



Report No. **1/2012**

Scrutiny Panel

Report Date: 20 February 2011

REPORT OF Scrutiny Panel
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SUBJECT: The ROW network – July 2011 – February 2012

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1. Executive Summary

Both as a learning exercise and as a scrutiny of a particular service, this study has been both challenging and beneficial highlighting some interesting differences between the two partner National Parks.

One of the main difficulties in this scrutiny study has been the gathering of comparative data between authorities. This in part was caused by the fact that two Authorities measured the length of their respective rights of way networks differently, operated their priorities differently and disaggregated and calculated their management costs differently. A key officer in PCNPA was unexpectedly unavailable for health reasons shortly after the study began and only returned in the closing stages. The net result of this has been a variation in the data received and minor misunderstandings on several occasions.

This in turn has meant additional work in checking and cross checking to verify data so what is presented in this report is as accurate as it can be given the circumstances. This highlights the need when working in partnership and where possible to keep the same key officers involved at all stages. What this study has also highlighted is that it must be regarded as a snapshot in time. If future comparisons are to be made, these should be based on agreed criteria and undertaken regularly over longer periods of time.

One major positive step forward has been to agree a set of criteria against which both NPs can more accurately compare the percentage of ROW deemed as 'open/passable'.

In terms of external resources BBNP is the least well resourced of all the Welsh National Parks, which, given its proximity to the major conurbations in the south places additional demands on its services. The current contributions from its constituent local authorities towards ROW management are woefully inadequate for the service it provides to them.

Once an agreed definition of 'open' was agreed, and using that definition, the initial apparent differences in percentage of network open is significantly reduced from an original difference of 32% in favour of PCNP at the start of the scrutiny review to BBNPA now able to report some 76% open, 6% more than PCNPA.

In answering the 4 questions the scrutiny set itself, all could be answered in full or in part.

1. It is very clear that people value the ROW network and what it has to offer and all external respondents who commented agreed that the network is crucial in delivering NP purposes and duty. Respondents to the various surveys and hearings all mentioned enjoyment, health and wellbeing and benefits for the local economy as benefits of a functional ROW network.
2. When looking at providing value for money it is clear that those authorities who have delegated agreements with both NPs are getting a service far in excess of any funding given. In the case of PCNPA, the situation is even more exaggerated as they receive no funding at all from their constituent local authority. However the local authority undertakes major schemes such as

cycleways. The added value from volunteering in both NPs offers significant benefits to managing the ROW network and provides further value for money. Both NPAs are able on occasion to bid for external funding, PCNPA more so than BBNPA given the EU status of Pembrokeshire.

3. Establishing a set of jointly agreed criteria for determining the state of a ROW as being open or not was achieved relatively easily. The two key officers working together right at the beginning of the study were able to agree this key element. This will mean in future that comparisons on percentages of network open will be easier and more accurate.
4. While some respondents see it as a 'duty' to maintain and keep open the entire ROW network, it is clear, from the number of outstanding anomalies on the respective networks, that this cannot happen until these are resolved. Given that there are nearly 800 of these unresolved anomalies between the two NPs and given that each will cost in the region of £1500 to resolve (and which can take years of investigations to track down landowners etc.), and that resources to do so are very limited; in the current economic climate, this is neither a practical nor cost effective option. Many respondents however felt they would rather see a realistic, well signed and well maintained network open. Current delegation agreements do nothing to help the matter and until these are negotiated on a more realistic basis, both NPAs can do little to improve their respective situations.

Key points from the scrutiny

Process related points:

- Public consultation is desirable within the scrutiny process but will require significant forward planning if used in the future
- Administrative support is essential to the scrutiny process
- Building in further scrutiny work into officer and member timetables will be vital if successful scrutiny is to be achieved.
- Where joint work is undertaken there needs to be early and transparent exchange between officers to avoid discrepancies in figures presented and subsequent repeated changes in figures given.
- There appears to be no substitute for seeing problems and issues first hand.

ROW related points

- There appears to be some support for the principle that visitors to NPs could be encouraged to contribute to the upkeep of ROW through visitor payback schemes etc.
- There was concern expressed in both NP areas about the state of footpath signage and information (including issues of accuracy) available about the network
- There is a significant difference in levels of resourcing for ROW work between the two NPs. This needs co-ordinated action by BBNPA and its constituent local authorities and by PCNP and Pembrokeshire County Council.
- Once a definition of 'open' criteria was agreed, the difference in the amount of PROW declared 'open / passable' between the two NPs is significantly narrowed.
- Off-roading is undoubtedly a contentious issue particularly in BBNP area which realistically has no suitable network available for this activity to take place legally.

- Livestock in fields, particularly bulls and deliberate blocking of paths by farmers was highlighted in both NP areas
- Lack of enforcement action against those who obstruct the PROW network was highlighted as an issue in both NP areas.
- It is clear from responses to the public consultation that users do not feel that those with access needs are being fully catered for currently.



Heavily used footpath leading to the Waterfalls area of BBNPA
– all the stone to repair the path had to be brought in by hand.

Pembrokeshire National Park Coast trail illustration some of the more difficult terrain



2 Purpose of Report

The purpose of this report is twofold:

- Firstly as part of the overall joint parks scrutiny project to give a report on the different methodologies for information gathering as part of building up knowledge, experience and the tools necessary to undertake scrutiny within the two national parks in the future. This is covered in Section 5 of this report.
- Secondly to report the findings on the Public Rights of Way scrutiny topic itself and make some recommendations and produce a priority plan for the future – this is covered in Sections 6 & 7 of the report.

The ROW Scrutiny Panel has been gathering evidence as widely as possible to answer fully or in part the following questions:

1. Is the management of the Public Rights of Way Network (PROW) helping to meet National Park purposes?
2. Are we delivering our ROW duty effectively and providing value for money?
3. Can we establish criteria for ROW data to enable comparisons between our two authorities to help us assess our performance?
4. Is it a realistic ambition and an effective use of resources to seek to open 100% of the ROW network in each National Park? If not how should we prioritise our work?

As a result of the findings and considering the evidence presented to the Scrutiny Panel – to make recommendations to the National Park Authorities; and / or agree the proposed work programme for the year.

Defining Value for Money

In order to be clear by what we mean as **Value for Money (VfM)** the following definition from the Centre for Public Scrutiny¹ has been used in determining the second scrutiny question. It should also be recognised that quality of service and public perception have also been factors in determining VfM.

¹ Counting the cost, measuring the value Scrutiny's role in "value for money" Centre for Public Scrutiny
Published Feb 2011

“Value for money” (often shortened to VfM) is about making sure that the money that you put into a service is justified by the result you get out. However, the method of assessing whether a service is value for money can be difficult.

Usually, VfM is described as a combination of three factors – economy, efficiency and effectiveness. They are usually described as follows:

Economy Minimising the cost of resources used or acquired (spending less)

Efficiency The relationship between output from goods, services and the resources used to produce them (spending well)

Effectiveness The relationship between intended and actual results of public spending (spending wisely)

A proper consideration of whether something is, or isn't, value for money, needs to bear in mind all three of these things. It is not simply a case of saying that something is “value for money” if it's cheap.

There has historically been a perception that VfM work – particularly when it is undertaken by auditors – tends to focus on economy and efficiency rather than effectiveness... the current Government has consciously made a decision that central, independent forms of audit and inspection will now focus almost exclusively on financial investigation.

It should be made clear from the outset that the information presented and the evidence gathered would not have been possible without the enthusiasm, generosity and input from members of the public who responded to surveys and gave up their time to attend hearings. This together with the unfailing support of staff within the respective national parks who contributed to the study has meant that members involved can feel confident that the information presented here is of the highest quality.



Site visit to Waterfalls area - BBNPA

3 Introduction and Background

In 2010 Brecon Beacons National Park Authority made two bids to the Welsh Government Scrutiny Development Fund in order to develop a model for scrutiny in Welsh National Park Authorities that could be applied to National Park Authorities in other parts of the UK. The bid was done jointly with Pembrokeshire Coast National Park Authority and the ensuing joint working has been a major strength as the project developed. The project has increased the skills and knowledge of members and officers in both authorities, both in terms of scrutiny, what benefits it might bring to Park communities through service delivery and also in building individual members' knowledge of specific areas of the Parks' work.

Beyond Boundaries (Citizen Centred Local Services for Wales) highlights the potential for scrutiny:

“All public service organisations should welcome scrutiny as a means to improve and learn.” (Paragraph 3.23)

“The aim should be to provide effective challenge to organisational culture and examine whether public services together are achieving desired outcomes. The scrutiny process could be enhanced considerably by the involvement of users of services, advocates and expert advisors.” (Paragraph 3.24)

From the outset, members were keen to keep the scrutiny process non-adversarial and the co-operation from staff has proved this approach to be a sensible one as staff in both National Parks have felt able to be open and honest about the issues they face in managing the ROW networks.

This second study within the scrutiny project has benefited from the lessons learned in the first, particularly in respect of questioning techniques. It is important to recognise this learning aspect as we build scrutiny into our respective work plans. This study also looked at how we might involve people outside our respective organisations and has a wider level of public engagement than was required in the first study.

Included at Annex 1 is a set of definitions taken from BBNP ROWIP² to aid understanding of the terms used in this report.

PCNP have a joint ROWIP with Pembrokeshire County Council

² Rights of Way Improvement Plan <http://www.breconbeacons.org/the-authority/planning-access-and-row/rowip-without-maps> and <http://www.pembrokeshire.gov.uk/content.asp?id=12443&d1=0>

4 Context

4.1 Why we manage the ROW network

Access is the key to the enjoyment of National Parks. Promoting access within the respective Parks, in appropriate and sustainable ways that do not conflict with the overriding National Park first purpose, is key to achieving this. Walking remains by far the most popular outdoor recreational activity

Legal context

The Countryside and Rights of Way Act 2000 (CROW Act) created a duty for all highway authorities in England and Wales to produce a Rights of Way Improvement Plan (ROWIP) and made provision for local authorities to make arrangements with national parks to undertake this function. All of the constituent unitary authorities agreed that the Brecon Beacons National Park Authority should take the lead in the preparation of a Rights of Way Improvement Plan for the area within the National Park. BBNP currently have 7 delegation agreements in place, which began during the period 1996 to 1998.

In 1997 the highway authority, Pembrokeshire County Council, delegated a wide range of functions, duties and powers to the National Park Authority in respect of the maintenance, improvement and enforcement of PROW in the National Park. The Pembrokeshire Coast National Park Authority and the County Council have jointly produced a ROWIP for the county. The ROWIP applies a prioritised approach to the management of PROW across the whole county, making best use of resources.

The Strategic Planning context

National Park Special Purposes

National Parks were designated under the 1949 National Parks and Access to the Countryside Act, but their current framework is the Environment Act 1995. Section 61 of this act sets out the Parks' two purposes:

Conservation and enhancement - "to conserve and enhance the natural beauty, wildlife, and cultural heritage of the National Parks."

Understanding and enjoyment - "to promote opportunities for the understanding and enjoyment of the special qualities [of the Parks] by the public."

National Park duty

National Park Authority (NPA), in pursuit of the two statutory purposes, has a duty to:

"...seek to foster the economic and social well-being of local communities (within the National Park by working closely with the agencies and local authorities responsible for these matters)."

The Park's statutory duty should be carried out with the Park's purposes in mind; policies and actions designed to promote social and economic well-being should also aim to conserve and enhance the natural and cultural heritage of the Park.

Since 1 April 2011 National Parks will have a duty under Section 149 of the Equalities Act to consider all individuals when carrying out day to day work – in shaping policy, in delivering services and in relation to NPs’ own employees.”

In addition the Equalities Act requires NPs to have due regard to the need to eliminate discrimination, advance equality of opportunity, and foster good relations between different people when carrying out NP activities.

The National Park Management Plan is a National Park Authority's leading document, which it is required to prepare under the 1995 Environment Act. It sets out a vision for the whole Park over the coming years, which has been endorsed by a wide range of consultees.

The Brecon Beacons National Park Management Plan

The current plan for BBNPA covers the period 2000-2005. Listed below are the current relevant actions from each of the relevant themes. Those actions highlighted in pale green are directly related to access and ROW; those highlighted in orange are indirectly related. The key actions related to this study are listed under Theme 3 below. It should be noted that the if we use the broader agreed criteria agreed jointly with PCNP in stead of the much narrower National criteria- this target has already been achieved³.

