

Committee: ACCESS
Date: 26 July 2007

Report: DEFINITIVE MAP: REVIEW OF TARGETS AND PRIORITIES

Purpose of this Report

1. To seek Members agreement to proposed changes to work targets for the Definitive Map Team and to explain how the teams future work will be focussed, prioritised and programmed in order to meet the National Park Management Objective AR3.

Strategic Planning Framework

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

- ***National Park Management Plan Objective***

AR3. Produce digital versions of the three 'Definitive Maps' of rights of way covering the Yorkshire Dales by 2011 to make it easier to check and resolve issues around the legal status of routes.

Background

3. 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 has passed to the Yorkshire Dales National Park Authority under a Highways Agency Agreement with North Yorkshire County Council and Cumbria County council.
4. Members will recall that a paper was brought to the Access Committee in August 2006 which considered how the Definitive Map Team casework should be prioritised in relation to this statutory requirement. Reviewing and up-dating the Definitive Map for the Park includes three main categories of casework :
 - resolving errors on the Definitive Map (anomalies);
 - processing Definitive Map Modification Order applications (DMMOs);
 - processing Public Path Orders applications and those initiated by the Authority eg creation agreements (PPOs).
5. At this time there was concern about the number of applications for up-grading of routes to BOATs that had been received, and that whilst applications would be dealt with in strict date order, the number of BOAT applications would be dealt with in

'parallel' with other type of case work – so that other work would still move forward and not be 'swamped' by these applications.

6. One year, on it has become apparent that dealing with applications in this way, is preventing progress in relation to anomalies and the digitising and overall review of the Definitive Map. The new National Park Management Plan has also been agreed. Both these factors have provided the impetus for reviewing Definitive Map Team targets and priorities with the objective of making them more directly relevant to the review and updating of the Definitive Map in line with the new National Park Management objective.

Process for review of team targets

7. As part of this review in April a workshop was held, consisting of the Definitive Map team, whose responsibility it is to bring about an up to date and accurate Definitive Map, together with officers responsible for the practical management and improvement of the Rights of Way network within the Park (Rangers, the Green Lanes Project Officer, RoWIP lead officer,) and others with an interest in the Review of the Definitive Map. The recreation management member champion also took part in these discussions to ensure there was member involvement in this process. The aim of the workshop was to consider how best to target and prioritise the work of the Definitive Map team, in the overall interest of the Yorkshire Dales National Park.
8. The main objective was to consider how to implement the continuous review and updating of the Definitive Map in a way that best serves the needs of the National Park in meeting national park purposes and in managing the rights of way network on the ground. The essence is to prioritise matters in a way that gives precedence to those matters recognised as important to the achievement of national park purposes. This will include, for example, the needs of Rangers as part of their day to day management, green lanes management and the RoWIP.

Issues discussed

9. At present the definitive map team is made up of 3 Definitive Map Officers with a current target of 20 'decisions' a year. A decision is defined as casework (DMMO or PPO) being taken to a stage where the solicitor can make a decision, on the basis of legal tests as to whether an Order should be made or not. The current, known casework of the team is:
 - Number of anomalies 700 and set to rise
 - Applications for DMMO approx 30, most applications for upgrading a right of way to BOAT status.
 - Applications for Path Orders – none outstanding, dealt with as they arise.
10. Discussion focused on how this casework should be prioritised. Options considered were:
 - Define criteria and score each piece of casework against a defined scoring system – quantitative;
 - Define criteria and see which pieces of casework readily meet an agreed criteria based on existing knowledge and without too much time consuming investigation – qualitative;

- Continue with present 'date order' system – agreed August 2006.

11. It was agreed that a set of criteria needed to be defined that would lift one application above others – thereby bringing it to top of the pile, and ensuring it is dealt with more quickly. Fundamentally any process agreed, must be transparent and readily understood internally, by applicants, and/or user groups.

Priorities

12. The outcome of discussion was a three tiered approach based on qualitative criteria. Matters that meet either or both of the following two criteria will be in the first tier of priority:

First Tier

- does the matter cause a 'significant' management problem on the ground, as identified, for example, by the Rangers or the green lanes sensitivity assessment?
- does the matter involve a 'significant' error on the Definitive Map, that is a 'major' discrepancy in status or alignment, for example problems for the landowner when a right of way passes through a property, leading to 'property blight'.

'Significant' in this context is defined as sizeable, major or substantial rather than trivial, paltry or insignificant.

13. The second tier is matters which are not identified by relevant officers as causing a significant practical management problem on the ground. Neither do they involve a major error on the Definitive Map. However, by their very nature, these matters do result from errors on the Map, which must be corrected, and do meet one or more of the tier two criteria below:

Second Tier

- A significant improvement will be made to the RoW network
- An inaccessible path is made useable
- Public safety is significantly improved
- A particular user group or section of the public will gain a significant benefit
- Public confusion is removed as to the line or status of a path.

