposal, it is difficult to gauge the value that different communities place on different types of footpath. The challenges we face in relation to this are:

- a need to define the terms community and community value;
- a lack of information relating to how communities (however defined) value the different elements of the PROW network; and
- no method to measure community value.

The proposal is to initially implement route categorisation based on the characteristic score alone, and then to introduce a measure of community value into the model at a later date.

Therefore an important part of this consultation is to gather views from the public and from interested parties over how best to measure community value.

Initial suggested approach

The initial suggested approach is to recognise a primary and secondary idea of community.

The primary community would be those people living within each parish. We would expect to deal with the Parish Council as the representative of the primary community.

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 prioritises and maintains the network. We expect that this would mean including a set of user groups who represent a range of different types of users of the network (walkers, horse-riders, cyclists, trail riders, and off-road drivers).

We 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 user groups.

Issue prioritisation

When defects or problems are reported to the public right of way team, the aim is to ensure that every defect reported is prioritised in a consistent manner. This will inform operational work programming to ensure that resources are focused onto the most important issues.

The proposal is to continue to use the current issue prioritisation model. Therefore we do not intend to consult on this element of the proposal. However it is included here for the sake of transparency and completeness.

Issues reported to the team are prioritised based on the following four factors:
- The path category score (category score).
- An effect score - the effect of the reported defect on the ability of users to use the path (effect score).
- A risk likelihood score – the likelihood of an individual injuring themselves through continuing to use the path despite there being a defect. (likelihood score).
- A risk severity score – the likely level of injury that could be incurred by an individual continuing to use the path despite there being a defect. (severity score).

Table 2 below shows the definitions for each of the four factors. The overall issue score is calculated using the following formula:
Issue score = category score + effect score + risk score (which is likelihood score x severity score)

Table 2: Issue priority scores

Category score	Effect score	Likelihood score	Severity score
Cat A path = 5	Defect likely to render path unusable = 6	Almost certain injury = 5	Possibility of death = 5
Cat B path = 3	Defect likely to render path inconvenient to use = 4	High likelihood of injury = 4	Possible major injury = 4
Cat C path = 1	Despite the defect the path remains available and easy to use, or the defect is easy to bypass = 2	Medium likelihood of injury = 3	Possible reportable injury = 3
Cat D path = 0	Defect unlikely to have any effect = 0	Small likelihood of injury = 2	Possible minor injury = 2
		Minimal likelihood of injury = 1	Difficult to see potential for any injury to occur = 1

The issue score will drive work programming. The service will look to address higher scoring issues before lower scoring issues.

As a highway authority, North Yorkshire County Council has a responsibility to ensure that the network is safe to use. Therefore we will treat any issues that attract a risk score (likelihood score x severity score) of 16 points and above as a high priority even if the total

issue score is lower than some other issues. For example a report of a collapsed bridge or a dangerous animal obstructing a Category D path would be treated as high priority.

We will also treat any issue that attracts an individual severity or likelihood score of five as a high priority even if the total issue score is lower than some other issues. This means that these issues would be picked up and pulled into work programmes quickly.

Practical examples

Tables 3 and 4 below provide an indication of how a range of issues would be ranked on different category paths.

However it is important to note that the effect, likelihood and severity scores are open to interpretation. For example if a customer reported a wire across a path that was popular with cyclists or trail-riders, then the likelihood and severity scores would be adjusted to 5x5 – higher than the score illustrated below, and the issue would need to be addressed immediately.