Theme 3: Provide opportunities for outdoor access and recreation

Actions for Priority	Specific Actions
Manage the Public Rights of Way (PROW) network by implementing the Rights of Way Improvement Plan (ROWIP).	Raise the % of the PROW network that is easy to use to 65% by 2013.
Manage the Public Rights of Way (PROW) network by implementing the Rights of Way Improvement Plan (ROWIP).	Identify and implement circular and connecting routes with the network.
Manage the Public Rights of Way (PROW) network by implementing the Rights of Way Improvement Plan (ROWIP).	Make progress towards bringing the Definitive Map and Statement up to date.
Improve the provision of and information on countryside access.	Provide targeted countryside access information in a wider variety of accessible formats.
Improve the provision of and information on countryside access.	Improve access on to inland water.
Improve the provision of and information on countryside access.	Increase awareness of and provision for people with disabilities and easier access requirements in the countryside.
Improve the provision of and information on countryside access.	Link public transport to BBNPA promoted routes.
Use funding and resource opportunities to improve countryside access	Explore provision for legal off roading in the National Park.

³ For a full list of actions from the BBNPMP see Annex 2

Use funding and resource opportunities to improve countryside access	Increase the use of the NP by excluded groups.
Use funding and resource opportunities to improve countryside access	Develop and maintain access on Wildlife Trust-owned reserves.

The PCNP Management Plan covers the period 2009-2013. The management of PROW is recognised as being fundamental to the delivery of the Objectives in regard to enjoyment of the National Park.⁴

Corporate Goals and Improvement Objectives

Within each NP there are a number of Corporate Goals agreed each annually, from these each NP is required to select a number of improvement objectives against which it will report progress to the Welsh Government.

Relevant Corporate Goals and reporting for the review period for BBNPA:

Corporate Goal: Taking Care of the Environment (2011-12)
d. Minimise damage to the Park's environment
<ul style="list-style-type: none"> • Works have been completed on 1900 m of eroded upland paths – the objective being to provide a sustainable path surface, which will allow adjacent vegetation to recover. C. 5700 m² of land adjacent to those repaired paths will therefore be in recovering condition. In addition to the above works a further 650 m of upland paths will be repaired before the end of the FY. Maintenance of Offa's Dyke path along the Hatterrall ridge will be completed this FY. • Working with FCW and DCWW we have also improved 500 m of eroded path at Blaen y Glyn with a further 60 m and 1 new bridge to be completed this FY. • Also, in addition, working with FCW, improvement works have been carried out on key footpaths in Waterfalls Country and new signage and interpretational material has been installed to orient and guide walkers, A Draft Research prospectus has been prepared to guide academic and research institutions in undertaking research in the National Park which supports the needs of the Authority and its State of the Park reporting.

Corporate Goal: Taking Care of People (2011-12)
c. Enable visitors and residents to enjoy the Park sustainably
<ul style="list-style-type: none"> • The Guided walks programme is now complete for 2011 and saw a total of 593 participants, an increase on the previous year. However average attendance is still below target at 11 (target 17) participants per walk. • Those attending walks consistently (10 on an 11 point scale) found the walks enjoyable, interesting, well organized and memorable. So for those attending the walks are successful for both the participants and the NPA. • Rights of Way Improvement Plan: The Authority received £55,513 from CCW/WG towards the continued progress with ROWIP. £29,565 (53%) has already been spent and claimed from CCW and 8 projects have been completed. The remaining projects are now nearing completion.

⁴ Link to PCNPA Management Plan <http://www.pembrokeshirecoast.org.uk/default.asp?pid=196>

- The Authority has accepted an offer of a further £16,646 and further projects are in progress in order to spend this additional grant.
- The National Rights of Way Performance Indicator Survey for the year is 80% complete. Target completion date is the end of February 2012.

Relevant Corporate Goals for the review period for PCNPA:

The management of PROW is key to delivering a number of Outcomes in the PCNPA Corporate Strategy 2011-2014. Specifically Outcome 2 Residents and Visitors Enjoy the National Park; Outcome 3 Residents and Visitors use opportunities provided to adopt more sustainable lifestyles and Outcome 5 A thriving local economy exists based on the sustainable use of the National Park⁵.

4.2 Facts and figures about the network

Breakdown of ROW in kms		
	BBNP	PCNP
Footpaths	1472.14	837.53
Permissive Footpaths*	0	60.37
Bridleways	344.32	189.64
Restricted Byways	191.65	0.97
BOATs**	1.28	10.59
TOTAL Network	2009.39	1099.10

* Permissive footpaths are managed as an integral part of the PROW network, providing additional strategic links and promoted routes. These long established routes are shown on Ordnance Survey maps and are included in the management costs for PROW.

**Byways Open to All Traffic

The breakdown of rights of way in each unitary authority area within the Brecon Beacons National Park:

Total length of Public Rights of Way in the Brecon Beacons National Park by status (in kms)

County	Footpaths	Bridleways	RB*/BOATs	Total
Blaenau Gwent	11.756	0.668	0	12.424
Carmarthenshire	184.879	40.756	0.678	226.313
Merthyr Tydfil	9.713	5.431	0	15.144
Monmouthshire	570.994	26.124	37.944	635.062
Powys	666.798	257.402	152.377	1076.577
Rhondda Cynon Taf	23.913	13.936	1.94	39.789
Torfaen	4.089	0	0	4.089
Total	1472.142	344.317	192.939	2009.398

* Restricted Byways

⁵ The full text of these outcomes can be found in the Annex 2.

And, expressed as a percentage:

Percentage of Public Rights of Way in the Brecon Beacons National Park by County

County	<i>% of total network</i>
Blaenau Gwent	0.62
Carmarthenshire	11.26
Merthyr Tydfil	0.76
Monmouthshire	31.6
Powys	53.58
Rhondda Cynon Taf	1.98
Torfaen	0.2
<i>Total</i>	100%

Overall expression of the network as a percentage for both National Parks

	Footpaths	Bridleways	Restricted Byways	BOATs	
Brecon Beacons	73.26	17.14	9.54	0.06	100%
Pembrokeshire Coast	81.69	17.26	0.09	0.96	100%

5 Process: Methodologies for gathering evidence

5.1 Rationale for selecting ROW as a topic

The Rights of Way network was selected as a topic for joint study as there appeared to be significant differences in performance between the two National Parks. PCNP were consistently reporting a much higher percentage of their ROW network as 'open'. It was also unclear how much of an impact in terms of funding, the Coast Path was having on their network and there were clear differences in legal responsibilities.

5.2 Public consultation

It was agreed from the inception of this study that developing methodologies for public involvement would be an important element to test out. The value of this approach was to develop an external looking study to gauge performance and gather views and perceptions of how the PROW network is viewed by those who use it.

In order to test out the most effective possible levels of public input, a number of approaches were taken which are elaborated upon below.

LEARNING POINT 1: With almost any public consultation process, it needs to be remembered that some of those who respond will be doing so from a very small minority perspective so the analysis of any consultation process will need to be mindful of this potential ability to skew results.

RECOMMENDATION 1: Time is an important issue when considering any scrutiny study and proved to be particularly so when involving people outside the respective National Parks. Sufficient consultation time needs to be built into any future scrutiny review where the involvement of the public and outside bodies forms a critical element.

5.3 Questionnaires

Detailed analysis on all responses received can be found at Annex 7 in this report.

A public questionnaire⁶ based on one previously used by PCNP was devised for use on-line and available at visitor centres and events within each NP. An initial press release⁷ was sent out to alert people. A further reminder press release⁴ was issued as the consultation deadline was extended. By the final closing date we had received 27 responses from BBNP, 68 responses from PCNP and 10 responses covering both NPs giving a total of 105 completed questionnaires. This enables a reasonable consensus of opinion to be extrapolated.

⁶ Copies of all the questions asked and questionnaires used in this study can be found at Annex 3

⁷ Copies of press releases can be found at Annex 4

A second questionnaire was devised for organisations who use the network and who are classed as our stakeholders such as community councils. The purpose of this second questionnaire was to allow these organisations to submit a more narrative response to help us answer the 4 questions we set ourselves. A total of 12 responses were received, 4 from community councils, 4 from local groups and 4 from national organisations. However, representatives of 12 community councils and 5 organisations completed the individual questionnaire and their responses have been collated and analysed as such.

As a scrutiny tool – the use of questionnaires has proved to be valuable. Great care was taken in refining the questions to limit the number of inappropriate responses or misunderstanding. Despite our best efforts we were challenged on the first question (See figure one below) on our failure to mention off roaders (four wheel drive vehicles, motor cycles) in our list of user groups. Having discussed this with the respective ROW officers at the outset it had already been decided deliberately to omit this group from the list on the survey. The statistical information showed that BBNP only has 1.28 km of BOATs⁸ forming 0.06% of the total network and PCNP as 10.59 km of BOATs forming 1.02% of the total network. If BOATs were included within the questionnaire, it was felt that the problem of ‘block’ responses from vocal off road user groups could unrealistically skew the findings. As a result of this forward planning we were able to robustly defend the decision not to specifically mention this user group.

*Just expressing some concern reference information or rather the lack of it regarding the use of 4x4 vehicles. As an active member of the Green Lane Association I would have expected to be listed amongst the user groups. Would it be the intention of the NPA to include/exclude recreational use of 4x4 vehicles? Unfortunately there is nowhere I can see on your website that promotes the use of 4x4 so I can only presume this is a way of discouraging both myself and other sensible 4x4 users from entering the NPs in the pursuit of our hobby. **Respondent to the public questionnaire***

*I find the presence of trail bikers threatening. **Respondent to the public questionnaire***

Question one from the Public survey.

1. Does the network of public rights of way provide sufficient access opportunities in the National Park for the following user groups?
Please circle.

- Walkers Y/N
- Families with prams & pushchairs Y/N
- Wheelchair users Y/N
- People with restricted mobility Y/N
- Cyclists Y/N
- Horse riders Y/N

⁸ Byways Open to All Traffic

The questionnaire was largely successful but there was a fairly poor response to the final question where we asked respondents to prioritise three areas of National Park rights of way responsibility, 'where 1 = most important and 3 = least important'. 34% of respondents failed to answer the question correctly leading to inconclusive results. Many respondents filled in '1' for all three and there were various other combinations of 1s, 2s and 3s, which skewed the results. It should be noted here that due to confusion in answers received to the last question, to extrapolate any meaningful information here would be difficult.

Prioritisation of resources: Given that we have limited resources, please prioritise the areas of work that you consider the National Park Authority should focus on in future (at present 87% of the network is available for use.) (Number 1= most important 3= least important)

- Continue to reinstate all public rights of way with the objective of achieving 100% availability of the public rights of way network
- Concentrate on the selective improvement and promotion of public rights of way to provide access opportunities to communities and popular, scenic destinations and provide more easily accessible paths.
- Maintain current network of public rights of way and promote it better to users

LEARNING POINT 2: If multiple-choice style questions requiring a priority to be expressed are included in future, careful thought will need to be given to the wording and the questionnaire could be piloted first to check for misunderstanding.

When looking at the data it is important to understand correctly the statistics and the terminology. For example, rights of way do not include 'permissive paths' or 'cycleways'. This does lead to problems in public perceptions over what NPs have control over and where the divisions of responsibility lie.

LEARNING POINT 3: There is a need for a comprehensive communication strategy to be prepared alongside the scrutiny study itself particularly when public involvement is sought in order to manage external expectations of what the study is all about. This should contain a section on providing feedback to those who contributed. It should also be recognised that this will have a resource element.

RECOMMENDATION 2: Where a scrutiny review involves external members or public consultation, there should be an accompanying communication strategy together with a section on providing feedback for contributors.

The use of various methods to make the questionnaire more widely available – on-line, via email, in paper form, offered the best opportunities to make both questionnaires accessible for all. However, this does not necessarily mean that individuals or organisations will take up the opportunity to respond.

LEARNING POINT 4: Despite several reminders; interaction with the community councils within the BBNP was very limited. Comments were only made where members of the BBNPA were able to interact directly with individual community councils. A more effective method of consultation might be sought through the community council cluster meetings with senior officers and relevant NP and LA members attending. This is only practical where these fit within the meeting cycles and should be kept in mind when future scrutiny studies are planned.