14. The criteria have been defined to ensure that national park purposes can be furthered by correcting them. The list is not a closed list but contains the most obvious examples of relevant criteria. Others may be considered in particular circumstances.

15. The third main tier of priority consists of those matters that do not meet the criteria in tiers one and two and are therefore of a relatively low priority. These matters will only be dealt with when there are no higher priority matters ahead of them. However, there is an intermediate stage between tiers two and three. This consists of matters that may be of relatively low priority in the overall scheme of things, but can actually be resolved quite quickly. Where time allows therefore, these matters can be resolved without interfering with more important matters and will correct errors on the map and contribute to the ultimate aim of producing an accurate Definitive Map.

16. Anomalies will be identified in a number of ways:
- Rights of way management problems on the ground,
 - The green lanes sensitivity assessment, and individual route management plans
 - Digitisation of Definitive Maps and
 - The RoWIP Action Plan.
17. The anomalies will be mapped and recorded on the basis of each Definitive Map Officer's area. They will then be prioritised using the assessment criteria above (see appendix 1 and 2). It will be possible to resolve some of these matters quickly and simply without the need for any sort of Order. Others it may be possible to resolve by a non-controversial Modification Order or even a Path Order. There will necessarily be some anomalies that will only be resolved by way of a difficult and contested Order. It is intended to address a range of matters from the simple to the very complex and from both anomalies and applications. This will ensure that time is fully utilised in correcting the Definitive Map.
18. The main focus of the team will be on resolving anomalies on the Definitive Map, in order to work towards the overall objective of an accurate, up-to-date Map. At the same time the backlog of outstanding DMMO applications must be tackled. The applications for Modification Orders that are currently waiting to be dealt with will be prioritised in the same way as anomalies in terms of the achievement of National Park Purposes. Equally, new applications for Modification Orders will be prioritised according to how closely they correspond with the Authority's priorities for dealing with identified anomalies and with the existing backlog of applications.
19. There is currently no backlog of Public Path Order applications and these will continue to be dealt with as they are received and will normally be prioritised according to date of receipt. To this end it is expected that 90% of Path Order applications will be dealt within 9 months from date of receipt.
20. To help user groups and individual applicants understand this process better a question and answer sheet will be produced (see appendix 3).

Targets

21. To reflect the greater emphasis in dealing with anomalies, it is suggested that new targets are set for the work of the team commencing April 2008:
- Resolve 50 anomalies.
 - Process 8 outstanding DMMO applications to decision
 - Complete 90% of Path Order Applications within 9 months from date of receipt.
22. These are based on current staffing levels within the Definitive Map team.

Conclusion

23. Guidance issued by the Department of the Environment (now Defra) in Circular 2/1993 recommends that Authorities periodically produce a Statement of Priorities, explaining

their priorities for “bringing and keeping the definitive map up to date. . .” Subject to members’ agreement this document will be the Yorkshire Dales National Park Authority’s Statement of Priorities.

24. Appendix 1 shows the criteria against which matters will be assessed to establish priority status and casework to be dealt with at any particular point in time. The flow-chart at appendix 2 illustrates the process whereby matters will be dealt with. Appendix 3 provides a set of ‘questions and answers’ to help make the process more transparent to those who may wish to know when a matter will be dealt with.

RECOMMENDATION

25. That members note the report and agree the new targets as outlined in this report.

John Dwyer
Senior Definitive Map Officer

28 June 2007

Background papers:

Prioritisation Definitive Map Team Casework - report to Access Committee August 2006

Statement of Priorities

In determining how quickly a particular anomaly should be resolved, the two most important criteria are:

Tier 1

- A significant management problem on the ground will be resolved.
- A significant error on the Definitive Map will be resolved.

If neither of these applies, other criteria will be used to prioritise the matter:

