

RECREATION MANAGEMENT SCRUTINY REPORT

ANNEX1

Part A - Summary

1. Summary of topic

Need identified at Audit & Performance committee workshop to look at partnerships across constituent councils re: footpaths, access and Rights of Way with common agreements on funding and best practice.

Constituent councils are drawing up Rights of Way Improvement Plans (ROWIPs) and are at varying stages in the process with potentially differing approaches.

2. Key issues

1. What is the current standard of access provision and the management of access/rights of way in the National Park?
2. How does the standard in the Peak District National Park compare with Constituent Authorities outside the national park area, and with other English National Parks
3. What are the current partnership arrangements in respect of access/rights of way in the National Park? Are these generally good arrangements?
4. What are the forthcoming challenges regarding access and the partnerships and how may they best meet them?
5. Are there any suggestions for collectively accessing additional resources?

3. Key recommendations

Managing and Improving the Network

1. The National Park Authority is not the Highway Authority. But it **is** the Access Authority and the "relevant" Authority for the purposes of the Countryside and Rights of Way Act 2000 (CROW 2000). This division of responsibility works well (it avoids the National Park Authority being responsible for complex and expensive maintenance issues) and should continue.
2. At present the Authority 'has a good deal' with the main constituent Highways Authorities (Derbyshire (DCC) and Staffordshire (SCC) County Councils), with financial contributions being made to the Authority to support Rights of Way maintenance and improvement works. Similar arrangements should be explored with the other significant Highways Authorities (Sheffield City Council and Cheshire County Council) covering the National Park.
3. Motorised vehicles in the Countryside and on Non Classified Roads are perceived by partners as an immediate problem. The new Natural Environment and Rural Communities Act gave new powers to National Park Authorities to make Traffic Regulation Orders (TROs) to unsealed highways in the National Parks where it was felt to be the only solution to resolving problems. This extension of powers has created expectations that action will be taken at a level that may be: (a) not affordable within existing priorities and resources and (b) outside the scope of the authority's responsibilities as identified in the TRO Policy. This additional potential demand on resources threatens the ability of the Authority and its partners to continue to maintain rights of way in general to the existing high standards; the priority and consequent financial allocation for rights of way work should be urgently reviewed and then considered alongside other demands in line with the Authority's procedures and forward financial planning.

4. Use and mis-use of rights of way is growing and creating policing issues outside the scope of the powers of the Field Services, while at the same time not generally being dealt with as a priority issue by the Police. These issues should be reviewed with the Police to explore the possibilities for more co-ordinated and innovative approaches in response.
5. More linking routes for specific walking, horse riding, cycling or motorised use should be created across land ownerships to provide a more functional network, for instance through establishing and promoting more circular and joined-up routes. A meeting within which to consider this as an issue with partners should be convened, and consideration be given to how the Local Access Forum might also become involved.
6. 2007/8 is the last year in which the rights of way Best Value Performance Indicator (BVPI) will be implemented nationally. However DCC and SCC are both considering continuing with this monitoring. The Authority should support and participate fully in this approach.
7. Both DCC and SCC are recording rights of way information electronically. Digital and computer systems should ideally be interactive and compatible and enable central data sharing for rights of way between PDNPA and partner organisations. Existing and proposed systems should be explored and evaluated with a view to achieving this in the long term.
8. Management issues on (CROW) access land should include making routes more accessible (to a wider range of users) where possible and creating new routes/points of access to open access land.

Pursuing Funding Opportunities

9. Partner organisations (particularly Water Companies and Highways Authorities) bid for money for capital projects up to 5 years in advance. The Authority should develop a longer term forward planning approach to its access work with its partners to support and increase the chances of successful funding bids.
10. Water companies and the National Trust investments in rights of way improvements each year have the potential to be used for 'match funding'. Potential bids for external funding should be explored, with a view to creating projects that add perceived value to existing rights of way maintenance and provision (and may thereby be eligible for grants). This may require the allocation of additional resources to this area of work which should be considered alongside other demands in line with the Authority's procedures and forward financial planning. This could also be considered as an area of activity for support by the Local Access Forum (see also recommendation 16 below).
11. More co-ordinated lobbying should be encouraged – especially with Members of constituent authorities – to help secure the funding and implementation of the Rights Of Way Improvement Plans.
12. Access promotion under the Higher Level Scheme (HLS) is currently under employed by Natural England who should be encouraged to play a stronger role in promoting access in addition to conservation. Implementation of access through the HLS should also be improved by linking schemes more effectively with the surrounding network, prioritising those schemes that provide the greatest resulting access opportunities.
13. National Park rangers should also be kept fully aware of HLS opportunities linked to access so that these could be fully promoted when advising farmers and landowners in the course of their work.