In Pembrokeshire, many of the community councils chose to send in information via their individual members using the public questionnaire only. Formal engagement with community councils in PCNP on access/PROW matters has resulted in limited success. The preparation of the ROWIP resulted in relatively few responses from community councils across the county. Similarly the uptake of Community Path Schemes by community councils has been low. This could suggest, however, a degree of satisfaction with the level of service in respect of PROW.

RECOMMENDATION 3: If the involvement of community councils is required in future, thought should be given as to the most appropriate mechanisms for doing this effectively. Sufficient time needs to be built into the process

5.4 Workshop sessions within stakeholder meetings and interviews with stakeholders

The second questionnaire also formed the bases for sessions run within stakeholder meeting such as the BBNP Local Access Forum and the Joint Area Advisory Forum. This approach was only employed in BBNP so comments on its effectiveness will be limited to BBNP

As a scrutiny tool, these sessions provided some useful information and in some cases, members of the group were able to return to their own organisations (assuming that they were members or representatives of other organisations) and question why responses to the consultation had not been made. What was also clear from these workshops was how difficult it is to reach people in general. While some of the more active members had heard about the review and had in some cases already responded either through their own organisations or via the individual survey, many were completely unaware that the consultation was taking place. This was particularly evident with the Agricultural Stakeholders Group despite the questionnaire having been sent to all the farming organisations⁹.

⁹ See Annex 5 for a full list of organisations to whom the consultation questionnaire was sent.

RECOMMENDATION 4: The use of ‘workshop’ type sessions within existing stakeholder forums can be an efficient use of time and resources provided it can be inserted into agendas with the appropriate amount of notice.

5.5 Member involvement

After the initial interest, member involvement reduced to a core total of 6-7 members from both NPs. This was partially due to timescales and member availability and partly due to organisational practicalities. While it is accepted that there has to be a lead member, members taking active individual roles and dealing with different aspects of a scrutiny study required a level of commitment, which perhaps we are only just beginning to grasp.

LEARNING POINT 5: It would seem to be more practical to have a smaller more proactive working group of members and key officers to steer a scrutiny study with perhaps the involvement of an independent external member of the group to act as the ‘critical friend’

5.6 Hearings

As part of an opt in segment on the public questionnaire, respondents were able to indicate that they would be willing to attend a hearing to expand on their views in person to elaborate on evidence they have given in their original submissions. Of the total number of respondents 59 (56.2%) indicated their willingness to do this, which shows a clear willingness to be involved.

RECOMMENDATION 5: All those who responded positively and offered to provide more information at the questionnaire stage should be contacted with the results of the scrutiny review.

Hearings proved to be a very useful tool and allowed people with both positive and negative viewpoints to be heard. Careful consideration was given both to the questions to be asked and to the selection of people to take part in these groups in order to maintain a balance of views and subject areas for example people who represented walkers, horse riders, tourism operators, farmers and disability groups were invited to take part. The two hearings were carefully managed and those taking part were sent a range of questions prior to the hearing to allow them to prepare answers which some took full advantage of. At each hearing it was made clear that once our questions had been addressed, there would be an opportunity for people to tell us of any issues they might have.

LEARNING POINT 6: Questions to panel members at hearings and how they were asked built on lessons learned in the first pilot scrutiny where inexperience in the process led to multiple questions being asked. This resulted in those participating not necessarily answering the key question. It was as a result of this

experience that it was decided within this scrutiny study to prepare questions and circulate them to all concerned prior to the hearing. This gave those attending time to prepare.

In both hearings there were observers – other NP members and relevant officers. It could be an option to consider for the future as to whether or not we make any future hearings open to members of the public.

LEARNING POINT 7: If observers and / or members of the public are encouraged at hearings, this will need very careful consideration because while it may be seen on the one hand as a further opportunity to involve our stakeholders and be open and transparent; it could be viewed as intimidating by those who take part. The confidence of those taking part and the subject matter will need to be considerations here if observers are permitted.

Another resource issue, which arose as a result of using this tool, was the issue of how the information at such meetings is captured. We recognised early on that this was an issue so arranged for the sessions to be recorded electronically with the permission of those present. In this instance – this was only partially successful as the equipment was not as reliable as it might have been but BBNPA now has a small digital recorder which will help in the future. Recording of such hearings links to a wider issue, certainly within BBNPA who are currently looking into how all the Authority's meetings will be recorded and developing the guidelines to accompany the process.

It needs to be remembered that, while hearings are a useful tool, they must be well managed and prepared for. They are resource intensive not only to set up but also to type up and analyse the information gathered. Within the scrutiny review, this task has been predominantly undertaken by officers.

5.7 Expert witnesses

Choosing to trial the use of 'expert' witnesses¹⁰ was decided early on within the review. Witnesses came from both internal and external sources. Many of the issues that apply to hearings also are relevant to sessions that make use of the expert witness. Again, questions were carefully set out in advance and circulated to witnesses to enable preparation. Sessions were recorded with permission, and the resource implications are similar to hearings. The choice of expert witness was very much guided by the four review questions we agreed at the outset and internally included wardens who work on the ROW network, and officers working within tourism and conservation. Externally experts included those with a particular knowledge of disability and equalities issues, and tourism.

The use of expert witnesses as a scrutiny tool was very effective with issues being raised that added to the depth of the review. If this tool is to be used in future scrutiny work, it needs to be remembered that it is resource intensive in officer and member time as preparation is important, arrangements need to be made well in advance. It certainly needs to be timetabled into staff work programmes if they are to be involved

¹⁰ A full list of attendees and questions asked is available in Annex 5

effectively in order to give them time to prepare. Added to this is the typing up of recordings or notes from the sessions, analysis of information and issues raised etc.

LEARNING POINT 8: The gathering of sufficient information at both hearings and expert witness sessions and its subsequent typing up and analysis is resource intensive. Sufficient staff resources need to be built into any study using these options for gathering information.

RECOMMENDATION 6: If hearings and expert witnesses are used in future scrutiny studies, any options to record sessions should comply with guidelines set out by the NPA for the recording of its meetings generally

5.8 Project management – Timeline

Within the original Scrutiny Project timescale it became clear very quickly that it was not been possible to gather evidence required and prepare a report for a study of this size.

From the outset, this study has involved members and officers from both NPs. While members have kept in contact, officers also have met and discussed aspects of the study. The following timeline shows key points during the review. These points are also reflected in the Gantt charts used to track progress.

Brecon Beacons National Park and Pembrokeshire Coast National Park - Joint Scrutiny Review of Rights of Way timeline of actions	
2011	
25 July	Scrutiny workshop held in PCNP, Rights of Way unanimously selected as a suitable area of review for the second pilot study
23 August	Scoping Meeting to set out the areas to be covered held at BBNP with video conference link up with PCNP Members
9 September	Press Release 'Your Chance to have your say' distributed to media contacts of both Parks
12 September	Consultation questionnaire live on websites of both National Parks
19 September	Letters sent to BBNP Joint Area Advisory Forum with agenda and the ROW questions to be discussed at meeting on 14th October
21 September	Progress Meeting held in BBNP with video conference link up with PCNP Members
22 September	ROW questions sent to database of 600 local tourism operators and businesses in BBNP area
23 September	ROW questions sent to BBNP Local Access Forum to be discussed at LAF meeting on 20 th October
11 October	BBNP ROW site visit to Waterfalls area

14 October	BBNP JAAF meeting held - members of this forum are consulted with the ROW questions
17 October	Press Release 'Final chance to have your say'
20 October	BBNP LAF Meeting- members of this forum are consulted with the ROW questions
11 November	Scrutiny Workshop including presentation to Members on ROW progress
22 November	BBNP Hearing and Panel Discussion group Consultation with the BBNP Agricultural Stakeholders Group
25 November	PCNP Site Visit
06 December	PCNP Hearing and Discussion Panel Group

5.9 Use of Planning Tools

In order to keep track of key events and project goals, a Gantt chart was used, it was clear quite early on in the review that the original timescale (Fig 1) was not realistic if we were to achieve a reasonable level of consultation with stakeholders and the public so a revised schedule was devised (Fig 2)

Action	Who	22-Aug	29-Aug	05-Sep	12-Sep	19-Sep	26-Sep	03-Oct	10-Oct	17-Oct	24-Oct	31-Oct	07-Nov
Scoping Meeting 23rd Aug	ALL	→											
Dates set for site visit, hearings, notifications etc	Lora Davies/Janet Evans/ Caroline Lewellyn/ Margaret Underwood	→	→										
Establish criteria for ROW data to enable cross park comparison	Eifion Jones/ Anthony Richards	→	→										
Arrange counter survey (BRECON ONLY)	EJ	→	→	→	→	→	→	→					
Scrutiny Review Group meeting 14th Sept	ALL				→ *								
Draft questions, covering letter to LD by 25th Aug	MU	→											
Authorise final questions by 5th Sept	David Ellis/ Carys Howell/ Alan Lovell	→	→										
Translate questions & letter into Welsh	LD/CL/JE			→									
Press release and website questionnaire to go live	MU/Brecon & Pembs IT & PR teams				→ *								
Financial cost of managing ROW network	EJ/AR/Julian Atkins/Brecon & Pembs Finance Depts	→	→	→									
Notify IT and Communications in preparation for questionnaires launch	Lora Davies/Janet Evans/Eifion Jones/ Anthony Richards	→	→										
IT to prepare website page to allow for electronic submissions	Paul Funnell / Pembs IT	→	→	→									
Site visits complete	ALL							→					
Evidence gathering sessions complete	ALL							→	→				
All written and visual evidence gathered	MU/LD/JE/CL							→					
Draft report complete	MU											→	→
Present report to scrutiny workshop for evaluation 11th Nov	MU												→

Figure 1: The original review timetable

Brecon Beacons NP & Pembrokeshire Coast NP Scrutiny ROW Review - PROJECT PROGRAMME update 28 Sept.														
Action	Who	26-Sep	03-Oct	10-Oct	17-Oct	24-Oct	31-Oct	07-Nov	14-Nov	21-Nov	28-Nov	05-Dec	12-Dec	19-Dec
Financial cost of managing ROW network	EJ/Pembs ROW Team/Julian Atkins/Brecon & Pembs Finance Depts	→												
Site visits complete 11 Oct BBNP 13 Oct PCNP	ALL			→										
Reminder Press release to go out for beginning of October	MU/SG/JM	→												
BBNP Tourism manager to email contact list with narrative questionnaire	RT	→												
Investigate possibility of tourism mailing in PCNP	CL		→											
Workshops organised within JAAF meeting 14 October	JG/MU			→										
Workshops organised within LAF 20 October	EJ/RB/MU				→									
Evidence gathering session BBNP 22 November	Volunteers needed									→				
Carys Howell to contact snowdonia for their experiences	CH			→		→								
Evidence gathering session PCNP 6 December	Volunteers needed											→		
Evidence gathering complete before Christmas	ALL												→	→
All final written, witness and visual evidence gathered	MU/LD/JE/CL/ALL												→	→
Produce Interim report outlining methods, progress and results so far complete	MU/LD													
Present interim report to scrutiny workshop for evaluation 11th Nov	MU													

Figure 2: The revised timetable

5.10 Site visits

This was one of the most powerful tools used in this scrutiny review. There is no substitute for members and officers to see in person the issues on the ground particularly with a topic like this. In addition it enabled members to see first hand the practical work undertaken by the wardens and experience the difficulties that face the respective organisations that can differ widely. The first pilot review also found this to be a very effective tool but it should be noted that there are resource implications in time, travel and other attendant arrangements.

RECOMMENDATION 7: Whenever practical and possible, site visits to further understand issues should be included within the relevant scrutiny plan.

5.11 Background research

In any scrutiny study, there will be a need to gather background information. In the case of Rights of Way the amount of available information is substantial. Documents have included the respective NP ROWIPs, NPMPs, various visitor and counter surveys, Enjoying the Pembrokeshire Coast National Park, The Economic Impact of Walking and Hill Walking in Wales, Stepping Forward: The Stakeholder Working Group on Unrecorded Public Rights of Way: Report to natural England, Cost Benefit Ratios for Completing the (National) Trails, and various CCW publications.

