

**NORTH YORKSHIRE COUNTY COUNCIL**

**NORTH YORKSHIRE LOCAL ACCESS FORUM**

Minutes of the meeting held at County Hall, Northallerton on Thursday, 11 August 2005.

**PRESENT:-**

Derek Welford in the Chair.

North Yorkshire County Council: County Councillors Eric Broadbent, John Fort BEM and Michael S Knaggs.

Other Members: Diane Baines, Leo Crone, Roland Firby, Edward Flexman, Christopher Gibson, John Goss, Nigel Graham, Timothy Lawrie, Stephen Ramsden, Tony Turner and Thomas Wheelwright.

Officers: Paul Atkin, David Bowe, John Edwards, Chris Jones and Keith Watkins.

Apologies for absence were received from David Currie, Nigel Graham and Judith Ratcliffe.

**14. MINUTES**

**RESOLVED –**

That the Minutes of the meeting held on 3 June 2005, having been printed and circulated be taken as read and be confirmed and signed by the Chairman as a correct record.

**15. MATTERS ARISING**

A Member considered that it had been agreed at the previous meeting to write to the Ramblers Association to obtain that body's support for Diversion Orders which were not opposed by the local Ramblers Association. It was thought that this matter had been raised by Mr Dennison as the Ramblers Association Headquarters, as a matter of course, objected to any diversion proposals. The Chairman reminded the meeting that the decision on such Orders was not made by the LAF but, as with the DMMO's was made elsewhere. Keith Watkins added that any application needed to satisfy certain criteria and if that was done then it was for the Highway Authority to make the Order and defend it if necessary at any subsequent Public Inquiry. County Councillor John Fort mentioned diversion of footpaths around farmyards on health and safety grounds, as farmyards were in effect classed as industrial land.

Mr Firby pointed out that the LAF was a body that had been established to advise the County Council on matters of access and in this respect diversions were extremely important and without this aspect of the work there would be little for the Forum to do.

County Councillor Knaggs referred to an example of a footpath in his area which proceeded through a farmyard and pointed out the dangers of the public walking this path. Mr Lawrie thought that in such cases there needed to be more emphasis on signage and the provision of stiles around farms to assist ramblers to cross sensitive sites. County Councillor Fort said that such paths had been placed on the Definitive Maps in the 1950's and that farms had since grown into industrial premises since that time. John Goss reported that there was to be a meeting in York in September of all the Regional LAFs, at which this matter would perhaps be discussed. Mr Turner said that he had spoken to both landowners and tenants who were very dismissive because of such issues and considered that it would be helpful, from a public relations point of view, if the Local Access Forum could help. The meeting was informed that the Vice-Chairman would be attending the regional Local Access

Forum event in York and that further places were available if anyone else was interested.

**RESOLVED –**

That -

- (i). a further report be referred to the next meeting on how the Local Access Forum could be involved in advising on general principles involved with Diversion Applications particularly those involving farmyards.
- (ii) a letter be sent to the Ramblers Association Headquarters seeking clarification of their policy on rights of way diversion applications where the local Association did not object to the making of a Diversion Order.

**16. PUBLIC QUESTIONS OR STATEMENTS**

The Head of Committee Services reported that he had received no indications of any public questions or statements prior to the meeting and the public present indicated that they did not wish to raise any matters.

**17. MANAGEMENT AND MAINTENANCE OF THE GREEN LANE NETWORK**

CONSIDERED –

Report of the Corporate Director of Environmental Services explaining the current position regarding the management and maintenance of Green Lanes.

David Bowe, Assistant Director, Highways, North Yorkshire attended the meeting and outlined the current position on this matter.

