Annex

Report of the Performance Review Group on Delegated Statutory Highways Duties

1. The issues

a) What are the specific performance/cost issues that the review has been set up to tackle?

The review was set up to:

(i) Understand the effectiveness of the delivery of the delegated statutory highways duties currently performed by the Authority.
(ii) Consider whether the delegated arrangements should be uniformly applied across the three authorities, in light of current and future financial commitments from those Authorities.
(iii) Carry out a 'light-touch' assessment and evaluation of the cost effectiveness of this delivery (in line with direction from Members), comparing with other National Park Authorities where appropriate.
(iv) Make recommendations on how these delegated statutory highway duties could be delivered in future within the National Park.

b) Why do the issues matter?

Background

The Authority has delegated highway authority duties and responsibilities for maintenance of the 2,637km of public rights of way (footpaths, bridleways, byways open to all traffic, and restricted byways) within the National Park area. The delegation agreements are for: North Yorkshire Council (1911km), Westmorland & Furness Council (710km) and Lancashire County Council (16km).

The delegation agreements the Authority holds with each highway authority cover a broad range of duties that allow for the management of public paths on the ground. These functions can be summarised as:

- Signposting of public paths
- The maintenance and improvement of public paths
- The maintenance of river crossings
- Traffic Regulation Orders and Temporary Closure Orders
- Enforcement and protection of public rights

Public rights of way are a vitally important part of the National Park and are one of the key means by which people experience and enjoy its special qualities.

The Park-wide visitor survey conducted in 2022, demonstrated the importance of the rights of way network with approximately two out of every three visitors (61%) undertaking a walk of an hour or more during their visit.

Additionally, in a survey of Park residents carried out in November 2023, 88% of respondents put 'Maintaining Rights of Way' as the most important function that should be undertaken by the Authority.

Funding

Until FY2022/23, the costs of delivering these delegated duties and responsibilities have been borne in full by the Authority. This approach reflects the priority and importance placed by the Authority on maintaining public rights of way for the benefit of residents, local businesses and visitors to the National Park.

It should be noted, that under the Highways Act 1980, a highway authority is required to contribute 25% of costs of maintaining gates, stiles or other works on public rights of way.

In 2023, in view of budgetary pressures resulting from flat-cash Defra core funding settlements and rising costs, the Authority requested funding contributions from North Yorkshire Council and Westmorland & Furness Council to support future delivery of these duties. Whilst the potential for funding from Lancashire County Council was considered, given the very small number and length of public rights of way within the County, the Authority did not pursue this further.

We have agreed a 3-year funding settlement with Westmorland and Furness Council from 2024/25 (Year 1 - £33.4k, Year 2 - £38.2k and Year 3 - £43.7k). More recently, we have also agreed a 5-year settlement North Yorkshire Council from 2025/26 onwards (£50k per annum).

These contributions equate to c.11-12% of the total core funding expenditure on managing and maintaining public rights of way in the National Park.

2. Current performance

a) How is the service currently being delivered?

The delegated statutory highways duties are primarily delivered by the Authority's Park Management section, involving 18 positions which equates to 12.7 full time equivalent (FTE) staff as follows:

Position	Number	% time dedicated to PRoW maintenance	FTE
Area Managers	3	50%	1.5
Area Rangers	5	50%	2.5
Access Rangers	7	70%	4.9
Access Rangers	3	100%	3
Rights of Way Officer	1	80%	0.8

b) What are we *supposed* to be achieving (i.e. what are our current objectives, targets, standards etc)?

The relevant objective is set out in the Corporate Plan, Action 6:

Benefit a wide variety of users by raising the standard of all public rights of way so that, on average, 90% are 'easy to use'.

c) What are we *actually* achieving?

Annual surveys to establish 'ease of use' are carried out by Ranger teams, applying nationally-agreed criteria and scoring to 5% of the public rights of way network (randomly selected).

The current 'ease of use' figure is 89% for FY2023/24, but has averaged almost 90% across the period of the National Park Management Plan (See 3.a.iii below).

d) How much is it costing?

Current core funding expenditure on management and maintenance of Public Rights of Way for FY2024/25 totals £712,533 and is therefore a significant proportion of the Authority's total annual expenditure.

This total comprises: £448,984 staff, £147,149 vehicles, £114,400 capital works, £2,000 plant. This total figure does not include any external income/expenditure.

3. The evaluation

a) How does our performance compare to other bodies (NPAs and/or other bodies providing the same type of service)?

(i) Lengths of Public Rights of Way

The table below shows the total lengths of the public rights of way within the area of each of the National Parks in England.

NPA	Total Length PRoW (km)	Area of NP (km^2)
Dartmoor	730	953
Exmoor	986	694
Lake District	3,212	2362
New Forest	326	570
North York Moors	2,341	1434
Northumberland	1,096	1048
Peak District	2,534	1437
South Downs	3,385	1624
Yorkshire Dales	**2,623**	**2179**

(ii) Delegated Statutory Highways Duties

The table below shows the varying delegated duties and responsibilities held by other NPAs in England.