LEARNING POINT 9: With the availability of web based information and the amount of routine record keeping that goes on within the organisations involved, it is easy to get swamped by this element. In practice, staff within the respective NPs have suggested the most useful reference documents.

5.12 Using the joint scrutiny process

Working across two NPAs was beneficial and provided each partner with alternative views and approached. It also provided checks and balances so neither NPA was individually scrutinising itself.

See **LEARNING POINT 5**: In future it would be useful to consider who externally might be involved in a scrutiny review to add a measure of impartiality and perhaps a 'critical friend' to the process

5.13 Producing the report

The collation of all the information, the putting together of the findings is not a quick job as data has to be checked, opinions crosschecked. It required significant input from officers involved and from the lead member to get to first draft stage. To add to the complexity of this report, information also required verification between the two Parks. Again this is not only a resource issue but a time one also. The expectation that any one individual can put such a report together is not only unrealistic but also unsound. The scrutiny process is not concerned with one individual's opinions or interpretation of data; rather it is a collective attempt to present as rounded and unbiased a picture as possible of the current state of the service or topic under review.

LEARNING POINT 10: While it is essential to have a lead person in the scrutiny process, the report writing should not be left to any one individual and a scrutiny team should collectively have input.

6 Evidence / findings

Introduction

In this section evidence gathered will be used to address the four questions posed at the Scrutiny inception:

1. Is the management of the Public Rights of Way Network (PROW) helping to meet National Park purposes?
2. Are we delivering our ROW duty effectively and providing value for money?
3. Can we establish criteria for ROW data to enable comparisons between our two authorities to help us assess our performance?
4. Is it a realistic ambition and an effective use of resources to seek to open 100% of the ROW network in each National Park? If not how should we prioritise our work?

6.1 Question 1 of the scrutiny study – fulfilling National Park purposes

Is the management of the Public Rights of Way Network (PROW) helping to meet National Park purposes?

This question was formulated as part of the drive to ensure all NP actions help to deliver the NP purposes. The following quotes received during hearings and via the questionnaires indicate the strength of feelings about the PROW network and their relevance to the NP purposes. This feeling was echoed in many of the general comments received. There was a real feeling that the impact of NPs in terms of public enjoyment, health and well being and tourism would be considerably decreased if the ROW networks were to fall into decline.

The majority of rights of way are footpaths. Walking is the least damaging and most sustainable form of transport and footpaths cause less damage to the natural beauty and wild life than any other form of public highway. Most of the remainder are bridleways or restricted byways. These can only be used by horses and cyclists and are almost as sustainable and unobtrusive as footpaths.

*Where PROWs are well maintained the answer to this question is therefore an emphatic YES. **Member of Panel in PCNP hearing***

*With the exception of parts of the coastal path, which are relatively modern, the PROWs have existed for a very long time. They are the routes by which people travelled about their daily business before the advent of motor vehicles. They are themselves part of the park's cultural heritage and should therefore be conserved in their own right. **Member of Panel in PCNP hearing***

*The public rights of way network is a valuable national resource, both for the contribution it makes to the economy by supporting the tourist industry and as a rural service to local communities and regional conurbations for recreation and the improvement of the health and wellbeing of the population. The network should therefore be considered as one essential tool in the Park Authority's armoury to promote public enjoyment of the special qualities of the Park and to manage and control public access to them. Its complementary function wherever possible should be to support, where appropriate, the sustainable economic development of communities living within the National Park. **Campaign for the Protection of Rural Wales***

Equalities and Access issues

Given the new Equalities Duty upon the NP – access to the PROW network is an increasingly important factor in delivering the NP purposes and duty. Access can be viewed from a number of different perspectives, from the amount of the network open to wheelchair users to improving the ROW furniture to enable more people who may not necessarily consider themselves disabled in the formal sense to use the network. It is clear from responses to the public questionnaire that not everyone believed that the NPs are doing enough for some users of the network. See table below taken from the public questionnaire, it is clear that the perceptions are that only walkers are satisfactorily catered for.

2 Does the network of public rights of way provide sufficient access

	Yes %	No %
Walkers	74	11
Families with prams & pushchairs	32	33
Wheelchair users	26	37
People with restricted mobility	30	36
Cyclists	39	26
Horse riders	41	22

opportunities in the National Park for the following user groups?

The expert witness Mrs Jackie Charlton is a former member of the BBNPA where she was for many years the Equalities Member Champion. She is also a director of the Llangattock Green Valleys Group and a member of the local community council. The following summarises the evidence given at the hearing.

Question 1 What do you think are currently some of the main barriers to use of the ROW network?

Access means different things to different people. You may overcome the barriers for one group but not for another group by focussing on specifics. So it is essential to understand what all the barriers are and perhaps coming up with something that is 'open and accessible to all'. There are some places that simply cannot be accessed by some people, and there are disability groups that would concur with this.

It is important not to underestimate the capabilities and determination of disabled groups. A visually impaired group were able to visit the National Park with their walk leaders and were able to go anywhere. They were able to do this because they understood what their needs were. Therefore, it doesn't necessarily mean the National Park has to make special provisions but the NP must understand that there are certain groups who may want to access areas which others may not consider accessible. It is important to understand what support might be needed rather than worry over particular provision.

*We'd had a complaint that the footpath had been made impassable due to cows being in the field. Right of Way law says that landowners can keep cattle in a field crossed by a ROW but there are restrictions on bulls over 10 months old – specifically no bulls of dairy breeds, and no bulls of any other breed if unaccompanied by heifers are allowed to be kept in a field crossed by a ROW. the cattle in the field in question where (very placid) Limousine beef cattle so the landowner was well within his rights as far as the cattle were concerned. **Warden BBNP***

The key is understanding and being positive – changing from a negative attitude of perhaps 'we can't afford to do it' to- 'we will do whatever we can within resources we have'.

Question 2 The Health and Well Being Agenda is becoming increasingly important. How do you think the ROW network can help to deliver on this important topic for its users?

Given the huge amount already being done on this, it is important not to reinvent the wheel. Perhaps the first step is to undertake a mapping exercise to recognise the current state i.e. Walking on Prescription, Volunteering, Woodland Group, walking festivals.

Walking on Prescription has been very difficult to set up. Monmouthshire endeavoured to introduce this, everybody was behind the project but the GPs themselves were unable or unwilling to put it into a prescription. This is because a prescription is understandably historically about medication and not about exercise but this has changed substantially in recent years. It is important to reach the GP in order to reach the people who might benefit from prescription walking.

It is important also that if anyone were to query a walk and its accessibility the person handling the query should know what they're talking about.

RECOMMENDATION 8: Where appropriate NPs should work with partners to develop and promote walks within the PROW network as useful 'Walking Prescriptions'.

Question 3 Do you think that there are any unseen barriers to use of the ROW network and how might we address them?

Barriers are often perceived rather than actual. There still persists the perception that anywhere you walk in the National Park is going to be really hard when in fact this is not true. A lot of walks are accessible.

The physical barriers are the gates and obviously on farmland there are specific reasons for gates and in a lot of cases special types of gates (which are more user friendly) have been installed.

These have mostly worked very well but they have been expensive to install and they can't be installed everywhere but it doesn't take a lot of forward thinking to know that every barrier is at some stage going to need replacing so when you replace it you replace it with something that is open and accessible.

Barriers are often UNSEEN, that is, the need to have other forms of mapping besides signposts. Specialist routes that provide access for all would overcome some of those barriers. These are available but need to be REINFORCED regularly.
Respondent to the public questionnaire

The interpretation team at the BBNP work closely with access groups to make all the interpretation accessible. Most of the interpretation around the National Park will have Braille. Language is key and the words and the way they are written should be accessible to all however, English and Welsh should not be the only languages provided for example the National Parks currently do very little in the main EU languages or indeed any ethnic minority language. This needs to be looked at both in terms of tourism benefits and as part of any future 'Mosaic'¹¹ type project.

Access to the website is becoming increasingly important. Most people have access to some form of technical communication and NPs ignore this at their peril. There are people with specific disabilities that find this form of communication very useful. It is worth being innovative with the technology and not just using it in one way but using it in other ways too.

¹¹ Mosaic is a national project, led by the [Campaign for National Parks](#), that aims to build sustainable links between black and minority ethnic communities and ten of the National Parks in England and Youth Hostels Association.

Question 4 Given our limited resources, what improvements could we undertake that might have maximum impact for users?

The Wardens, as well as being the personal contact for the public are also responsible for the paths i.e. where there are blockages, where there are new stiles needed. They have the highest understanding of what is actually out there. The NP could (without much cost) embed into regular training the subject of understanding the need for accessibility. This is not disabled access; this is accessibility wholly so that everything is covered. This would be a small cost for maximum benefit.

'..it is the perception of a barrier in the minds of people stopping them from getting out and enjoying the NP and the mindset of the NP in understanding and dealing with people with accessibility problems that we need to concentrate upon.'

ROW Scrutiny Panel Member

...some paths I tested were ok the first time, but after heavy rain they become inaccessible..... not everyone who is disabled requires wheelchair access. If there was a drive to make all paths freely accessible for all, you would end up doing nothing. Many people could cope with minimal changes.

Panel member PCNP hearing

A person, with a disability, who wants to come to the National Park should be welcomed and given every possible support and assistance but then this is what the NP should be doing for everybody, it doesn't make any difference. Overcoming disability issues don't have to cost money they just have to be understood.

RECOMMENDATION 9: In the light of the new Equalities Duty the NPs will need to re-assess the ROW network in each NP area to explore options for improving access both physical and intellectual within the current budgetary constraints.

6.2 Question 2 of the scrutiny study - RESOURCES and value for money

“Are we delivering our ROW duty effectively and providing value for money?”

To answer this we need to know how much we are spending and consider the evidence within the Centre for Public Scrutiny definition of value for money. In 2010/11 the two National Park Authorities will be spending the following amounts on rights of way network:

BBNPA ROW activities include: Repair, maintenance, signage and enforcement of all rights of way shown on the definitive map; changes to rights

of way and management and review of the Definitive Map and Statement; control and regulation of traffic on rights of way.

Brecon Beacons National Park Authority

Staff	ROWIP	Delegation contributions	National Trail	Legal	Total
£176991.20	£55513	£23600	£15262	£7000	£278366.20

PCNPA ROW activities include maintenance, signage, improvement and enforcement of all rights of way shown on the definitive map; legal work includes creation of new PROW, diversion orders and temporary closures. Promotion of access opportunities; principally website walks.

Pembrokeshire Coast National Park Authority

	Staff	ROWIP (and other grant funding)	Delegated Contribution	Legal	Total	Cost per km of PROW
PROW	£197,388 ¹	£77,000 ²	£0	£8,351	£282,739	£335.88
National Trail	£250,168	£0	£0	£0	£250,168	£836.68
National Trail and PROW	£447,556	£77,000	£0	£8,351	£532,907	£484.85

¹ includes materials and contractor budgets

² This was an exceptional year with two new routes funded – it is suggested that perhaps between £30 - £40 k is more representative of an average year

There are two issues that arise from these figures:

1. PCNPA have a PROW Delegation Agreement with its highway authority, Pembrokeshire County Council. When the Agreement was made in 1997 only 58% of the PROW network in the National Park was open. The PCNPA has since made progress in the improvement of the PROW network with 70% now open using the jointly agreed criteria. There has never been a financial contribution from Pembrokeshire County Council, with the PCNPA being required by necessity to secure additional grant funding. The Delegation Agreement with Pembrokeshire County Council transfers the duty to maintain PROW to the PCNPA; they have been delegated all Highways legislation duties regarding PROW maintenance and enforcement, specifically indemnifying the highway authority. The only aspect not delegated was the Definitive Map duties. So both NPAs are duty bound to maintain the entire network of PROW.

BBNP currently have 7 delegation agreements in place dated as follows:

- Carmarthenshire 17th August 1998 – initially no financial contribution from the County Council. Renegotiated to £4000 in 2003. Not reviewed since.
- Merthyr Tydfil 14th July 1997 – initially £1000 (but project based) but reduced to £600 in 1998. Not reviewed since.
- Blaenau Gwent 24th February 1997 – no initial contribution from the County Borough Council. Not reviewed since.
- Torfaen 21st May 1996 – no initial contribution from the County Borough Council. Not reviewed since.
- Rhondda Cynon Taff 1998 – initially £1000 and continues at that level. Not reviewed since.
- Monmouthshire c. 1996 – initially £4000. Reviewed in 2003 and increased to £8000. Not reviewed since.
- Powys 27th March 1997 – initially £5000. Reviewed in 2002 and increased to £10000. Not reviewed since.

