

Research notes

Issue: CRN 100

Date: May 2006



Public rights of way:

a review of provision by highway authorities

Summary

The central aim was to discover what progress LHAs (local highway authorities) had made between 2000 and 2005 in defining, maintaining and publicising their PROW (public rights of way) network. In the absence of a mechanism for monitoring progress, the research drew on a range of sources that provided an indication of progress rather than direct comparisons. The reasons for the difficulties in drawing reliable conclusions were variations in the interpretation of how the standard method was applied, development and use by some LHAs of significantly different methods of measurement, and the foot & mouth disease outbreak; (the subsequent PROW closures prevented maintenance work over much of the country's network).

Introduction

In March 2005, the Countryside Agency commissioned from Asken Ltd, research into LHAs' provision of PROW in England. The research was prompted by a need to test the success of England's 136 LHAs in meeting the Government's commitment, made in its Rural White Paper of 2000, that there would be a 10% improvement in the definition, maintenance, and publicising of PROW by 2005. It was also important to understand the success of monitoring procedures.

Methods

The survey of LHAs was designed to obtain information to enable researchers to:

- substantiate or refute the findings of the national level surveys;
- fill gaps in knowledge, particularly with respect to progress with ROWIPs (rights of way improvement plans), and publicity/promotion;
- elicit ideas and comments concerning current and possible future systems of monitoring.

The Countryside Agency research notes

All LHAs in England were contacted and around a 50% response rate was achieved (from authorities responsible for 70% of the network) to each of the four parts of the survey. It was inferred from the good level of response that monitoring is considered an important issue by LHAs. A summary of the key findings is at (i) to (vii) below.

Response rates by type of authority

Type of Authority	Number Contacted	BVPI No of Replies	BVPI % of total	Def map No of Replies	Def map % of total	ROWIPs No of Replies	ROWIPs % of total	Promotion No of Replies	Promotion % of total
County Councils	34	27	79	26	76	29	85	25	74
Metropolitan Authorities	36	13	36	14	39	15	42	14	39
Outer London Boroughs	20	5	25	4	20	4	20	4	20
Unitary Authorities	46	25	54	24	52	28	61	22	48
Total	136	70	51	68	50	76	56	65	48

Findings

(i) Maintenance of the Network

Of the three areas of LHA work on PROW, this was the best monitored. However, there was no continuous time series of data that enabled the degree of change between 2000 and 2005 to be assessed. Therefore, in order to enable an assessment of some kind to be made, the variety of indicators prescribed by the Audit Commission and ODPM (Office of the Deputy Prime Minister) since 1999 were examined, the current one being Best Value Performance Indicator (BVPI) 178. Even so, there were difficulties in drawing reliable conclusions because:

- of variations in interpretation of how to apply the standard method;
- development and use, by some authorities, of a significantly different method (e.g. using the 'Devon guidelines'); and
- other events such as the Foot and Mouth Disease outbreak (as the resultant closures of PROW prevented maintenance work over much of the Country's network).

With these caveats in mind, the net change was found to be a nominal 1% deterioration. Given the uncertainties, this can be stated with only limited reliability. In practice, there is no strong evidence to suggest a significant improvement or decline in the condition of England's PROW between 2000 and 2005. Additionally, it was concluded that there are currently no robust, consistent and comprehensive datasets that can be used to measure overall progress.

(ii) Legal Definition of the Network

Despite the effort expended on continuously updating and reviewing the definitive map, performance in this area is poorly monitored. Research (e.g. PROW condition surveys) has focused on maintenance 'on-the-ground' rather than 'on-the-map'. Reasons often quoted for failure to monitor in this area of LHA work are the long timescales involved, the wide variation in effort required for each case and the large number of important variables outside the LHA's control. Therefore, no meaningful assessment was made of progress in this area.

(iii) Publicising PROW

The giving of publicity to, or promotion of, PROW is at the discretion of the LHA. No national level information was found covering the 'well-publicised' element of the Government's target, and so it was not possible to say what progress had been made towards achieving it.