County Councillor Knaggs reported that he had very recently stood down as a member of the North York Moors National Park Committee after a period of 10 years but remained a member of the National Park Committee's Local Access Forum and was therefore very aware of the problems that 4 x 4 vehicles made in such places as Dalby Forest. The National Park Authority had granted permission for 4 x 4's to use part of the forest but this had led to problems in particular with such vehicles winning themselves out of difficulties. Consequently the National Park Authority had not renewed the permission in the current year and in his opinion it would be extremely difficult to reinstate the damage that had been caused. He added that drivers of such vehicles also drove on the Green Lanes which had not been contained in the planning consent granted. He asked whether there were any other areas in the County where this was happening and suggested that Members should take an opportunity to look at the damage that had been caused. Mr Bowe reported that this was the only area in the County that was used as a business for off-roading and that the issue came down to the management of it. He added that the County Council could pursue the cost of reinstatement if the damage had been caused by one user but there was the added problem that, as a Green Lane, the Highway Authority should have been maintaining it anyway as it was available for passage and re-passage of vehicles but not for recreational activity. A Member pointed out that there were other facilities that could be used by 4 x 4 vehicle owners within easy reach at privately owned facilities at Bedale and Wolsingham.

John Goss reported that at Kielder Forest vehicles could be used under supervision and he thought that there were other similar places where this could be done. He considered that it was the management issue that was the problem rather than the users of the forest as such activities were welcomed at Kielder. County Councillor Knaggs pointed out that the problem at Dalby Forest had been the use of Green Lanes that had not been included in the licence that had been granted.

Mr Bowe referred to the problems in other areas of the County with Green Lanes where Experimental Traffic Regulation Orders had been placed on a number of Green Lanes, however it was hoped that in time there would be a management and maintenance policy for the green lane network. He also referred to the possible use of other measures such as restricted use TROs or seasonal TROs. There was the issue of needing to look at what access should be prohibited, who wished to use such routes and the cost of managing any damage. This would be a matter of targeting areas the whole issue being one of achieving a balance. In answer to a question Mr Bowe said that some vehicle users merely wished to use the trails as a route in the middle of the countryside as opposed to users who were using areas because they were particularly difficult and challenging. He also pointed to the difficulties of a blanket ban of vehicles on all Green Lanes across the County and consequently there was a need to look at the whole network in order to recognise which routes vehicles could be encouraged to use. The aim of this hopefully discouraging illegal use of other routes.

Diane Baines pointed out that users of the routes were not compatible especially as some were walkers whereas others were drivers of Land Rovers etc. Mr Bowe acknowledged that the damage did appear to be directly related to vehicle use and consequently he would be looking at the issue from the maintenance and management point of view. The Green Lanes Liaison Group would therefore be looking for a pragmatic solution.

Leo Crone commented that on any one day there was a 96% chance of not meeting a vehicle. Mr Turner said that he rode horses in the Dalby Forest on Sundays and could not avoid meeting with motor cycles and Land Rovers however he accepted that many of those users were courteous and that many of the motor cycles stopped and switched off their engines. Mr Crone suggested that by appropriate way-marking it would be known as to whether a walker or a user was likely to meet a vehicle, and such could be accommodated through the use of different coloured way-markings.

Mr Bowe expressed the hope that a robust Management and Maintenance Policy would be established and accepted that there was an issue as to how this stage would be reached by the Green Lane Liaison Group; especially as the Group was not very representative of landowners and local communities. He remarked that he would be happy to receive any views as to the way forward.

County Councillor Fort referred to the use of the roads as accommodation roads and said that there was a lot of disquiet as to who was actually doing the damage and suggested that there was a necessity for a voluntary code of conduct for use to be introduced and whilst Mr Bowe agreed to take this matter forward he reminded Members that the problem with Green Lanes was that such use by vehicles was legitimate until proved otherwise.

It was accepted that there was a need to curtail "cowboy" users as unless this was done the problems would remain. Mr Lawrie remarked that there was a need for legislation to clarify the legal position as the situation of there being a legitimate use unless proved otherwise was unsatisfactory. Mr Bowe commented that there was no problem with cases of prosecution where evidence was available, however the dilemma was that it was extremely difficult to record the evidence of damage being caused by any particular users. John Goss added that this was extenuated by the fact that illegal users did not have any licence plates registration numbers, insurance or MOT and that even the implementation of the four Experimental Traffic Regulation Orders had not curtailed the illegal use altogether. Mr Goss pointed out that for wheelchair users who needed access to the countryside in their vehicles there needed to be some sort of provision for Green Lane use together with permission for such use by the support vehicles that disabled persons required to ensure that they were safe.