In about 2000 the National Park Authority became ineligible for a £20000 CCW grant which was previously spent on rights of way work.

The agreements are all made under Section 101 of the Local Government Act 1972 (as amended).

As those agreements were in place when the duty to produce a ROWIP came along, it seemed natural that the BBNPA take the lead. Powys County Council, Monmouthshire County Council and Carmarthenshire County Council each made a contribution towards the salary of the ROWIP Officer in the following amounts: £8000, £4000 and £4000. The Countryside Council for Wales (as the sponsor of the ROWIP pilot project) and the NPA covered the remainder.

2. Pembrokeshire Coast National Park Authority has access to grant funding (albeit not large amounts) that the Brecon Beacons National Park Authority does not e.g. Coastal Access Grant, LEADER+ and RDP.

As a comparison and, on the assumption that 100% of the network in both areas is maintained) the Brecon Beacons National Park Authority spends £138.53/km on rights of way management whilst the Pembrokeshire Coast National Park Authority spends £484.86/km. This includes National Trail funding but this, in the case of the Pembrokeshire Coast skews this figure considerably¹².

Information received from Snowdonia National Park indicates that the annual SLA agreed with Conwy County Borough Council (CCBC) provides some £25000. This covers approximately 13 Communities and about 380 km thus far of the footpath and bridle network which lie within the NP boundary (between 3 area wardens). It excludes work/inspections on FC and NT land and. The recharge is for contractor

¹² See Annex 6 for more detailed analysis on costs

and material costs only and does not include the SNP labour element. As the survey only took about 6 months to complete SNP may reconsider the survey regime next year to include the FC PROWs but this is still under discussion and it's very unlikely that any additional resources from CCBC will be forthcoming for this estimated additional 200 km.

The current SLA includes a full (100%) annual survey done by JUNO hand held GPS (this is the methodology decided by SNP and not by priority). It was done to give SNP a good and complete view of the network as it is. This then enabled basic maintenance works flagged up in the survey to be undertaken either by SNP staff or using contractors. I.e. furniture, drainage, limited surfacing and some veg clearing.

Legal (serious obstructions etc.) and definitive map issues are referred to Conwy.

In attempting to draw comparisons with Snowdonia, they appear to be spending the delegation money slightly differently as BBNPA recharge staff time and materials (although SNPA can also spend the money on contractors).

Based on the above information, on a rough calculation, SNPA receive £65.79 per km on this basis. As a comparison, BBNPA receive £9.29 per km from Powys County Council to maintain a 1076.577 km network – i.e. just over 53% of the rights of way in the Park which includes dealing with legal and definitive map issues.

Overall, BBNPA receives £11.80 per kilometre to maintain all the rights of way in the Park from its constituent local authorities.

On the basis of SNPA's agreement, this figure should be nearer £130000. In comparison with the above arrangements in SNP and BBNP suggests the need for PCNPA to review its Delegation Agreement with Pembrokeshire County Council.

RECOMMENDATION 10: It is recommended that BBNPA look at how it might re-negotiate its agreements with its constituent local authorities using this report as evidence of the cost of maintaining the network.

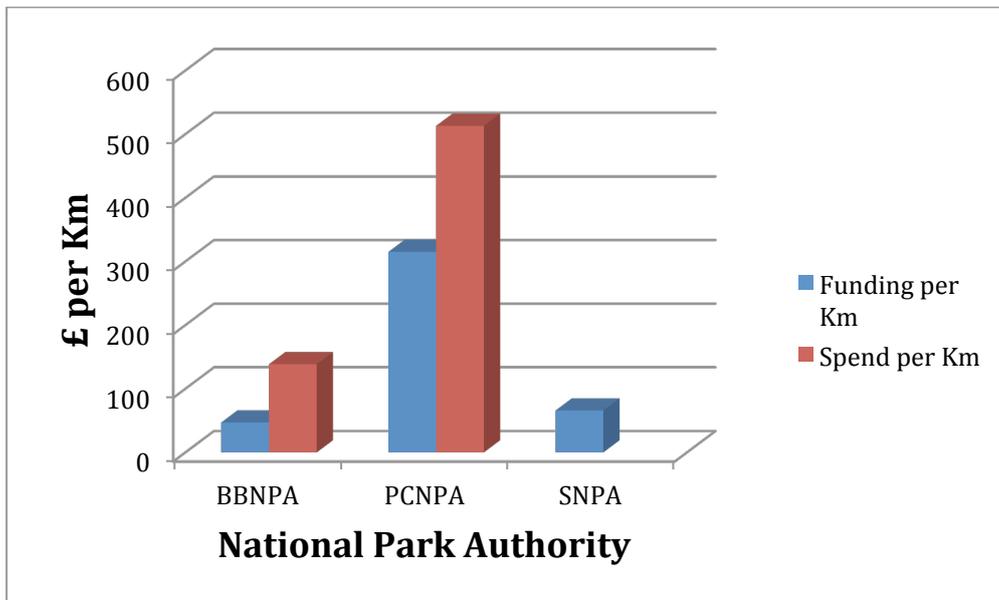
RECOMMENDATION 11: BBNPA looks at how it can work with landowners to enforce breaches of duty by landowners over whose land PROW run. In order to help this process, BBNPA looks to how other authorities manage this aspect.

RECOMMENDATION 12: PCNPA should urgently review its delegation agreement with Pembrokeshire County Council with a view to negotiating a financial contribution and / or a reduction in duties.

The following tables illustrate some of the similarities and the differences between the NPAs

	National Park Authority		
	Brecon Beacons	Pembrokeshire	Snowdonia
Total length of network	2009.39 km	1099.10 km	380 km
% declared 'open'	76%	70%	Unknown
Total funding received p.a. based on 2011/12 figs	£94375	£327,168	£25000
Cost per km	£46.97	£297.67	£65.78
Actual spend per km	£138.53	£484.86	Unknown
Activities undertaken on the PROW network			
Legal work associated with rights of way management	√	√	X
Repairs and maintenance	√	√	√
Signage	√	√	√
Enforcement of all ROW shown on the definitive map	√	√	X
Changes to the definitive maps	√	√ (public paths orders only)	X
Control and regulation of traffic*	√	√	X

*It should be noted that public path order and traffic regulation powers are exercisable by NPAs under the Environment Act 1995 and the Town and Country Planning Act 1990. They are not delegated functions. These are undertaken by BBNPA and PCNPA.



Comparative spending by NPA based on figures received for a one-year period only. No 'spend' data was available for SNPA.

It needs to be recognised that comparisons such as the table above can only give a snapshot in time however it does raise issues when they are used as if they were the norm. More accurate comparisons can only be made against an agreed set of criteria and agreement reached on how these are accounted for financially. This would need to be done on an annual basis if such future comparisons are required.

The Pembrokeshire Coast Path, National Trail

The Coast Path is managed in its entirety (including parts outside the National Park) by the NPA. The unit costs of a coastal path are significantly greater because of erosion, access and safety issues and the higher standard required of a National Trail with such a high level of use again argues for a greater level of expenditure. (Last reliable figures for use of the whole path were from 1996-7 at 915,000 user days pa. This brings in an estimated £14 m of income (at 1997 prices) to the area). The route management of the Coastal Path is co-ordinated by the National Trail officer and expenditure is broken down as follows.

- The National Trail Officer is funded at 100% by the CCW National Trail grant and this covers his materials and contractor costs = £41,715
- The maintenance of the Coast Path is delivered through the three area teams described above, using 50% of four Warden teams and additional support from Rangers. Total expenditure including staff, materials, equipment and contractors is £175,374, which is funded through a 75% National Trail Grant from CCW.
- Improvement grants from CCW vary greatly from year to year but over the last three years the grant for new works on the Coast Path has been at an average of £33,079.

Total of all Coast Path expenditure = £250,168 with a grant income of £206,324 = £836 per Km

This is broadly comparable with results from English National Trails – see graph below.

FIGURE 2 : EXPENDITURE BY TRAIL (PER KM)

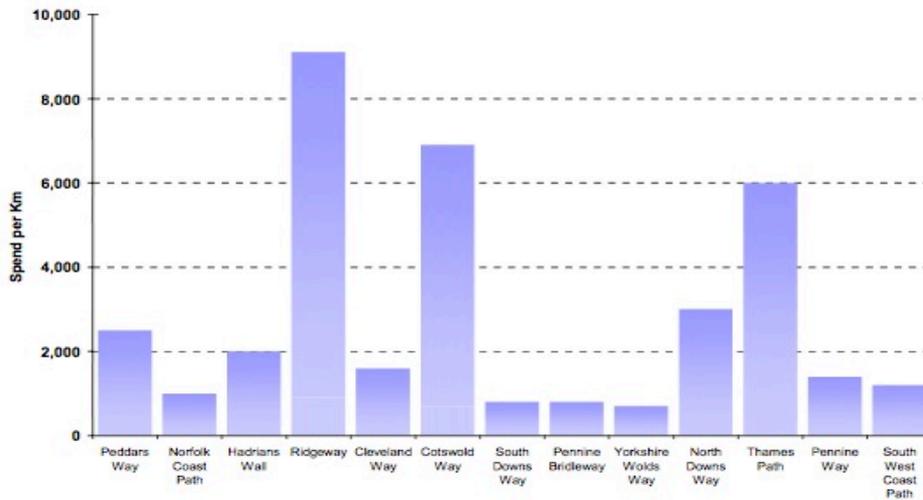


Figure 2 shows that expenditure per km by Trail is relatively stable between each Trail. The main exceptions to this are the Ridgeway and the Cotswold Way which are undergoing significant development expenditure that cannot be assessed within this framework. The other exception is the Thames Path. The Thames Path has the highest user density and high expenditure per km is likely to be the result of this since the Thames Path has one of the lowest expenditure per user (see Section 6 for details).

Pembrokeshire Coast Path National Trail Expenditure = £836 per Km (2011 figures)

N.B. Ridgeway & Cotswold way are undergoing development expenditure.

Source; 'Cost Benefit Ratios for Completing the National Trails' Countryside Agency 2005

The implications of additional National Trail funding in PCNP are therefore significant. If the costs of maintaining the National Trail are deducted from PCNPA PROW budget, the costs of maintaining the remaining 841.79 km of the PROW network would be £282,739.00 (equivalent to £335.88 per km) and more comparable with BBNP.

Value for money

While we have looked at the financial side predominantly in answering this question other elements in the value for money argument should also be considered.

Volunteering

None of the above figures take into account the added value of volunteer effort. Volunteers are able to provide significant support to the work of the wardens in managing the ROW network for example undertaking practical activities such as path clearance and car park wardening. Based solely on figures for volunteer input into specific ROWIP projects it is estimated that volunteer input has added an average of £2,000 pa to the management of the network in BBNPA. This figure is based of the currently hourly average volunteer rate quoted by WCVA of £11.87 per hour based on the 2008 Annual Survey of Hours and Earnings. Within BBNP waterfalls area there is also significant input from the current employee volunteering scheme, which

has benefitted from 170 volunteer hours on rights of way tasks. A mid-week work party of volunteers in the Talgarth area has contributed a further 264 hours¹³ while in both the East and Western Warden teams volunteers are also involved on a more informal as and when basis.

There is therefore no doubt that BBNP benefits from significant amounts of volunteer time, which in this review period might equate to the hours worked by 1 FTE member of staff.

However it must be recognised that good volunteer management and support is essential and this in itself will have resource implications.

PCNPA actively engage the voluntary sector in the management of PROW. Approximately 70 voluntary wardens are signed up and on average attend six events a year. Every week a smaller core group of voluntary wardens help with PROW improvements. Other activities include leading guided walks and surveying the condition of public rights of way. PCNPA also works with a wide range of groups including the probation service; drug offenders; Princes Trust and Friends of the National Park. Underpinning all engagement with volunteers was the ranger service, which liaised with landowners to plan tasks; provide training and supervision and ensure adequate insurance cover by virtue of their presence. The work on PROW consists of surveys and minor furniture repairs (where there is scope to increase activity in local communities); improvement projects (which voluntary wardens and groups are mainly involved in and found to be more rewarding). The role of volunteers in vegetation cutting is limited, as this often requires mechanical cutting. The Community Path Scheme providing for the establishment and training of groups dedicated to PROW improvements has only had limited uptake, with two longstanding Community Path Groups at St Dogmaels and Newport.