Improved Partnership Working

14. The Staffs Moorlands and District Countryside Management meeting is a successful initiative. The new Area Team structure in the National Park could facilitate further similar arrangements and the possibilities for these should be explored with partner organisations.
15. There is sometimes a significant degree of overlap between the organisations involved in rights of way maintenance, signing and monitoring - more co-ordination would produce more effective use of skills and resources. Opportunities for better co-ordination and joint working (possibly including joint project officers) between NPA and partners' estate and volunteer teams should be explored.
16. The Local Access Forum could be used more effectively, given the quality and enthusiasm of representatives on the Forum – its locally driven terms of reference and scope should be reviewed.
17. Officers across the PDNPA as a whole seem to partners to reflect their functional work area rather than overall National Park outcomes and objectives. Better communication, understanding and co-ordination is needed across the Authority teams as they relate to outside partners. This should be taken into account, particularly as the new Area Team management approach develops.
18. Water companies in particular would like their identities/logos to be more prominent with the joint ranger services to help visitors recognise who owns the land and facilities and is responsible for them. Their requirements should be explored and responded to.

Part B – Detailed discussion of subject area and findings

4. Key areas of enquiry and discussion of findings

Summary

We began work on this Recreation Management Scrutiny with a first meeting in January 2008, running in parallel with a second scrutiny on Recreation Strategy, and one of the first issues was to ensure that the two scrutinies were complementary and did not overlap in their work.

An important point to make at the outset is that all the partners we met in the course of the exercise were very positive about the current arrangements with the National Park Authority and its staff; any comments or suggestions for improvements are made with this underlying positive view as a foundation.

By their nature many of the key issues identified, and the recommendations that flow from them, arise from expressions of opinion by the partners we met. While not always factual we felt it important to record and react to these issues. Officers may justifiably respond with differing views in some cases but we believe that the issues raised are significant and worthy of serious debate.

All partners and consultees raised the issue of motor vehicle use of public rights of way as one of the most serious issues facing the Authority. We endeavoured to avoid being distracted by this issue since the Authority has recently adopted its policy on vehicle access. This policy is due to be reviewed by the Authority after 12 months (in October 2008) and the recommendations of this scrutiny should also be considered in this review. In the meantime investigations on relevant

routes are ongoing and proposals for action are being developed by the rights of way team separately.

Nonetheless one of our most important concerns is that there are expectations for action to be taken by the Authority on vehicular use and that this burden will fall on a rights of way team that is already stretched with its existing workload and whose current budget will be unable to deliver the level action required.

The rights of way budget has been cut substantially over the past two years, reflecting changed Member priorities, and a review is required to ensure that reasonable expectations for action on vehicle use can be met, while at the same time maintaining satisfactory standards of general rights of way maintenance and repair.

The evidence we have gathered shows that the rights of way network in the National Park is in generally good and well maintained condition, and indeed the Peak National Park authority is among the leaders in the English and Welsh national parks in this regard.

Objective assessments through the Best Value process also reveal that the network in the constituent authority areas within the National Park is generally in better condition than in their areas outside the National Park. The representatives of the partner authorities were not surprised by this, given the high profile and level of attention which routes within the National Park receive.

Some other National Park Authorities (e.g. the Lake District and Yorkshire Dales) are also the Highway Authority for their area. While this provides for extra staffing and resources we do not feel that it is appropriate for the Peak National Park Authority due to the potential for large and unexpected maintenance requirements, and to the general satisfaction with the existing arrangements which are regarded as being a 'good deal' by both partner and national park authority staff alike.

Suggestions in common to our partners and consultees were that a longer term view should be taken on planning rights of way maintenance and investment, that there was a need for greater connectivity of routes between different networks and land ownerships – particularly for cyclists and horse riders, and that improved co-ordination of activity would produce better use of resources.

Enquiry Approach

Our initial approach was to identify the key issues by meeting as a Scrutiny Panel, with officers then supporting us with data and information to investigate the issues more fully and determine the approach required to our most significant external partners.

Detailed results of our investigation into the current situation are provided in Annexes 1 and 2.

We then decided on relevant questions to explore with the external partners and proceeded to do this as a Panel (without officer presence) through discussion meetings with representatives from the Water Companies, Derbyshire and Staffordshire County Councils and the National Trust.