Table 3: Issue prioritisation scoring - examples

	Collapsed bridge	Slats missing from bridge floor, otherwise sound	Wire across path, dangerous obstruction	Intimidating animal in field, cross-field path effectively blocked	Heavily overgrown vegetation, difficult to bypass	Damaged gate or stile. Difficult to by-pass – need to climb over	Path ploughed out, no obvious alternative	Muddy terrain	Missing signpost or waymark, navigation difficult	Alignment issue, navigation difficult	Obstruction, easily bypassed	Damaged gate or stile. Easy to by-pass
Cat A path	Cat = 5 Effect = 6 Risk = 4x5 =20 **Total = 31**	Cat = 5 Effect = 4 Risk = 4x4 = 16 **Total = 25**	Cat = 5 Effect = 4 Risk = 4x4 = 16 **Total = 25**	Cat = 5 Effect = 4 Risk = 3x5 = 15 **Total = 24**	Cat = 5 Effect = 6 Risk = 4x3 = 12 **Total = 23**	Cat = 5 Effect = 4 Risk = 4x3 = 12 **Total = 21**	Cat = 5 Effect = 4 Risk = 3x3 = 9 **Total = 18**	Cat = 5 Effect = 4 Risk = 4x2 = 8 **Total = 17**	Cat = 5 Effect = 4 Risk = 3x1 = 3 **Total = 12**	Cat = 5 Effect = 4 Risk = 3x1 = 3 **Total = 12**	Cat = 5 Effect = 2 Risk = 4x1 = 4 **Total = 11**	Cat = 5 Effect = 2 Risk = 4x1 = 4 **Total = 11**
Cat B path	Cat = 3 Effect = 6 Risk = 4x5 = 20 **Total = 29**	Cat = 3 Effect = 4 Risk = 4x4 = 16 **Total =23***	Cat = 3 Effect = 4 Risk = 4x4 = 16 **Total =23***	Cat = 3 Effect = 4 Risk = 3x5 = 15 **Total=22****	Cat = 3 Effect = 6 Risk = 4x3 = 12 **Total = 21**	Cat = 3 Effect = 4 Risk = 4x3 = 12 **Total = 19**	Cat = 3 Effect = 4 Risk = 3x3 = 9 **Total = 16**	Cat = 3 Effect = 4 Risk = 4x2 = 8 **Total = 15**	Cat = 3 Effect = 4 Risk = 3x1 = 3 **Total = 10**	Cat = 3 Effect = 4 Risk = 3x1 = 3 **Total = 10**	Cat = 3 Effect = 2 Risk = 4x1 = 4 **Total = 9**	Cat = 3 Effect = 2 Risk = 4x1 = 4 **Total = 9**
Cat C path	Cat = 1 Effect = 6 Risk = 4x5 = 20 **Total = 27**	Cat = 1 Effect = 4 Risk = 4x4 = 16 **Total =21***	Cat = 1 Effect = 4 Risk = 4x4 = 16 **Total = 21**	Cat = 1 Effect = 4 Risk = 3x5 = 15 **Total=20****	Cat = 1 Effect = 6 Risk = 4x3 = 12 **Total = 19**	Cat = 1 Effect = 4 Risk = 4x3 = 12 **Total = 17**	Cat = 1 Effect = 4 Risk = 3x3 = 9 **Total = 14**	Cat = 1 Effect = 4 Risk = 4x2 = 8 **Total = 13**	Cat = 1 Effect = 4 Risk = 3x1 = 3 **Total = 8**	Cat = 1 Effect = 4 Risk = 3x1 = 3 **Total = 8**	Cat = 1 Effect = 2 Risk = 4x1 = 4 **Total = 7**	Cat = 1 Effect = 2 Risk = 4x1 = 4 **Total = 7**
Cat D path	Cat = 0 Effect = 6 Risk = 4x5 = 20 **Total = 26**	Cat = 0 Effect = 4 Risk = 4x4 = 16 **Total =20***	Cat = 0 Effect = 4 Risk = 4x4 = 16 **Total=20***	Cat = 0 Effect = 4 Risk = 3x5 = 15 **Total=19****	Cat = 0 Effect = 6 Risk = 4x3 = 12 **Total = 18**	Cat = 0 Effect = 4 Risk = 4x3 = 12 **Total = 16**	Cat = 0 Effect = 4 Risk = 3x3 = 9 **Total = 13**	Cat = 0 Effect = 4 Risk = 4x2 = 8 **Total = 12**	Cat = 0 Effect = 4 Risk = 3x1 = 3 **Total = 7**	Cat = 0 Effect = 4 Risk = 3x1 = 3 **Total = 7**	Cat = 0 Effect = 2 Risk = 4x1 = 4 **Total = 6**	Cat = 0 Effect = 2 Risk = 4x1 = 4 **Total = 6**

* Treated as a higher priority due to a risk score of 16 or above.