In addition to the volunteering aspect, NPs are able on occasion to seek additional funding from other sources as part of wider projects which have an element built in to improve particular a ROW.

RECOMMENDATION 13: Methods of recording volunteering input into the NPs should be regularised. This would serve to highlight the contribution volunteers make to NP work and also provide valuable information in the future when volunteer time may be required as proof of community involvement and match funding.

There is little doubt that both NPAs are endeavouring to maintain a PROW network with limited finances but both benefit significantly from volunteering, and the ability perhaps to look at other sources of funding to help maintain their respective networks. In particular, opportunities arise when individual areas are being promoted. This has been raised as an issue and is dealt with more fully in the next section but it should be restated here that there needs to be a process built into any funding

¹³ Figure based on 6 volunteers doing 4 hours each month for 11 months

application to promote a particular area should include an element of maintenance or funding to cover works to get the ROW up to an acceptable standard if required.

*We try hard to work with (external organisations) to ensure they don't promote paths we think are not appropriate. SPARC (predecessor to PLANED) put in place many walks with capital grants with no thought to long-term use. We had loads of old stiles, routes not on the legal line etc. Sorted that out now and hope we don't go back down that route. **Expert witness PCNP hearing***

The role of the warden service

The role of the warden service in the management of the PROW network should not be underestimated. They often provide the direct public interface of both NPs

The public rights of way network in the Brecon Beacons National Park is managed through a combination of three Teams that fall within the Countryside and Land Management Directorate. The three Teams are the Access Team, the Rights of Way Team and the Warden Team (divided into the Western Area and Eastern Area Teams)¹⁴.

The Recreation Management Team manages the public rights of way network in the Pembrokeshire Coast National Park. This team is in the Recreation and Marketing Directorate. There is an Access

Team that deals with the legal and oversight work and three Area Teams who provide the practical delivery through Wardens (Specialist practical rights of way staff) and Rangers (Who have a wider role and whose % contribution is estimated). The area teams work on both the inland network and the Coast Path

While both NPs manage their ROW through slightly differing structures it is clear that the wardens carry out the majority of routine maintenance on the networks. There was a clear feeling at all hearings that the role of the wardens in managing the ROW networks effectively is very important and while this may have resource implications in both NPAs, the added value they bring to the work both in terms of public engagements and going that extra mile provides a significant element of the value for money equation. The warden service in both NPAs provides an essential interaction between farmers, visitors and the tourism industry.

*It may be expensive as we use our own staff however I would fight to maintain this. All the work we do is on someone else's land. There is a communication issue – farmers have long memories – if you do a bad job (bad fencing, turn up late, leave gate open) it will be remembered forever. However if you turn up and do a good job it sends a good message to farmers. There is a cost comparison between using own staff and contractors however a contractor will do exactly as specified in the contract but staff will do that little bit extra and this makes the cumulative cost for the contractor not very much lower. **Expert witness PCNP hearing***

¹⁴ More detailed information on the financial breakdowns of how each Park is organized can be found in Annex 6

RECOMMENDATION 14: Future decisions affecting any aspect of the ROW network management should include an input from the respective warden services prior to any final decisions being taken.

6.3 Question 3 of the scrutiny study - Comparison data for defining 'OPEN'

'Can we establish criteria for Public Rights of Way data to enable comparisons between our two National Parks to help us assess our performance in the future?'

Prior to this scrutiny study both National Parks were using very different sets of criteria to report the status of their networks. As ever – in understanding the situation clearly, things are rarely so simple. PCNPA assist Pembrokeshire County Council in conducting their BVPI15 survey of PROW in the National Park, however, as this is a random 5% sample of rights of way in the whole county, PCNPA has always maintained its own data to monitor the condition of 100% of PROW in the National Park. This data is used as a Performance Indicator to monitor Outcomes of the Corporate Strategy. The criteria used differs from the BVPI that is used in the BBNP in that paths are assessed according to whether they are passable on the ground; the absence of signage for example would not therefore fail the path. If the BVPI criteria were used, many paths (including the Coast Path) that can easily be followed and used, would fail.

In order to verify that BBNPA is meeting the strict National Performance criteria on the ground surveys of the ROW network are undertaken for 5% of the network every year as a random sample.

In PCNP the Coast Path and other promoted routes are surveyed annually with web walks being surveyed and sections of the remainder of the network being surveyed on the ground every two to three years.

As a result of the Scrutiny review, officers from both NPs have met and discussed this issue. A set of criteria has been agreed. It is therefore proposed that both Authorities report on how 'open' their respective networks are based on the following questions:

1. Is the right of way signposted from a metalled road?
2. Is the right of way passable? (i.e. the surface condition and vegetation growth do not impede passage)
3. Is the furniture on the right of way in a satisfactory condition? (i.e. is it fit for purpose)

¹⁵ BVPI – Best Value Performance Indicator

At the present time based on this agreed set of criteria PCNPA is reporting 70% of its network as 'open'. BBNPA is reporting 76% of its network as 'open'.

Anomalies within the network

While this figure presents a more realistic assessment, it still does not take into account the number of anomalies within each national park network where definitive maps do not agree with the situation on the ground. BBNPA is currently dealing with some 600 such anomalies, PCNPA is aware of some 282 anomalies but unlike BBNPA, PCNPA is only able to resolve the simplest of these by public path orders as it does not undertake work to modify the definitive map

The anomalies have a massive impact on the work we do. A lot of areas within the Park contain these mismatches and quite often the most convenient routes don't follow the actual right of way (as defined on the map). For example, many of the routes follow the old postal routes from farm to farm...
BBNP warden

RECOMMENDATION 15: It is recommended that the following criteria be applied in the next financial year and onwards for any comparative purposes.

1. Is the right of way signposted from a metalled road?
2. Is the right of way passable? (i.e. the surface condition and vegetation growth do not impede passage)
3. Is the furniture on the right of way in a satisfactory condition? (i.e. is it fit for purpose)

It should be recognised that while this comparison can offer a 'fair' picture, it should not be regarded as 100% accurate.

In addition if continuous comparisons are to be made in the future then an agreement needs to be reached on how the costs of managing the ROW network are accounted between the respective NPAs.

6.4 Question 4 of the scrutiny study – % of the network is practical to open

Is it a realistic ambition and an effective use of resources to seek to open 100% of the ROW network in each National Park? If not how should we prioritise our work?

In order to answer this we need to consider some of the factors that currently prevent this ideal position from being attained. We have already considered the resources and reporting aspects and the impact that has, in this section we will look at the wider factors that impact on achieving this position.

Suggestions from the hearings include:

- A widely publicised way of reporting PROW problems
- Developing a simple App that would allow reporting of problems via the web
- Make it easier on the NPs websites to report PROW network problems
- The NP needs monitor the information published on other websites such as You Tube, Facebook, Flickr and twitter which has a direct impact on the numbers of people using the network

The impact of ROW anomalies

These can have a significant impact not only on how the ROW network is managed but on public perception of how the network is managed, particularly with the increasing use of handheld GIS devices where users are able to call up OS maps or Google Earth which does not accurately reflect what is on the ground.

An example from BBNP

Waterfalls are is the Precipice Path which follows the gorge on the East bank of the river from Sgwd Clun Gwyn to Sgwd Clun Gwyn Isaf. The PROW path takes a route with a steep drop on one side and in some sections there is a steep cliff above with dangerously loose rocks. This has caused the Wardens huge problems to date with sections falling away and erosion being a major issue at the far end. The start of the path appears to be safe and inviting but walkers can quickly get into trouble along the path (despite warning signage that has been installed).

Because the PROW network is so important to the economy of the National Park Area the Authority should consider very carefully before making any reductions in funding for its management and maintenance.

If some reduction is judged essential then, for the reasons I have outlined above, the Authority should not focus on a core number of priority routes and neglect the rest. Nor should it curtail its programme of reopening blocked routes.

*The least damaging option would to maintain all routes to a lower standard subject always to ensuring public safety. **Panel member in PCNP hearing***

The management options available are limited. A route cannot be closed simply on the grounds of safety. A Diversion Order can only be put in place if there is an alternative route that is equally convenient, which is not the case here. Essentially the NP cannot stop people using the path.

*... much of my time is spent dealing with anomalies. They exist for a host of reasons – route obstructed and been opened on another line; mapping is so poor that you're not sure where it went. The most difficult to deal with are those PROW which are on a property boundary. Neighbour disputes will result in paths becoming obstructed and are very difficult to deal with. **Expert witness PCNP hearing***

Added to this there are now liability issues with rights of way and the Authority which historically were different. Currently, if an accident occurs the landowner is

potentially liable and if the accident has occurred on a Public Highway this would then render the National Park Authority liable.

One option would be to create an alternative permissive route that is more convenient than the Precipice Path. This is the easiest option but not necessarily the most suitable because diversions are not funded and therefore this gives rise to resource implications.

It costs BBNPA approximately £1,700 to carry out a Diversion Order. Charges are based on £1000 + VAT = £1200 for flat rate processing/legal cost, press notices average £500 (including VAT). Press notice costs will vary with the length of the notice.

PCNPA currently recover a maximum of £1300 costs for making a Diversion Order. This figure relates to the cost of advertising twice in the local press and officer time for making and confirming a diversion order.

Costs, in the case of both Authorities, would be recovered from the applicant, usually the affected landowner.

As a matter of policy, where the diversion is in the public interest or formalises a longstanding commitment by the authority, both Authorities would waive part or all the costs depending on the circumstances of each case.

On the issue of how much of the PROW network should be open, comments received in the PCNP hearing clearly demonstrate the flip side of the coin.

*You have a statutory responsibility to open all ROW. The national park was established 60 years ago, yet 18.5% of paths are still not available – some 125 miles. Ok if there is not enough funding, but I think that there is a lack of will. **Contributor PCNP hearing***

*I am unable to make full use of the PROW because a significant amount of the network is not available for use. **Public questionnaire respondent***

*It is what the law requires and what the visitors expect, especially in a National Park. It does not require a lot of extra money, just a total change of attitude and a willingness to take on vested interests. **Expert witness BBNP hearing***

Given current resources, the amount of network that can be open is clearly problematic for some users. Others are much more prepared to be pragmatic over this issue.

While it would be excellent if all paths could be open the Town Council recognise budgetary constraints and feel priority should be given to those paths that are most used in relation to on-going maintenance. It is also felt that more liaison is needed with the unitary authority to ensure that inter-connecting footpaths etc. are maintained to the same high standard by both authorities to ensure continuity.

Respondent to public questionnaire

The difficulties in correcting anomalies (an issue prevalent in the questionnaire responses) are onerous requiring a lengthy legal process, huge draw on resources and funds. However, some respondents are prepared to take a more pragmatic approach to managing the network.

*In assessing whether it is desirable, economic or prudent to increase the percentage of paths open much closer to 100% we need to know why it is that the paths that are not open are in that state and whether, if open, they would serve some useful purpose. If the path is left unopened because of reluctance to challenge the landowner, because it needs a little bit of work on it, it is not thought to be regularly used, it is in a remote area, or is well away from the coast path, is not an acceptable or appropriate criteria. It may well be that there are a number of paths that have become impassable and couldn't be reopened, because they've fallen into a river, or they're permanently flooded and there may be paths that cover a relatively short distance from one quite busy highway to another without any subsequent continuity on to another path in the close proximity and it is therefore a path that has no leisure, economic or practical purpose, even for local residents. **Pembrokeshire Ramblers***

*The ROW department (BBNPA) does not perform its duties in the way the various ROW legislation intended. Duties imposed on landowners are not enforced, using the excuse that a 'relationship' should exist. In practice, this means that landowners are free to ignore their responsibilities (clearance, gates etc.) and the wardens are having an annual struggle trying to keep a few routes open. Other counties rigorously enforce the division of duties between landowner and highways authority and therefore their costs per mile of cleared network are far lower. In addition, they publicise this division of responsibilities on their web sites and literature, so no landowner can plead ignorance. **Expert witness, BBNP hearing***

RECOMMENDATION 16: Each NPA addresses the issue of anomalies on their respective networks using the priorities identified as a result of the ROWIPs.