Using a semi-structured interview technique the following questions were explored with the external partners:-

1. What is your current view of access provision and the management of access/rights of way in the National Park?
2. What is your current view of the partnership arrangements in respect of access/rights of way in the National Park? Is it generally a good arrangement?
3. What do you see as the forthcoming challenges regarding access and the partnership?

4. What collectively could we do to make things work more effectively as a partnership as opposed to taking action individually?
5. Do you have any ideas for collectively accessing additional resources?

We also wished to seek the views of Local Access Forum members which we did by e-mail, inviting answers to the following questions:-

1. The current assessment is that over 90% of the rights of way in the National Park are in 'good' condition. Do you think this is a fair assessment?
2. The current assessment is that the rights of way in the Peak National Park are in the best condition and are among the best maintained of all the English and Welsh National Parks. In your experience, is this true?
3. What do you see as the forthcoming challenges regarding access in the Peak National Park?
4. What collectively could we do to make things work more effectively and how might the LAF best contribute?
5. In up to 3 bullet points, how would you summarise your current view of access provision and the management of access/rights of way in the National Park?

5. Summary of Key Issues guiding recommendations

The full minutes of our Scrutiny Panel and partner meetings, together with the results of the Local Access Forum consultation, are available as separate documents if required. Summaries of key issues and challenges as perceived by our Panel, partners and Access Forum members were produced from the minutes and these have guided the recommendations. The summaries are as follows:-

(Scrutiny Panel Meeting – 4.2.08)

1. The National Park Authority is not the Highway Authority, but it is the Access Authority and the "relevant" Authority for the purposes of the Countryside and Rights of Way Act 2000 (CROW 2000)
2. It was clear that the statistics showed that those rights of way within the National Park are in much better condition than those maintained by the relevant Highways Authorities outside.
3. Less work would be carried out on rights of way in 2007/8 (and subsequent years) than historically had been the case due to recreation management being downgraded to a Level 3 priority within the Authority. This had resulted in a 48% reduction in rights of way work already and is forecast to impact increasingly on the condition assessment of rights of way within the Park over the next 3 to 5 years.
4. In terms of rights of way staffing, the Authority has significantly less officers than other National Park Authorities, although some of these (e.g. the Lake District and North Yorkshire Moors) also act as the Highways Authority in their area.
5. At present the Authority 'has a good deal' with the main constituent Highways Authorities if it sees its duty as having a well maintained access network; similar arrangements should be considered with the others.
6. Issues and actions arising in response to the use of rights of way by vehicles were identified as a potentially significant drain on resources. This is therefore a threat to the ability of the Authority and its partners to continue to maintain rights of way to the existing high standards currently seen, particularly if resources continue to be allocated at current levels.

(Scrutiny Panel Meeting – 25.2.08)

1. The BVPI returns showed that the Peak Park has consistently been the highest scoring National Park Authority on rights of way condition over the previous four years, while

(apart from the Broads Authority) dedicating the lowest number of staff to rights of way issues.

2. The reduction in expenditure on rights of way is as a result of the completion of a number of large projects, Moors for The Future carrying out work on footpaths via contractors and the loss of posts in the Countryside Management and Ranger Teams. Current Rangers have experienced a re-focus on what they do which has also resulted in less rights of way work being done.
3. Damage caused by four wheel drive vehicles and the resulting maintenance and enforcement was emphasised as a key additional expenditure in future years that would be competing for the already reduced rights of way budget.

(Water Company Meeting – 10.3.08)

1. The companies are happy with agreements on the whole; relationships have built up and are good.
2. Water companies bid for money for capital projects in advance of the water industry 5 year investment periods. There is a need for PDNPA to be a more long-term supportive and forward planning partner, aware of the bidding process at a much earlier stage to increase the chances of successful funding bids.
3. Departments within PDNPA need to work together more and be aware of agreements made with external partners by other departments.
4. It was felt by both water companies that they would like their identities/logos to be more prominent with joint rangers to help visitors recognise who owns the land and facilities and is responsible for them.
5. Use of rights of way is growing and creating policing issues outside the scope of the powers of the ranger service. Could 'Green Specials' as an extension of the police/ranger service be created in response?
6. More linking routes for specific walking, horse riding, cycling or motorised use should be created across land ownerships to provide a more complete network. There needed to be a Forum within which to bring this together, but there needed to be a strong lead authority (PDNPA?); the LAF might be a good body to become involved.
7. The Higher Level Scheme might help with providing extra paths to join trails together as it was rolled out across the Park.
8. More specific routes for specific users could reduce conflicts, enhance safety and also perhaps enable users to contribute to repair and maintenance, especially where business use is concerned.
9. Water companies are investing substantially on rights of way improvements each year (consistently >£40k pa) which has the potential to be used for 'match funding'.
10. 90% of visitors to the national park were from urban conurbations close by. It should be possible for a specific group to look at funding possibilities e.g. through Healthy Living initiatives.