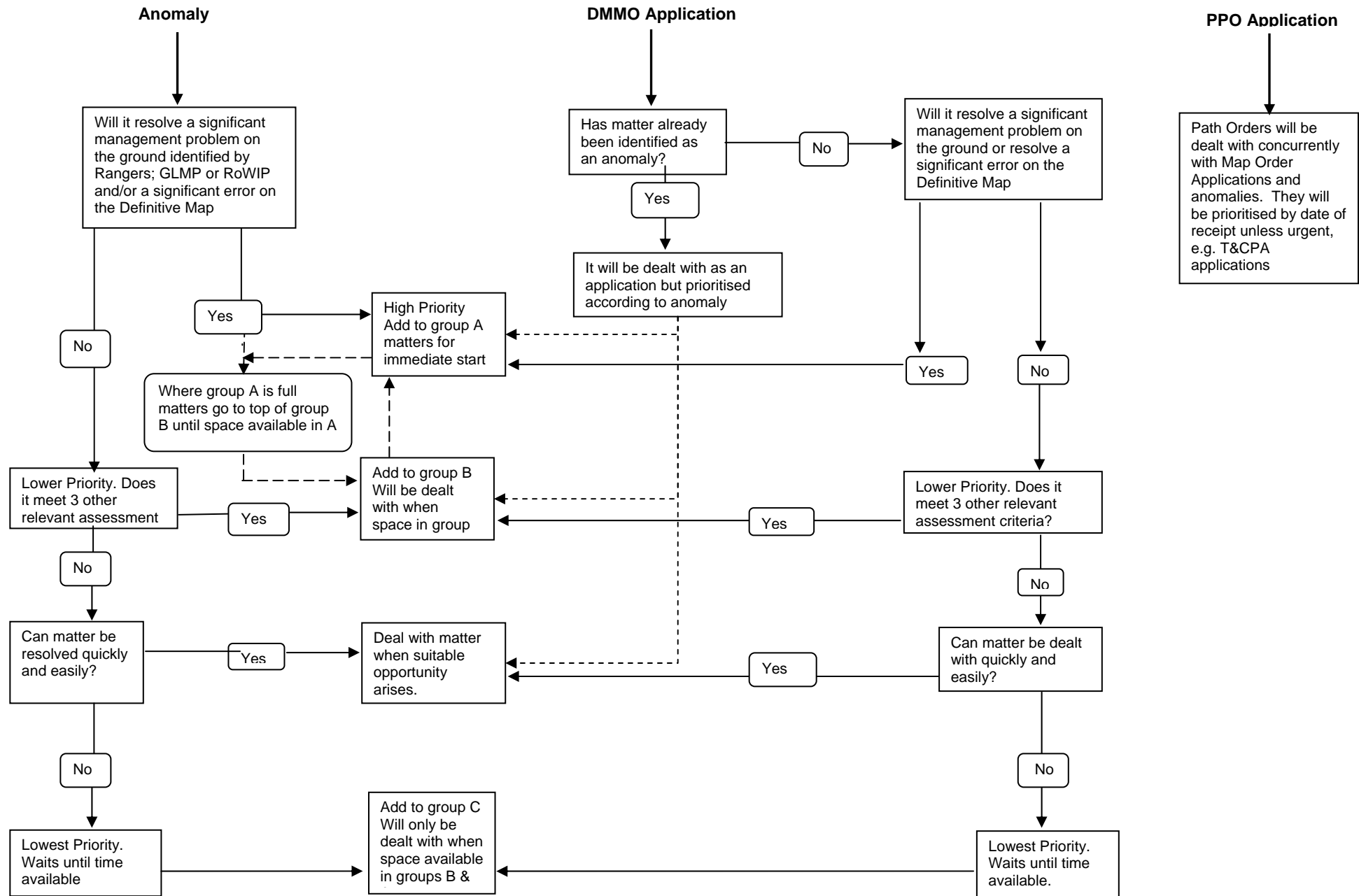
Tier 2

- A significant improvement will be made to the RoW network
- An inaccessible path is made useable
- Public safety is significantly improved
- A particular user group or section of the public will gain a significant benefit
- Public confusion is removed as to the line or status of a path

Tier 3 (low priority)

The third main tier of priority consists of those matters that do not meet the criteria in tiers one and two and are therefore of a relatively low priority. These matters will only be dealt with when there are no higher priority matters ahead of them. However, matters that may be of relatively low priority in the overall scheme of things, but can actually be resolved quite quickly, without interfering with more important matters and will correct errors on the map and contribute to the ultimate aim of producing an accurate Definitive Map, will be dealt with when time allows as an intermediate stage between tier 2 and tier 3.

Appendix 2 – Definitive Map Case Work



Appendix 3

Questions and Answers – Explanation of how the Statement of Priorities

How long will it take for an application to divert a right of way be dealt with?

This should take 9 months from receipt of a completed application

Why does it take so long?

The legal process, involves advertising and statutory period of consultation from start to finish this takes 6-9 months.

I submitted an application for up-grading a right of way to BOAT, status over 12 months ago why hasn't it been dealt with yet?

This has been prioritised along with other casework, and as it is not in 'tier 1' high priority and/or does not meet enough of the criteria in tier 2 (when compared to other casework) it must wait its turn until the other 'higher priority' casework are completed.

When can I expect this application to be dealt with, if it is not being dealt with this year?

Each year we will look at all the casework that we currently have on, and assess all possible new casework against the criteria in appendix 1, using the process shown in appendix 2. If your application meets at least 1 of the tier 1 criteria and more of the tier 2 criteria than other casework under consideration then it will be programmed to be started that same year.

Can I see what casework is being undertaken this year?

Quarterly up-dates on all current casework and progress are reported through the Authority's Access Committee.