Tourism

It is widely recognised that a PROW network has a key role to play in the tourist economy. Many of the respondents felt that the economic value of the network was key to bringing in visitors and associated income. National trails in particular have a key economic role.

While BBNP only has a very limited length of the Offers Dyke footpath, PCNP has some 800 kms of the Coastal Path within its boundaries and receives substantial resources to manage this. One of the tourism expert witnesses was Punch Maughan – Director of Brecon Beacons Tourism, Member of Tourism Trade Association, owner of 5* holiday let property in Brecon and a 20 bed bunkhouse in the NP area. The following summarises the evidence given at the hearing.

On average, accommodation providers attribute 36% of their turnover to the National Trail, each business employing on average 3 FTE people. Accommodation providers believe that almost 40% of their visitors come to the area to walk the National Trail. Overall, walking is of some importance to over 60% of their visitors. Source: **The Benefits to Business of the National Trails in Wales March 2006**

Question 1. What do you consider to be the main economic importance of the ROW network?

Many visitor surveys reveal that walking is the main reason visitors come to the Brecon Beacons National Park area. The ROW network therefore should be seen as a building block to infrastructure for activity tourism. They are key drivers for getting tourists to come here and these should be exploited. The tourism team have put a lot of money into raising the profile of the MTB, cycling, horse riding and walking trails in the area.

The niche markets of horse riding, mountain biking and cycling are huge in Wales and therefore this sets the Welsh National Parks above the competition.

The British Horse Society (BHS) has given a 'Best Access' award to the Brecon Beacons National Park for being the most active National Park in opening up equestrian routes. This has brought significant economic benefit to businesses within the Park. ***Valuing our Environment – Economic Impact of the National Parks in Wales***

It is important to provide effective mapping of routes with things to do along the way it is critical to provide reasons for visitors to stay and stay long.

Question 2. What benefits for their clients do local tourism operators gain from the ROW network which is effectively provided free of charge to them?

There is a misconception that tourism operators can offer the ROW network 'free of charge' to visitors but in reality they pay for these through their local taxes and ROW maintenance is a legal duty of the Highway Authorities. However, they gain by being able to offer their visitors a broad range of places to explore depending on their location.

Question 3. In terms of visitor expectations, what would you expect visitors to be able to find in the network?

Open and unobstructed Rights of Way with structures like gates and stiles in good working order and in the condition appropriate to what they are marketed for, especially if they are a widely promoted route. Visitors expect to be able to use the network and find open and unobstructed ROWs in compliance with legal requirements. This will have resource implications but there is a level of visitor expectations which must be met.

Visitors expect to be able to refer to their OS maps to plan their route and then be able to go on any ROW marked on these maps without finding their chosen route obstructed, overgrown or even unfindable. Signposting as required by law should be fully implemented and not left to the discretion of the wardens.
Respondent to the public questionnaire

More needs to be done to keep illegal off-road motorbikes and vehicles off paths and routes in the National Park. Too frequently motorbikes badly damage and erode path surfaces e.g. in the Black Mountains making paths difficult for walkers. Also noise pollution is a problem caused by illegal motorbikes.
Respondent to public questionnaire

There are visitors for whom a short walk of around 2 hours is adequate. There are plenty of opportunities within the Park for this kind of activity. In questionnaires that visitors are asked to complete after their stay in the Park, 'walking' [as an activity that they have enjoyed during their stay] gets a tick every time.

Question 4 In your opinion, what other elements might improve the value of the ROW network for tourism?

Key points were:

- Link places to where visitors can stay, eat and use a loo on their way.
- Day trippers could be encouraged to stay in the area longer by linking in with certain towns and highlighting other places near the network to stay and visit
- Supporting the **Walkers are Welcome** scheme.
- Signage and interpretation could be improved.
- Information should be as accessible as possible and more should be made of web-based data, such as downloads, mapping tools and apps for smart phones.
- Landowner should be addressing problems such as the upkeep of gates. These duties are not being suitably enforced,
- Other Authorities ensure that landowners are fulfilling their duties in this respect and publish those who do not comply on their websites. In the nature of good relations, the NP is not enforcing this compliance and perhaps this should be corrected.

Question. 5 Do you have any views on a visitor payback scheme which would help with the ROW maintenance?

In general, this is a good idea, the National Trust are implementing a charge at Storey Arms and have already introduced similar schemes elsewhere. It is made clear that the money received will be used to maintain the path, charging does not seem to be an issue. This is a positive way for money to be given back to maintain the infrastructure. On the coast and at National Trust properties it is usual to charge and is accepted, this is how money is collected provides opportunities to inform the public and change perceptions. Members of the BBNP JAAF echoed this view in a workshop session.

There needs to be a good spread of visitors throughout the year and encouraging them to spend more money by finding additional things for them to do so they are encouraged to spend a night or two.

RECOMMENDATION 17: The use of visitor payback schemes should be investigated as part of any programme to increase resources for the management of the PROW in the National Park

Usage of the network

It has proved difficult to gauge any very accurate figures for usage of the overall respective networks. Trail counters are generally placed on more popular tourist routes as part of larger projects. For example we can give reasonably accurate footfalls for the Coastal Path and BBNP Waterfalls area but from the outset of this study, this was always going to be a challenge for the more remote parts of the network. The investment required in gaining a more accurate assessment is expensive in both time and equipment. Where usage will be a factor is when a route is being promoted or is becoming over used, Then monitoring footfall becomes a useful monitoring tool.

*I have counters at all the main access points in the area which enables me to calculate estimates of how many people are visiting the area as well as user numbers for specific paths. I've found the data useful for applying for grants, justifying work, and targeting work at specific areas. **Warden, BBNP Waterfalls area***

PCNPA have accurate figures for usage of the PROW network by using electronic path counters. In addition to counters on the Coast Path seven counters have been placed on the wider PROW network since 2006. These provide data on remote paths; village paths and paths that are not promoted on the website to provide an indication of the varying levels of use. Counters show that the network of PROW collectively account for a significant level of recreational activity distributed across the National Park. Levels of use have also increased over the years. The counters are installed, serviced and monitored by an external contractor. The cost of maintaining

14 counters is £4,500 pa. Inclusive of this cost are three quarterly reports a year prepared by the contractor.

RECOMMENDATION 18: Network usage is seen as a major factor for gauging priorities for future investment in PROW network. Each NPA will need to consider how it might wish to collect data on usage in the future. Opportunities to extend the provision via contractor of current counters in PCNP could be investigated as a monitoring option for BBNP. In addition the extension of user satisfaction surveys should be investigated.

Promotion of ROW network

This issue probably provoke more impassioned responses than any other topic. All the expert witnesses covered it at hearing panels in both NPs and the following points were made:

- There needs to be a greater degree of communication between different sections of the organisations such as tourism, education etc. when promoting a route. It is better to prepare a route for increased footfall than repair damage done afterwards. The number of people out there using the ROW has steadily increased and bad weather does not put them off any more thanks to the high spec all weather gear available.
In the Brynamman area of BBNP where pre-emptive action was carried out on strengthening and working on a route prior to its promotion as part of a wider Geopark strategy, the plan worked well.
- The issue of balancing promotion with carrying capacity is one that has been the subject of various discussions in a Geopark context over an extended period. The Walking Tourism Strategy, Sustainable Tourism Strategy and forthcoming Visitor Management Plan all address this question, and it is touched upon in the BBNP National Park Management Plan too. A consultative mechanism has been put in place whereby the details of any route which it is proposed be promoted through for example new trail leaflets, are circulated to a range of interested parties within the Authority and including the rights of way and access staff. Their observations are taken along with those of wardens, conservation team etc. and, if required, modifications would be made to the proposals which themselves would then be consulted upon.
- Consultation also takes place with interested outside parties such as the community council and unitary authority where, as is often the case, a part of the route extends beyond the boundaries of the National park/Geopark.
- It has been observed that the time allowed for consultees to comment constructively is not always sufficient– this can be for reasons outside the control of officers and may be grant body driven.

- On occasion it may be necessary to invest in the paths concerned so as to bring them up to a standard suitable for promotion both in the interests of the visitor's experience and in the interests of the locality e.g. to prevent erosional damage, trampling etc. This course of action was taken in connection with the development of '**From Cwm to Cwm**' a joint project with the Black Mountain Centre at Brynaman. Both the NPA, through the warden service, and Carmarthenshire County Council carried out a variety of maintenance and improvement works on the circuit of paths involved – which straddled the park boundary.

*'If you don't get people out into the countryside to enjoy it, relate to it then you don't have the political will'. **Panel Member in BBNP hearing***

RECOMMENDATION 19: There should be a clear process in place when the promotion of any particular area is considered to address any ROW issues within the proposed areas prior to any funding bids being undertaken and appropriate maintenance resources included as part of the project budget.

- There is a delicate balance between promoting the Park and conserving its special qualities. GIS mapping allows layers of information about an area to be examined in detail.
- During the hearings there were several pleas, which were echoed in some of the public questionnaire responses about signing on bridleways particularly in remote areas. Any signage in these more remote areas bring with them a whole raft of related problems, not least of safety and of again achieving the balance between 'wilderness', conserving the special qualities and promoting access and enjoyment .
- BBNPA is currently looking at developing a remote area policy but before it can do that, it needs to undertake a landscape character assessment to look at concepts of remoteness in relation to practicalities on the ground. The study will look at the need to assess the qualities of wildness, tranquillity and remoteness across the Park to develop a policy related to the impacts of recreation and development on these qualities.

*Not enough access points to high ground for no good reason. Lets have more and the network paths are not always interlinked intelligently. **Respondent to the public questionnaire***

- Until this work is completed, it is difficult to address these issues.
- Promotion of the wide range of access opportunities that the PROW affords in PCNP is crucial. Surveys show a lack of awareness of access opportunities.
- PCNPA pioneered the development of promoting walks on its website. There are now over 200 promoted walks on the website providing a wide range of

access opportunities, however, the basic format of a downloadable map and brief interpretation/information now is in need of review. A selection of walks at the most popular destinations needs to be enhanced with photographs and annotated directions are needed to encourage more participation.

- The activities and events programme includes many guided walks and is being extended to introduce specific groups and communities to countryside access.
- Enhanced distance and destination signage is a response to feedback and will continue to be provided.

*I do not believe that 81.5% of the path network in the Park is available for use I can show you on the map or on the ground at least ten paths within two miles of the western boundary of the park that are not signed and are not usable. **Respondent to the public questionnaire***

Reducing resources

This is a universal issue for most public bodies currently however there were some particular points made on this issue.

*Clearly constrained resources will be a major factor causing competition between different aspects of the Park Authority's activities. It is therefore essential that the management structure and consequent allocation of staff and resources to the management of the rights of way network be kept under review to ensure best use of limited resources. In relation to that we consider that the value of a properly maintained rights of way network both to the nation and to the Park Authority itself in managing visitors needs full recognition and that this activity should therefore be ranked among the Park's high priorities in the allocation of resources. **Campaign for the Protection of Rural Wales***

Hearing BBNP

Lack of resources proved to be a real and perceived issue – the warden team in BBNP has lost 5 members of staff in the last 2 years which is having an impact on the amount of work that can be carried out and often has meant that the team is having to become more reactive instead of being proactive.

In addition, the quality of materials can sometimes be not of the standard previously used which in turn leads to more frequent maintenance.

Losses to the Warden Service since 2009 are set out in the table below. Not all of the post holders undertook direct wardening activity. (The Car Park attendant or Car Park Watch posts are an example of the benefits volunteers bring. It should be remembered that these volunteers will need effective management which has a resource

*The wardens are the eyes, ears and muscle of the organisation and are responsible for ensuring that everything is kept as open as it can be. **External Expert witness BBNP hearing***

implication in itself however the rewards of a well managed and effective volunteer force can be well worth the investment).

In June 2009 the Wardens complement (excluding the peripheral posts) was 17.5, split into Eastern Area 7, Western Area 10.5. In Dec 2011 the same complement stood at 13 plus 2 vacant posts, split Eastern area 5 posts plus 2 vacancies, Western Area 8 posts. With regard to the vacant posts not all of the salaries costs were taken as savings to meet the cuts and this funding has been available to buy in casual warden resource pending the Directorate Review. So the effective complement stood at 14 plus one vacancy.