Members discussed the difficulties of the Police being able to enforce the illegal use of Green Lanes. Although there was now legislation for the Police to confiscate untaxed vehicles, there were however many other pressures on the Police at the present time. It was suggested that the opportunity could perhaps be taken of involving North Yorkshire Police by having the next meeting of the Forum at Newby Wiske.

**RESOLVED –**

That –

- (i) the report be received;
- (ii) North Yorkshire Police and the North Yorkshire Fire and Rescue Service be invited to attend meetings of the Forum when there are appropriate items of interest for discussion.

**18. RIGHTS OF WAY IMPROVEMENT PLAN – JOINT LOCAL ACCESS FORUM EVENT**

**CONSIDERED –**

Report of the Public Rights of Way Improvement Plan Officer concerning the Joint Local Access Forum Event held on 6 July 2005.

Keith Watkins reported that the objective of the event had been to give a steer to the Local Access Forum; the event having been attended by many organisations from all areas, although it had been disappointing that there had not been more of the North Yorkshire LAF Members in attendance with one of the issues being the requirement the LAF had in directing the County Council with regard to the Local Access Plan. Consequently there was a need for the LAF to be more pro-active in directing a steer in this matter.

Members commented that, whilst it was disappointing that there had been a low turn out of Members this was partly due to the short notice that had been given and the event had also clashed with the AONB Annual Conference in Durham held on the same day. The Chairman remarked that it had not just been the North Yorkshire LAF that was not well represented as there had been in general a poor turn out of LAF Members from elsewhere. County Councillor Broadbent pointed out that there had also been a Planning Seminar held on that same day.

The Chairman stated that, regardless of this, the event had been very good and he thanked Angela Flowers for the work she had put into the arrangements. Members suggested that if a similar event was held in the next year then it would be appropriate for a longer period of notice to be given.

**RESOLVED –**

That the report be noted.

**19. LOCAL ACCESS FORUM ANNUAL REPORT – 2004/05**

**CONSIDERED –**

Report of the Head of Countryside Services concerning the Local Access Forum Annual Report for 2004-2005.

John Edwards pointed to the display of photographs for the Annual Report. A copy of the Chairman's introduction for inclusion at page 3 of the report was circulated at the meeting.

Mr Edwards reported that, following publication of the report it was intended to include an article in the November issue of the North Yorkshire Reporter. Consideration was given as to who the report was to be distributed to and a Member suggested that for walkers and other groups the production of glossy leaflets would be more appropriate. Mr Edwards commented that his Unit only had a very limited supply of action photos and asked whether any Members were able to provide these for inclusion in the document.

A Member suggested that it would be appropriate for primary access points on to moors to be designated by a sign as was done in Northumberland and Durham and said that he himself had not seen any signs from any roadways to public access land. He therefore suggested that it would be appropriate to include in the document a photograph of an access point. On this aspect County Councillor Fort mentioned that the LAFs work was only just beginning and that he himself had attended numerous meetings where access maps had been discussed until the early hours of the morning. Diane Baines commented that not many people actually knew what Local Access Forums were and consequently there was a need to be user friendly.

John Edwards questioned as to who would read the Annual Report and who it was aimed at. The Chairman suggested that the report could be condensed, for example for inclusion in the North Yorkshire Reporter, with the main report being placed in the Public Libraries. County Councillor Fort suggested that discussions should take place with the two National Park Authorities especially in view of the fact that the users travelled to various areas of the County including both of the National Parks. Mr Turner suggested that the Annual Report itself was not the best method by which to promote Forum activities.