(iv) BVPI and Maintenance Work

- 90% of LHAs claimed to be using the approved CSS/IPRoW method for their BVPI 178 survey;
- surveys are mainly done by staff from the LHA's PROW unit;
- the data obtained do not reveal any close correlation between spending (£/km) and BVPI score (although other studies have shown a closer correlation);
- around half of PROW spending is on maintenance; and
- in-house staff are supported by about 23,000 volunteer-days each year.

(v) Definitive Map Work

- responses suggested that applications are received at a faster rate than orders are being made and determined, meaning that a backlog is likely to be building;
- DMMOs take longer on average to process than other types of PROW orders;
- consolidation of definitive maps is expected to progress at a faster rate amongst metropolitan authorities than with other types of authority (possibly because counties are already well advanced in this area of work);
- extending maps to cover formerly excluded areas is given a low priority; and
- whilst county authorities report progress to their members, other types of authorities do not generally do so, as it is not regarded as of sufficient interest to members.

(vi) Progress with ROWIPs

- nearly all 'excellent' authorities propose to do a ROWIP (although they are not obliged to do so);
- relatively few authorities have completed their ROWIPs but late 2006/early 2007 was the time most commonly offered as the expected completion date;
- a significant number of LHAs couldn't give an expected ROWIP completion date;
- whilst a high proportion of counties have appointed a dedicated ROWIP officer and created a ROWIP steering group, these practices have not been adopted as widely amongst other types of authority.

(vii) Promotion

- LHAs used a variety of mechanisms to promote and publicise their PROW, - leaflets and endorsements of others' promotional efforts were the most popular;
- generally, LHAs promoted between 1% and 10% of their networks, but some promoted a higher proportion;
- generally less than 5% of an authority's network is promoted for use by specific groups (e.g. access for all, health walks);
- using these data, it was estimated that around 12% of the country's network is promoted in some way;
- libraries and tourist information centres (TICs) are the most commonly used outlets for promotional material;
- promoted routes often get special treatment, most frequently in the form of branded signage and greater density of waymarks; and
- there is relatively little monitoring of the outcomes of promotion.

Conclusions

- Any developments in monitoring of PROW service delivery should be integrated with developments imposed by statutory instruments, eg for CROW Act s71.
- Consideration should be given as to whether BVPI 178 should be designed to measure 'ease of use' from a user's perspective, and how monitoring of this genuine 'ease of use' could be introduced into BVPI 178 over time.
- If the current approach is to continue unchanged (i.e. as a measure of LHA compliance with statutory duties rather than ease of use), BVPI 178 should be given a new label such as, 'percentage of paths complying with legal requirements'.
- Reporting against BVPI 178 should continue but with modifications.
- Comparisons based upon the BVPI 178 should generally only be drawn between authorities with broadly similar networks.
- Resources need to be put into reducing surveyor subjectivity and furthering consistency in the assessment of paths.
- The advantages/disadvantages of a central survey unit (eg OffROWM) should be considered.
- Definitive map work should be subject to statutory performance monitoring.
- Definitive Map work should not be included in BVPI 178 and attempts should not be made to create a new BVPI specifically for Definitive Map work.
- The potential benefits and costs of a national database of legal orders affecting PROW should be considered, possibly as an on-going function of the recently established Archive Research Unit.
- As ROWIP preparation is a statutory duty, progress towards it should be encouraged.
- ROWIP implementation (which is not a statutory duty) should not be monitored directly through BVPI but effort should be made to:
 - ensure Statements of Actions in ROWIPs are able to be monitored; and
 - align monitoring methods with those of the LTP (local transport plan)
- As promotion of PROW is not a statutory duty, it shouldn't be included in BVPI 178.
- Promotion should be assessed by LPIs or via monitoring of ROWIP implementation using visitor satisfaction surveys (possibly under the auspices of BVPI 119).
- The potential for monitoring public satisfaction with the wider aspects of LHA provision of countryside access by amendment and/or extension of BVPI 119 should be explored.
- Consideration should be given as to how financial/cost data can be incorporated into the monitoring system, although this would require a greater degree of harmonisation of internal accounting procedures than currently exists.

Further reading

Our countryside: the future; a fair deal for rural England, DETR rural white paper (RWP), 2000

Research on monitoring local authority provision of public rights of way, Asken Ltd, 2005, at: http://www.countryside.gov.uk/LAR/Access/rights_of_way/index.asp