(Derbyshire County Council Meeting – 17.3.08)

1. The partnership works very well and there is a good relationship between DCC and National Park, each contributing and communicating when necessary.
2. The 95% BVPI standard is a fair reflection of the state of the network, but given overall use of footpaths in the national park, level of maintenance should be expected to be high.
3. With regard to BVPI, 2007/8 is the last year in which it will be implemented nationally. However DCC have decided to produce and continue with a much simpler survey form where routes can pass or fail depending upon the 7 elements of BVPI
4. DCC will try to use user groups and parish councils to survey the routes. PDNPA will be asked to help survey their area.
5. Sharing information electronically needs to move forward. Digital and computer systems ideally should be interactive and compatible and enable central data sharing for rights of way between PDNPA and DCC. Could PDNPA use the same system as DCC

(Countryside Access Management System (CAMS)) under a licence which DCC may be able to organise? Water Companies and other providers could also potentially benefit by joining such a central system.

6. It would benefit DCC and PDNPA to have a 5 year plan which would enable DCC to agree projects with PDNPA and obtain financial help with a year on year work schedule.
7. Motorised vehicles in the Countryside and on Non Classified Roads are an immediate problem. New Traffic Regulation Order legislation/extension of powers has created expectations that action will be taken at a level that is not currently affordable.
8. Management issues on (CROW) access land include making routes more accessible (to a wider range of users) where possible and creating new routes/points of access to open access land.

(Staffordshire County Council Meeting – 31.3.08)

1. The current view of the partnership is that it is 'generally very good'; an exceptionally good arrangement for SCC as it helps greatly with efficiency and value for money in an otherwise 'remote' (and therefore difficult to support) location in the north of the County
2. The 95% BVPI assessment is a fair reflection of the quality of the network and maintenance in the National Park, supported by the low number of complaints, and helped by the less arable nature of farming in the National Park compared to the rest of Staffordshire.
3. SCC is reviewing continuation of the BVPI benchmark which may be completed only every 2 years and continuing to use independent volunteer surveyors provided by the Ramblers Association.
4. Implementation of access through the Higher Level Scheme (HLS) could be improved by linking schemes more effectively with the surrounding network, prioritising those schemes that provide the greatest access opportunities.
5. The Staffs Moorlands and District Countryside Management meeting is a successful initiative; the new Area Team structure in the National Park Authority could facilitate further similar arrangements.
6. Better co-ordination and joint working between volunteer teams from Peak Park and SCC could produce greater rights of way improvements more quickly.
7. SCC are not using the Countryside Access Management System (CAMS) as they have developed their own stand – alone system. It is therefore unlikely to be possible to link information on Rights of Way maintenance across the Peak Park as a whole, though separate links with individual Authorities may still be possible.
8. For bids for external funding to succeed there has to be perceived added value to existing rights of way maintenance and provision.

(National Trust Meeting – 12.5.08)

1. There is sometimes a significant degree of overlap between the organisations involved in rights of way maintenance, signing and monitoring - more co-ordination would produce more effective use of resources. Opportunities for joint project officers should be explored.
2. The Local Access Forum could be used more effectively, given the quality of representation on the Forum.
3. Officers of the PDNPA seem to reflect their work area rather than overall National Park objectives. Better understanding and co-ordination is needed across the Authority departments as they relate to outside partners.
4. The NT and NP estate teams could work more effectively together on some projects by pooling their different and complementary skills and resources.
5. A lot of moors apart from the National Trust have excluded dogs and this is creating more access pressure on NT moors (from walkers wishing to be accompanied by dogs). A more co-ordinated approach re closures and restrictions is needed.
6. Anticipating more problems with erosion and damage due to more intense rainfall events

and intensifying use, particularly of bridleways, and by motorised vehicles.

7. Mountain bike use is increasing with riders apparently keen to use more natural 'informal' trails as opposed to the defined routes provided for instance by the Forestry Commission. More linked routes to extensify rather than intensify provision could be a response to this demand.