#### **RESOLVED –**

- (i) That the final text of the Annual Report is approved and published and a copy placed on the web-site.

## **20. FIRE HAZARDS**

#### **CONSIDERED –**

Report of the Open Access Officer concerning proposals to update existing Fire Plans in Nidderdale and possibly across the whole County, excluding the National Parks and, concerning measures the Countryside Service should take if any, to promote fire awareness amongst visitors to North Yorkshire moor land.

The issue as to who was the most appropriate person or Authority to lead on this matter was discussed and Mr Jones mentioned that, for example in part of Derbyshire the issue was led by the Fire Brigade. County Councillor Broadbent stressed that it was imperative to get the message out to the public and consequently therefore there needed to be some involvement of the Fire Authorities especially as the North Yorkshire Fire and Rescue Service had purchased new community based vehicles to access such areas as moor land. He suggested that mobile libraries could take leaflets around the rural areas where the problems of fire may occur. Members also discussed the appropriateness of displaying “High Risk of Fire” signs particularly around tourist areas and also discussed whether it would be appropriate for the media weather reports when reporting on pollen counts to make reference to any high risk of moor land fires.

County Councillor Knaggs pointed to the problems of straw fires in the Ryedale area at the present time and Mr Welford drew attention to the very large area of moorland in Nidderdale which was not contained within the National Park area.

County Councillor Fort warned against publicising in the Press any warnings since this could encourage those persons who caused fires to do so. He added that persons who set fires alight did not go into such places as the Tourist Information Centres and suggested that it would be appropriate for information to be provided through the North Yorkshire Fire & Rescue Service and at annual shows and fetes etc. He also hoped that user groups would spread the word amongst their members as many 4 x 4 vehicles carried their own fire extinguishers which would be of help in such situations. County Councillor Fort also drew attention to the problems in the Peak District caused by motor cycles which, when falling over had set fire to the moorland.

Mr Ramsden said that there was already a process through the Meteorological Office and the Countryside Agency which dealt with this matter but it was his view that the first point for information/messages should be at a more local level. Mr Jones informed the meeting that if the Fire Risk Index got up to 4 then the land could be closed as had already been done in Nidderdale.

Mr Wheelwright pointed out that on that occasion the information had not got down to the local landowners or occupiers consequently there was a need for a pro-active role to be undertaken in order to increase fire prevention rather than a reactive role. He added that there was a particular problem as fire engines were unable to travel on peat as they became bogged down. He therefore suggested that the Nidderdale AONB Area be used for a pilot study and that this be widened out to other parts of North Yorkshire that were not contained within the two National Parks.

Diane Baines expressed the view that the primary Authorities should be the Fire Service rather than the County Council and suggested that assistance should be provided to the Fire Authority to assist in the production and distribution of leaflets etc. A Member pointed out that within the National Park area the Fire Service was not always happy to deal with isolated moor land fires if properties were not involved. It was also suggested that advice should be provided to Parish Councils etc in the form of technical advice on how to put out fires. There was also a need for there to be education within the classroom on this matter.

John Goss suggested that it would be appropriate to follow the same guidelines for the Nidderdale area as the Countryside Agency had applied within the Yorkshire Dales National Park of having red/orange notice boards for the levels of risk in order that the public would become educated to follow a standard system. In this respect it would be appropriate to visit the National Park in order to see how they had rolled their plan out to inform the public at information points etc since it would not be practical to erect signs at every access point. It was suggested that such notifications could be put out by the 40 volunteers who worked every weekend.

County Councillor Fort expressed concerns with regard to the lighting of fires for barbecues.

## **RESOLVED –**

That –

- (i) subject to discussion with the Yorkshire Dales National Park Authority the proposal to update the Fire Plans in the Nidderdale AONB and other parts of the County with moors and open access be endorsed.
- (ii) the representatives of North Yorkshire Police and the North Yorkshire Fire and Rescue Service be invited to attend the next meeting of the Committee at which there be further discussion on the promotion of a fire awareness campaign and the questions as to who should lead the campaign, what organisations need to be involved and what media should be used.