** Treated as a higher priority due to a severity score of 5.

Table 4: Issue prioritisation scoring – issue ranking

Ranked Total Score	Issue	Path Category
31	Collapsed bridge	A
29	Collapsed bridge	B
27	Collapsed bridge	C
26	Collapsed bridge	D
25	Wire across, dangerous obstruction.	A
25	Slats missing from bridge floor, otherwise sound	A
24	Intimidating animal in field, cross-field effectively blocked	A
23	Wire across , dangerous obstruction.	B
23	Slats missing from bridge floor, otherwise sound	B
22	Intimidating animal in field, cross-field effectively blocked	B
21	Wire across, dangerous obstruction.	C
21	Heavily overgrown vegetation, difficult to bypass	C
20	Wire across, dangerous obstruction.	D
20	Intimidating animal in field, cross-field effectively blocked	C
20	Slats missing from bridge floor, otherwise sound	D
19	Intimidating animal in field, cross-field effectively blocked	D
23	Heavily overgrown vegetation, difficult to bypass	A
21	Damaged gate or stile. Difficult to by-pass – need to climb over	A
21	Heavily overgrown vegetation, difficult to bypass	B
19	Damaged gate or stile. Difficult to by-pass – need to climb over	B
19	Heavily overgrown vegetation, difficult to bypass	C
18	Ploughed out, no obvious alternative	A
18	Heavily overgrown vegetation, difficult to bypass	D
17	Muddy terrain	A
17	Damaged gate or stile. Difficult to by-pass – need to climb over	C
16	Ploughed out, no obvious alternative	B
16	Damaged gate or stile. Difficult to by-pass – need to climb over	D
15	Muddy terrain	B
14	Ploughed out, no obvious alternative	C
13	Ploughed out, no obvious alternative	D
13	Muddy terrain	C
12	Missing signpost or waymark, navigation difficult.	A
12	Alignment issue, navigation difficult	A
12	Muddy terrain	D
11	Obstruction, easily bypassed	A
11	Damaged gate or stile. Easy to by-pass	A
10	Missing signpost or waymark, navigation difficult.	B
10	Alignment issue, navigation difficult	B
9	Obstruction, easily bypassed	B
9	Damaged gate or stile. Easy to by-pass	B
8	Missing signpost or waymark, navigation difficult.	C
8	Alignment issue, navigation difficult	C
7	Missing signpost or waymark, navigation difficult.	D
7	Alignment issue, navigation difficult	D
7	Obstruction, easily bypassed	C
7	Damaged gate or stile. Easy to by-pass	C
6	Obstruction, easily bypassed	D
6	Damaged gate or stile. Easy to by-pass	D

Operational flexibility

The route categorisation and issue prioritisation models set out in these proposals will provide a guide for officers and the public over how paths will be categorised and issues prioritised.

The scoring mechanisms will provide us with significantly enhanced operational consistency.

The models will provide us with guidance based on robust analysis on what to do next in each circumstance. They will allow us to prioritise which issues are picked up and dealt with on a day to day basis. However we will continue to exercise a degree of operational flexibility. For example we will respond flexibly to take account of operational efficiencies or general public interest.

What next?

The consultation that accompanies this document asks whether respondents agree with the approach in principle. The consultation period runs until Sunday the 19th of March. A summary of the results of the consultation will be published on our website when these proposals are presented to councillors.