(Local Access Forum Questionnaire – Issues and Challenges – 2.6.08)

1. Deciding how to deal with recreational pursuits that are not compatible with either the physical environment (in terms of erosion, etc), local communities (noise, inconvenience, etc) and other users – i.e. off-road motorised vehicles and motorbikes, primarily.
2. A cohesive framework of routes for horse riders and off road cyclists needs to be developed.
3. Providing meaningful access to water for canoeists, etc, since current access provision to the National Park's rivers and reservoirs very poor.
4. Encouraging access by as many people as possible and on many different levels, whether it be better physical access for the less mobile, more sensitive and targeted promotion among hard to reach groups from surrounding catchment areas (ethnic communities, inner city youngsters, etc) as well as from the actual communities within the National Park, linking in perhaps to the wider health agenda.
5. Stopping up or disguising of agreed access points
6. Proliferation of fencing, often with barbed wire and without stiles or gates
7. Reduced funding at a time of sustained, if variable, use.
8. Information about access – closures, diversions and upgrades to trails and how this is communicated to users.
9. Education of users – getting people to understand the pressures which are on the ROW network and what they can do to alleviate such pressures.

6. Preferred option for recommendations

Recommendations to be discussed by Officers for response and final action plan devised in consultation with the Scrutiny Panel.

Part C - Plan for monitoring and implementation

7. Action plan for implementation of recommendations

1. Report to A&P for discussion and decision by members on implementation and further action.
2. Managers to be invited to respond to the recommendations and provide a draft action plan at the A&P Committee meeting in October 2008.
3. Agreed action plan to be implemented according to an agreed timetable.
4. Actions agreed and implemented to be monitored via reporting to A&P and (with agreement by A&P) the Local Access Forum.
5. Key issues and recommendations to be considered by the Recreation Strategy team with a view to inclusion in the strategy as it is developed.

8. Equalities impact and considerations
Has a Equalities impact and needs assessment been carried out, and if so what are the results No
9. Health and safety considerations
Do the recommendations have any related health and safety considerations? Not prior to agreement of Action Plan
10. Risks associated with implementing recommendations
Some risks associated with human and financial resources, reviewing current priorities and exploring changes in relationships with partners.

Part D – Methodology
11. Scrutiny Chair
Geoff Nickolds
12. Scrutiny Team Members
Councillor Mrs J Bevan, Mr J C Fearn, Councillor Mr C McLaren
13. Officer Involvement
<p>We were very grateful for the help and enthusiastic support of the following officers:-</p> <p>Richard Campen and Sean Prendergast - attended meetings, liaised with partners, collated and provided data (thanks particularly to Sean), commented on and provided suggestions on report content.</p> <p>Mike Rhodes – collated and provided data, liaison with Local Access Forum</p> <p>Christine Hume and Dianne Walmsley – meeting administration and minutes</p> <p>Ruth Marchington - provided initial guidance, copies of previous reports and the template used for this final report.</p> <p>Officers at times have made helpful and constructive comments and suggestions but the report remains the Scrutiny Panel’s own and officers may not necessarily agree with everything within it.</p>
14. Approach taken for gathering evidence
<p>Our initial approach was to identify the key issues as a Scrutiny Panel, with officers then supporting us with data and information to investigate the issues more fully and determine the approach required to our most significant external partners.</p> <p>We then decided on relevant questions to explore with the external partners and proceeded to do this as a Panel (without officer presence) through discussion meetings with representatives from the Water Companies, Derbyshire and Staffordshire County Councils and the National Trust.</p> <p>We also wished to seek the views of Local Access Forum members which we did by producing</p>

and circulating a list of questions (by e-mail) and collating the responses.

15. Resource use

Resources were essentially staff and member time, facilities, refreshments and other associated costs for attending meetings at Aldern House and Losehill Hall.

16. Lessons learnt about the process

With only four Members on the scrutiny panel it was difficult to arrange meeting dates around other commitments and meetings became poorly attended towards the end of the process as a result. This was unfortunately emphasised by the tragic loss of Cllr Claude Fearn towards the end of the process. Increased member representation might be a solution to these problems.

Chairing the panel and writing up the report proved quite onerous and consideration should be given to the reporting expectations of the scrutiny process, and to the level of administrative support able to be provided (despite the willingness and enthusiasm of the staff who supported this scrutiny exercise and of whom no criticism is intended).

Report written by Geoff Nickolds

Date 10th June 2008