## **21. REVIEW OF LOCAL ACCESS FORUMS – THE FINAL REPORT OF THE COUNTRYSIDE AGENCY**

CONSIDERED –

Report of the Head of Countryside Services concerning the findings of research undertaken on behalf of the Countryside Agency into the operation of Local Access Forums.

Some Members expressed the view that they had not had sufficient time in which to read and digest the content of the report, nevertheless the Chairman decided to take provisional soundings from the Members present at the meeting.

The Chairman commented that to date there had been little communication between him and the Head of Committee Services who was responsible for the formatting of the agenda etc and with the County Council in general as regards discussions on agenda setting and venues for meetings etc. Diane Baines expressed the view that such lack of communication led to uncertainty and that there needed to be a pro-active view of what agenda items needed to be considered by the Forum and the reasons why.

It was accepted that the CROW Act had been a flagship project and that there was an obvious need for areas to be linked together by rights of way and to the highways network however, as sufficient finances were not available for this many of the areas were only available to the able bodied and to those interested in bird watching etc. Mr Lawrie expressed the view that the Forum needed to become more involved with the provision to access land from the main highways, as had been done in Upper Teesdale where new stiles and kissing gates had been put in in remote areas.

County Councillor Broadbent felt that there was a degree of unjust criticism in the report but accepted that it led the way for agenda matters to come from the Members themselves. It was also thought that much of the report did not deal with like with like and whilst Rights of Way were extremely important in Counties such as North Yorkshire some urban areas perhaps did not even possess one right of way.

John Edwards reminded Members that it had been the practice to organise the Committee in the format of a Local Authority Committee and questioned whether this should continue or whether there should be a Forward Plan with a focus on Open Access and the Improvement Plan. There was also the issue of whether reports should be put to members for their consideration or whether the Head of Countryside Services should actively seek out a few specific issues for debate at meetings for example, the problems of former mineshafts in Open Access Areas which had been a very interesting discussion and had previously resulted in a site visit.

Mr Ramsden reminded the meeting that up to the present time the Forum had needed to be re-active for everything but he hoped that in the future it would become more pro-active. County Councillor Broadbent considered that some quick wins would be of advantage and County Councillor Fort considered that it was essential to inform the Committee of such matters as County Council's CPA for Countryside Services and the necessity to achieve targets in order to receive grant monies.

Diane Baines referred to the Local Development Framework for each area and the intentions of the District Councils to ask the public for their views for earmarking sites for housing development etc and suggested that it would be appropriate for the Forum to discuss how it could influence the LDFs in terms of improving the footpath network. She added that there could then be a wider debate for the whole of North Yorkshire about the footpath network in the County aimed at obtaining monies from developers towards the improvement of the footpath network. She considered that so far as the Hambleton District was concerned this was an urgent issue as that Authority was currently carrying out its review on the Local Development Framework.

In her opinion a very good footpath network could be formed by obtaining local support for acquiring of Section 106 Agreement monies following which there would only be the matter of maintenance of these paths.

**RESOLVED –**

That –

- (i) A further report be further considered at the next meeting, bearing in mind the comments made by Members above.

**22. ACCESS NEWSLETTER ISSUE NUMBERS 9, 10 AND 11 (JUNE/JULY 2005) DEFRA**

The Access Newsletters issue numbers 9, 10 and 11 were received and their content noted.

**23. DATE AND TIME OF NEXT MEETING**

The Chairman commented that he had received a number of observations from Members who could not attend the current meeting due to the change of date and undertook, where possible, that if such Members had requested that a particular item be placed on an agenda and then could not attend in such circumstances then that item would be placed on the agenda for the next meeting.

**RESOLVED –**

That the next meeting of the North Yorkshire Local Access Forum be held on Thursday, 24 November 2005 at 1.00 pm at the Bewerley Park Centre, Pateley Bridge.