The Directorate Review establishes the Wardens Service with a complement of 13 FTE plus 1 vacancy (which is subject to funding) and not including the proposed Warden trainees which seek to bolster the service.

The reduction in complement represents approximately 26% over the 2.5 years since June 2009 and nearly all of these have been as a result of resignations or retirements, the savings from which have, in the main, gone to balance the budget in successive years (the alternative would have been compulsory redundancies elsewhere in the Authority). The reductions have all pre-dated the Directorate Review, which has sought to safeguard the remaining post-holders for the future.

The wardens duties have remained the same during this period and the ROW performance data indicates that there appears to have been no significant drop off in performance in terms of jobs completed etc. as the following stats appear to demonstrate. However, it should be noted that the figures for jobs completed may be subject to change due to problems with reporting software which is currently reporting more jobs on the system that can be practically accounted for. In addition, there may be an element of under reporting by staff. (This data reflects the fact that some of the capacity lost was not front line, as in the case of the Depot Warden for example, and suggests, possibly, that the Wardens service was not optimally structured prior to 2009).

The stricter National ROW Performance Indicator figures since 2007 show that the amount of the network in BBNP open under this criteria as relatively low whereas using the agreed 'open' criteria between the two NPs, this figure rises to 76% for 2010 / 11:

2007/08	2008/09	2009/10	2010/11
46.04%	44.97%	63.04%	54%

Over the same periods, here is the total number of jobs completed by the Wardens:

2007/08	2008/09	2009/10	2010/11	2011/12
494	673	529	562	486 (so far)*

* there is currently about a 21% difference between jobs on the system and worksheets

The capacity to deliver land management projects will have reduced as a result of the loss of in-house manpower but this has been partly offset during this period by

undertaking contract works on projects such as the Cross-Border and Forgotten Landscapes projects, which have both been led by the Access Team.

The Directorate Review secures a balancing of the resource between East and West teams. The replacement of the one Estate Worker post is dependent on funding because the strategic decision was taken to bolster Visitor Services as the main engine of income generation potential within the Authority.

Post	Reason for leaving	Narrative	Direct Wardening resource (FTE)
Area Manager	Resigned	Post vacant prior to Directorate Review and part salary savings taken to meet 2.7% WG cut	1
Assistant Area Warden	Redeployed on health grounds	Post vacant prior to Directorate Review and salary used to buy in casual Wardens labour	1
Estate Warden/Depot Warden	Retired	Retirement prior to Directorate Review and salary savings taken to meet 2.7% WG cut	1
Estate Warden	Retired	Retirement in June 2009 and savings taken to address budget issues at that time	1
Estate Worker	Resigned	Post holder resigned prior to Directorate Review and post not filled (large part of duties involved grounds maintenance at NPVC)	0.5
Car Park Attendant	Retired	Retirement prior to Directorate Review and salary savings taken to meet 2.7% WG cut	0
Car Park Watch Co-ordinator	Secured	Part-time post for which funding ceased. Post holder transferred to CYN as Estate Worker part time and also supplied part-time labour under casual arrangement above.	0

Resources are crucial to the management of PROW. PCNPA is adequately resourced with regard to the maintenance of PROW; however, improvements including the opening of obstructed paths are largely dependent on staff time rather than budget costs. Where deliberate obstructions require enforcement action this has proven to be costly in terms of legal services and staff time. Even if PCNPA only continue to pursue the strategic opening of a relatively limited number of key routes to achieve recreational demand it will require political commitment and result in a significant cost in terms of staff time. The opening of 100% of the network would incur further additional costs. Consideration therefore needs to be given to the role of the highway authority in assisting with enforcement action with its greater funding and legal services. The Delegation Agreement could be altered to require the

highway authority to undertake the enforcement action required to open the remaining PROW of strategic importance.

RECOMMENDATION 20: Given the difficulties identified in the jobs reporting systems, as a matter of urgency, BBNPA looks into improving its recording systems for the ROW network and works undertaken thereon.

Stock control appears to be another area where systems may need to be reviewed as the more formal systems that existed when the BBNP had a depot appear no longer to be in place.

RECOMMENDATION 21: BBNPA looks into how stock control is managed in relation to worked undertaken on the ROW network.

7 Recommendations and Priorities for action

Recommendations are broadly split into those more concerned with the scrutiny process and those concerned with the ROW scrutiny topic. At this stage is it possible to suggest priorities for the ROW recommendations, but without officer input, a detailed action plan is not possible.

RECOMMENDATION 22: Relevant officers within each NPA should address the ROW recommendations from this scrutiny study and produce a more detailed action plan to be presented to each NPA relevant committee within six months of publication of this report.

7.1 Scrutiny Process Learning points and Recommendations

While many of the following learning points and recommendations concerning the process element of this study may have already been included in the development of scrutiny processes within each NPA, it is important that these are not lost and continue to form an important element of any future scrutiny development within each NPA.

The learning points and recommendations in this section have not been prioritised as they are all critical to how the scrutiny process is developed over the coming year.

Learning points from the ROW Scrutiny Study dealing with the scrutiny process	
1	With almost any public consultation process, it needs to be remembered that some of those who respond will be doing so from a very small minority perspective so the analysis of any consultation process will need to be mindful of this potential ability to skew results.
2	If multiple-choice style questions requiring a priority to be expressed are included in future, careful thought will need to be given to the wording and the questionnaire could be piloted first to check for misunderstanding.
3	There is a need for a comprehensive communication strategy to be prepared alongside the scrutiny study itself particularly when public involvement is sought in order to manage external expectations of what the study is all about. This should contain a section on providing feedback to those who contributed. It should also be recognised that this will have a resource element.

4	<p>Interaction with and feedback from the community councils within the BBNP was very limited. Comments were only made where members of the BBNPA were able to interact directly with individual community councils. A more effective method of consultation might be sought through the community council cluster meetings with senior officers and relevant NP and LA members attending. This is only practical where these fit within the meeting cycles and should be kept in mind when future scrutiny studies are planned.</p> <p>In Pembrokeshire, many of the community councils chose to send in information via their individual members using the public questionnaire only. Formal engagement with community councils in PCNP on access/PROW matters has resulted in limited success. The preparation of the ROWIP resulted in relatively few responses from community councils across the county. Similarly the uptake of Community Path Schemes by community councils has been low. This could suggest, however, a degree of satisfaction with the level of service in respect of PROW.</p>
5	<p>It would seem to be more practical to have a smaller more proactive working group of members and key officers to steer a scrutiny study with perhaps the involvement of an independent external member of the group to act as the 'critical friend'</p>
6	<p>Questions to panel members at hearings and how they were asked built on lessons learned in the first pilot scrutiny where inexperience in the process led to multiple questions being asked. This resulted in those participating not necessarily answering the key question. It was as a result of this experience that it was decided within this scrutiny study to prepare questions and circulate them to all concerned prior to the hearing. This gave those attending time to prepare.</p>
7	<p>If observers and / or members of the public are encouraged at hearings, this will need very careful consideration because while it may be seen on the one hand as a further opportunity to involve our stakeholders and be open and transparent; it could be viewed as intimidating by those who take part. The confidence of those taking part and the subject matter will need to be considerations if observers are permitted.</p>
8	<p>The gathering of sufficient information at both hearings and expert witness sessions and the subsequent typing up and analysis is resource intensive. Sufficient staff resources need to be built into any study using these options for gathering information.</p>
9	<p>With the availability of web based information and the amount of routine record keeping that goes on within the organisations involved, it is easy to get swamped by this element. In practice, staff within the respective NPs have suggested the most useful reference documents.</p>
10	<p>While it is essential to have a lead person in the scrutiny process, the report writing should not be left to any one individual and a scrutiny team should collectively have input.</p>

Recommendations from the ROW Scrutiny Study dealing with the scrutiny process

1	Time is an important issue when considering any scrutiny study and proved to be particularly so when involving people outside the respective National Parks. Sufficient consultation time needs to be built into any future scrutiny review where the involvement of the public and outside bodies forms a critical element.
2	Where a scrutiny review involves external members or public consultation, there should be an accompanying communication strategy together with a section on providing feedback for contributors.
3	If the involvement of community councils is required in future, thought should be given as to the most appropriate mechanisms for doing this effectively. Sufficient time needs to be built into the process
4	The use of 'workshop' type sessions within existing stakeholder forums can be an efficient use of time and resources provided it can be inserted into agendas with the appropriate amount of notice.
5	All those who responded positively and offered to provide more information at the questionnaire stage should be contacted with the results of the scrutiny review.
6	If hearings and expert witnesses are used in future scrutiny studies, any options to record sessions should comply with guidelines set out by the NPA for the recording of its meetings generally
7	Whenever practical and possible, site visits to further understand issues should be included within the relevant scrutiny plan.

7.2 ROW Scrutiny Study Recommendations

While it is possible to broadly prioritise the recommendations in this report into high (within 6 months), medium (within 1 year) and longer term (within 4 years), managers and officers within each NPA will need to address these ROW recommendations and produce a more detailed action plan to be presented to each NPA relevant committee for consideration within six months of publication of this report. Within BBNPA it will be the role of the Audit and Scrutiny Committee to monitor progress on the implementation of these recommendations.

Recommendations for the PROW Network arising from the Scrutiny Study		
REC. NO.	ACTION	PRIORITY
10	It is recommended that BBNPA look at how it might re-negotiate its agreements with its constituent local authorities using this report as evidence of the cost of maintaining the network.	HIGH
12	PCNPA should urgently review its delegation agreement with Pembrokeshire County Council with a view to negotiating a financial contribution and / or a reduction in duties.	HIGH
14	Future decisions affecting any aspect of the ROW network management should include an input from the respective warden services prior to any final decisions being taken.	HIGH
15	<p>It is recommended that the following criteria be applied in the next financial year and onwards for any comparative purposes.</p> <ol style="list-style-type: none"> 1. Is the right of way signposted from a metalled road? 2. Is the right of way passable? (i.e. the surface condition and vegetation growth do not impede passage) 3. Is the furniture on the right of way in a satisfactory condition? (i.e. is it fit for purpose) <p>It should be recognised that while this comparison can offer a 'fair' picture, it should not be regarded as 100% accurate.</p> <p>In addition if continuous comparisons are to be made in the future then an agreement needs to be reached on how the costs of managing the ROW network are accounted between the respective NPAs</p>	HIGH

19	There should be a clear process in place when the promotion of any particular area is considered to address any ROW issues within the proposed areas prior to any funding bids being undertaken and appropriate maintenance resources included as part of the project budget.	HIGH
20	Given the difficulties identified in the jobs reporting systems, as a matter of urgency, BBNPA looks into improving its recording systems for the ROW network and works undertaken thereon	HIGH
21	BBNPA looks into how stock control is managed in relation to worked undertaken on the ROW network.	HIGH

9	In the light of the new Equalities Duty the NPs will need to re-asses the ROW network in each NP area to explore options for improving access both physical and intellectual within the current budgetary constrains.	MEDIUM
11	BBNPA looks at how it can work with landowners to enforce breaches of duty by landowners over whose land PROW run. In order to help this process, BBNPA looks to how other authorities manage this aspect	MEDIUM
13	Methods of recording volunteering input into the NPs should be regularised. This would serve to highlight the contribution volunteers make to NP work and also provide valuable information in the future when volunteer time may be required as proof of community involvement and match funding.	MEDIUM
8	Where appropriate NPs should work with partners to develop and promote walks within the PROW network as useful 'Walking Prescriptions'	MEDIUM / LONG
18	Network usage is seen as a major factor for gauging priorities for future investment in PROW network. Each NPA will need to consider how it might wish to collect data on usage in the future. Opportunities to extend the provision via contractor of current counters in PCNP could be investigated as a monitoring option for BBNP. In addition the extension of user satisfaction surveys should be investigated	MEDIUM / LONG TERM
16	Each NPA addresses the issue of anomalies on their respective networks using the priorities identified as a result of the ROWIPs.	LONG TERM
17	The use of visitor payback schemes should be investigated as part of any programme to increase resources for the management of the PROW in the National Park	LONG TERM