

YORKSHIRE DALES NATIONAL PARK AUTHORITY
ACCESS COMMITTEE

10th August 2006

PROPOSALS FOR PRIORITISING DEFINITIVE MAP CASEWORK

Purpose of report

The purpose of this report is to seek members' endorsement of the statement of priorities for the review, up-dating and management of the Definitive Map.

Strategic Planning Framework

The information and recommendation(s) contained in this report are consistent with the Authority's statutory purposes and its approved strategic planning framework:

An Integrated Access Strategy

- AS1 (b) Keep the Definitive Map under review and monitor progress.

Best Value Performance Plan 2006/2007

- Keep the Definitive Map under continuous review :
 - a) produce prioritised list of outstanding anomalies
 - e) resolve 15 of the anomalies identified above".

Background

Under S.53 of the Wildlife and Countryside Act 1981, a Surveying Authority is under a duty to keep the Definitive Map for its area up to date. This includes the need to correct errors and to take account of the on-going need to record necessary changes to the Definitive Map, in order to provide a Map that is accurate and reliable. This duty rests with the Yorkshire Dales National Park Authority under Highways Agency Agreements with North Yorkshire and Cumbria County Councils.

Reviewing and up-dating the Definitive Map for the Park includes three main categories of work:

- resolving errors on the Definitive Map (anomalies)
- processing Definitive Map Modification Order applications
- processing Public Path Orders

Each of the three categories produces casework and it is the issue of how to prioritise the cases in each category and each category against the other two that needs to be resolved to ensure efficient use of the Definitive Map team's time. Prioritisation of casework should be based on broad, but nevertheless clear principles, that allow us flexibility to deal with the

competing demands on officer time, in a way that satisfies the needs of the rights of way network and its users, in the overall interests of the National Park as a whole, as quickly and fairly as possible.

Guidance issued by the Department of the Environment (now Defra) in Circular 2/93 recommends that Authorities periodically produce a Statement of Priorities, explaining their priorities for “bringing and keeping the definitive map up to date . . .” This paper is the Yorkshire Dales National Park Authority’s Statement of Priorities. Members will recall that that this matter was discussed by the Access Development Group on 7th July 2004. At that time it was agreed that all casework would be dealt with in date order, but those modifications (or Path Orders) identified as of special benefit to the achievement of National Park purposes, would be given priority. This is essentially the same approach outlined in this paper but with slight modification. In 2004 it was recognised that this approach would need to be modified if there were a backlog of applications (eg following the Defra Consultation on the use of mechanically propelled motor vehicles).

The Suggested Approach to Casework

Cases from each of the three categories of casework identified above will be processed concurrently. This will ensure that all aspects of modifying the Definitive Map are dealt with in an even-handed way and there is a proper balance between the different categories.

However, BOAT and Restricted Byway matters will be distinguished from Bridleway and Footpath matters, so that these latter cases are not swamped by the potentially more demanding Byway cases, and so that all classes of rights of way are fairly catered for. Both types of matter will be processed concurrently.

Casework is dealt with on a geographic basis, with three case officers covering the three geographic area of the Park. All three categories of work will be catered for in each geographic area by the case officer.

Prioritisation

Under the proposed scheme matters will be prioritised on the basis of their relative importance to the rights of way network, rights of way users and the National Park as a whole. Certain criteria for deciding this are identified in the **Annex**. These are simply examples of distinguishing criteria, and should not be taken as an exhaustive list. The strength of a proposed modification will depend on the cumulative total of benefits that it brings.

The criteria for deciding the importance of a particular matter will be the same whether it is a Modification Order application, or an anomaly that is being dealt with.

Public Path Orders

Public Path Orders are a distinct category on their own. They are not strictly part of the process of reviewing and up-dating the Definitive Map. However, they do form an essential part of the work of the Definitive Map Team and therefore will have an effect on the amount

of time available for Definitive Map Modification work. They have therefore been included in the scheme of priorities.

Public Path Orders are generally made in the interests of the landowner or occupier, who will be meeting the costs of the Order. These Applications should be treated equally and will be dealt with in order of date of receipt.¹ However, there may be instances where one application is more urgent than another and will require to be dealt with first, e.g. an application under the Town & Country Planning Act 1990. Similarly, there will be instances where Orders, or Public Path Creation Agreements, will be initiated by the National Park Authority, because of the public benefit to be derived from the Order.

Conclusion

The overall objective of the Authority is to achieve an accurate, reliable and up-to-date Definitive map. The aim of any system of prioritisation should be to ensure first that the most important cases are dealt with as soon as possible, across the range of matters, but also that all categories of matter are adequately dealt with.

It is proposed therefore to deal with Definitive Map Modifications (applications and anomalies) and Path Orders, as follows: deal separately with DMMO and Path Order casework

- deal separately with matters that involve BOAT/ Restricted Byway issues and those that deal with Bridleway / Footpath issues
- prioritise each category of matter on the basis of “relative importance” as determined by consideration of factors as outlined in the annex

Applications will only be prioritised where there is a clear identifiable need to do so, in accordance with the statement of priorities, otherwise they will be dealt with in order of receipt. The Yorkshire Dales Access Forum has been consulted on the approach and has given approval to the principles and proposals outlined in this paper.

Recommendation

That members agree to the Definitive Map Statement of Priorities and associated criteria as outlined in this report and annex.

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SENIOR DEFINITIVE MAP OFFICER

Background paper:
Definitive Map Review and Work of the Definitive Map Team - A Discussion Paper Access
Development Group 8th July 2004
24th July 2006

¹ This will become more significant if s.119ZA Highways Act 1980 is brought into effect.

The Process of Prioritisation of Casework

The proposals for reviewing and up-dating the Definitive Map and processing Path Orders, within the National Park, are as follows:

- A list of outstanding anomalies will be produced, for each geographic area, with the most important given priority.
- As new anomalies are added to the list they will be given a ranking dependent upon their perceived importance
- Rankings may change according to the relative circumstances of each case but always with the objective of dealing with important cases first
- Applications for Modification Orders and Public Path Orders will be recorded on registers in date order of receipt
- Applications will be dealt with in date order unless factors are identified that require the application to be dealt with sooner.
- Anomalies and applications of both types will be dealt with concurrently so far as it is practicable to do so.

The relative importance of a particular modification or diversion, when considering whether or not to give it priority over other matters, will be determined by the effect of the proposed modification or diversion on the use and management of the public path network within the Park, taking account of National Park Purposes. The factors which will determine whether or not to give a particular matter priority will include the following:

- Significant improvement to the network
- Some significant public benefit
- Route not accessible at present
- Particularly strong supporting evidence
- Recognised in the RoWIP action plan
- Complements National Park purposes
- Improvement in Public Safety
- Is the present situation confusing for users, landowners etc
- high / low level of public interest
- cases sharing geographic location or evidence
- a problem that could be solved quickly by the Order
- the Order would have no recognisable public benefit whatsoever
- relatively trivial matter would tie up resources for a considerable time.
- other specific factors important to individual cases.
- Confusion over the route's status by the public at large