National Park Authority	Definitive Map	Public Path orders	Maintenance	Enforcement	Formal Agreement with HA(s)
Exmoor	No	Yes	Yes	Yes	Yes
Lake District	Yes	Yes	Yes	Yes	Yes
Dartmoor	No	Yes	Yes	Yes	Yes
North York Moors	No	Yes	Yes	Yes	Yes
Northumberland	No	No	Yes (small scale works)	Yes (Informally)	Yes
Peak District	No	No	No	No	Yes
South Downs	No	No	No	No	Accord for joint works
Yorkshire Dales	**No**	**Yes**	**Yes**	**Yes**	**Yes**

(iii) Ease of Use

The table below shows the Authority's performance for 'ease of use' compared to other NPAs in England over a five-year period. The Authority compares favourably, maintaining a consistent figure close to the target 90% ease of target and placing 3rd alongside other National Parks in England.

Ease of Use Results					
	2019/20	**2020/21**	**2021/22**	**2022/23**	**23/24**
Dartmoor	82%	Surveys not completed	88%	96%	86%
Exmoor	92%	98%	97%	99%	93%
Lake District	79%	Surveys not completed	62%	56%	57%
New Forest	66%	75%	75%	76%	76%
North York Moors	87%	87%	76%	76%	76%
Northumberland	84%	84%	97%	87%	100%
Peak District	81%	81%	87%	82%	82%
South Downs	93%	Surveys not completed	Not collected	Not Collected	Not Collected
Yorkshire Dales	**90%**	**88%**	**90%**	**91%**	**89%**

(iv) Income and Expenditure

The review group gathered information regarding income and expenditure from other National Park Authorities (and relevant local authorities). However, making direct comparisons was difficult, as each National Park Authority apportioned costs for management and maintenance differently, particularly staff costs. Additionally, some NPAs sought annual funding contributions from local authorities, whilst others did not. A summary of this assessment of income and expenditure is detailed in **Appendix 1**.

The review group thought that, comparatively, the current level of service provided good value for money.

b) Are the current objectives realistic given the current priority of the programme and any funding decisions already taken?

Following the recent priority-setting exercise undertaken by the Authority, 'Rights of Way' remains as a 'Priority' sub-programme from April 2025.

The review group concluded that, with current (or similar) levels of funding from the Authority, alongside multi-year funding agreements with local authorities, the current Corporate Plan objective and target (90% ease of use) remain realistic.

Furthermore, in light of the recent funding contributions provided or offered by highway authorities towards the costs of managing and maintaining public rights of way, the review group concluded that this objective should continue to be delivered uniformly across all the highway authority areas within the National Park.

c) Are there any other options (e.g. ending the service, reducing quality etc)?

(i) The Authority could hand back delegated statutory duties to the relevant highway authorities. Whilst these duties and responsibilities would no longer rest with the Authority and costs would be significantly reduced, the control of management and maintenance of public rights of way would be lost. There would be a strong likelihood that quality and standards previously set (i.e. 90% Ease of Use) would no longer be maintained. The Lake District National Park has experienced exactly this situation since the NPA adapted its approach to not maintaining all gates and stiles in 2021 (see table in 3a above).

(ii) The Authority could request the highway authorities to jointly review and renegotiate the delegation agreements, potentially handing back some duties or responsibilities to the highway authorities.

The review group considered the various duties and responsibilities contained within the delegation agreements and felt that these contained

adequate provision to allow the Authority the opportunity to hand back specific public rights of way management or maintenance work should the costs be in excess of the Authority's budgets, e.g. replacement of a large bridge. The review group agreed to retain the delegation agreements as they are, and not seek a review.

(iii) The Authority could consider making changes to the existing approach and levels of service in the management and maintenance of public rights of way. The review group agreed that this should be investigated further through the development of a hierarchy of routes as a tool for prioritising the management and maintenance of rights of way. This could help the Authority to prepare for any change to its funding position in future, where reductions of service levels may be required.

4. Future action

a) Recommended Action Plan

(i) Hierarchy of Routes

The Authority carries out an internal exercise to further investigate the establishment of a hierarchy of routes (See **Appendix 2**). This may include an option to establish a 'sliding scale' of funding contribution offered by the Authority towards the costs of managing and maintaining routes of differing priority.

(ii) Donation Schemes

The Authority further investigate opportunities to raise additional external funds through a donation scheme e.g. 'Donate-a-Gate', such as that established by the Lake District NPA and Lake District Foundation (See **Appendix 3**). This could be developed jointly with the Yorkshire Dales Millennium Trust.

(iii) Improved Communications with Landowners

The Authority builds on previous communications with landowners to explain how they currently benefit from the Authority's management and maintenance of public rights of way and re-emphasise landowner's legal duties and responsibilities in this regard.

b) Funding or resourcing implications

Fundraising through a donation scheme could provide additional external funds to complement existing budgets for management and maintenance of public rights of way.

c) Timetable for implementation

Subject to approval, Authority officers will commence work implementing the recommended actions, reporting back to the Authority on progress by end of Q2 in 2025.

5. Conclusion

(i) The current delegation agreements the Authority holds with the relevant highway authorities have been effective in managing and maintaining the public rights of way network within the National Park to a very high standard. This should be recognised and celebrated.

(ii) The review identified the need to develop an approach to managing and maintaining public rights of way which provides the Authority with the ability to ‘flex’ or adapt its delivery and funding models, should its funding position change in future.

(iii) The current approach to managing and maintaining public rights of way, with 100% of costs covered by the Authority, has created a situation where some landowners, and many members of the public, believe this work is the responsibility of the Authority. Landowners should be reminded that they have legal duties and responsibilities in this regard.

28 October 2024

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