

NORTH YORKSHIRE LOCAL ACCESS FORUM

5 AUGUST, 2004

APPLICATIONS FOR RESTRICTIONS ON ACCESS TO OPEN ACCESS LAND – CONSTITUTION OF PROPOSED SUB-GROUP

1.0	<u>PURPOSE OF THE REPORT</u>
1.1	For the Forum to consider whether it wishes to proceed with the establishment of a sub-group to deal with applications for restrictions on access to open access land and, if so, to determine the membership of such a group.

2.0 **BACKGROUND**

- 2.1 In a discussion paper, prepared by Max Grant, considered at the meeting of the Local Access Forum on 18 March, this year, it was stated that the Countryside Agency, as the relevant Authority, is required to have regard to the views of the Forum when determining restriction directions of greater than six months duration, and the review of these directions. The Forum's formal advice to the Countryside Agency must, however, be received by the Agency within four months of the Agency's receipt of the application.
- 2.2 The discussion paper stated that there are currently no recommendations on how Local Access Forums should undertake their duty to advise the Countryside Agency, although a three month long pilot scheme was being carried out in the Peak District from 1 March, 2004. In the absence of other guidance, this Forum asked that a paper be submitted to this meeting proposing how a sub-group of six Members of the Forum might be established to undertake this role.
- 2.3 This was initially on the agenda for the meeting on 17 June, 2004 but, although a sub-group was established to advise on the preparation of the Access Management Plan, no decision was taken on arrangements for responding to applications for restrictions, pending a presentation on the issue from the Countryside Agency.

3.0 **PROPOSALS FOR A SUB-GROUP**

- 3.1 The proposal was that a balanced sub-group of, say, six Members could be established to meet on a regular basis, say every six weeks. The Local Access Forums (England) Regulations 2002 do not make any explicit provision for the establishment of sub-groups, but nor do they explicitly state that the establishment of such sub-groups would be unlawful. As the role which it is envisaged will be carried out by the sub-group would be purely advisory, any risk associated with establishing such a sub-group would seem to be limited.
- 2.2 The earlier discussion paper indicated, however, that a pilot scheme was to be operated and it may be that Members of the Forum would wish to see whether any specific guidance will subsequently be issued. The regional timetable for commencement of the new right of access indicates that the commencement date for the majority of North Yorkshire is May, 2005 although in the Craven area it will be September, 2004. Members of the Forum may wish to take a view on how pressing it is to have appropriate arrangements in place.
- 2.3 Members of the Forum will be aware that the membership of eighteen is split between three groups considered generally to represent the interests of either landowners/occupiers/managers; or of rights of way/open land user groups; or of

other/multiple interests. A sub-group of six Members, with two Members regarded as representing each of the three interest groups, could be established. It may be considered appropriate to seek to achieve a reasonable geographical spread of representation across the County.

- 2.4 No Members of the Forum have yet specifically indicated that they would be interested in serving on such a sub-group. If most Members of any interest group on the Forum would wish to be involved, it may be more appropriate for each interest group to meet and agree which names they would wish to put forward to represent their interest group.
- 2.5 If the Forum wishes to pursue this line, I think it would then be important that a resolution is passed specifically empowering these Members to meet as a group and to advise the Countryside Agency on applications for restrictions on access to open access land, on behalf of the North Yorkshire Local Access Forum.

4.0 **ALTERNATIVE CONSIDERATION BY THE FORUM**

- 4.1 Alternatively, Members of the Forum may wish to seek to deal with such applications in full Forum meetings, initially, until there is greater clarity about the number of applications which may arise. The Forum meets on a quarterly basis currently and it appears that the Forum's response would need to be received by the Countryside Agency only within four months of that Agency receiving the application. It may be that, with careful scheduling of the Local Access Forum's meetings, it may be possible for such applications to be dealt with by the Forum as a whole, especially if the Countryside Agency can undertake to advise the Secretary of the Forum of the receipt of applications, without delay. If necessary, of course, it would always be possible to call an additional meeting of the Forum to deal with applications if, for some reason, it would not otherwise be possible to respond within the four months time limit.

5.0	<p><u>RECOMMENDATIONS</u></p> <p>That the Forum consider</p>
5.1	<p>Whether it wishes to proceed with the establishment of a sub-group to advise the Countryside Agency of the Forum's views on applications for restrictions on access to open access land of greater than six months duration and, if so:-</p> <ul style="list-style-type: none"> • to appoint the Members of the sub-group; and • to authorise those Members to advise the Countryside Agency of the Forum's views, on the Forum's behalf.
5.2	<p>Or, whether the Local Access Forum would wish to defer appointing any such sub-group until the outcome of the pilot scheme in the Peak District is known.</p>
5.3	<p>Or, whether the Forum would wish, at least initially, to seek to deal with such applications at its scheduled meetings, bearing in mind the possibility that an additional meeting may occasionally be necessary in order to meet deadlines for responses on such applications.</p>

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28 July, 2004