

North Yorkshire  
Local Access Forum

18 May 2006

Links to Open Access Land

1.0 Purpose of Report

1.1 The purpose of this report is to suggest a management system to deal with the numerous pockets of open access land to which there is little or no legal right of way.

2.0 Introduction

2.1 There are a number of situations where the public may find it difficult to reach areas of access land. These areas fall into three broad categories: firstly there are blocks of land with no public access at all; secondly there are larger areas of access land where access is limited; and finally there are parcels of land with only one access point forming a cul-de-sac. With limited resources, the County Council cannot realistically provide a link to every pocket of access land. In some cases, where the amenity value of the parcel is limited, providing a link could be seen as an poor use of resources.

2.2 Initial studies indicate that there are over 400 parcels of open access land in North Yorkshire that fall into one of the above situations. With such a high number, a policy is needed to address the issue and prioritise where effort and resources could best be concentrated.

2.3 Parcels vary in size, from areas no bigger than an acre to areas well over a hundred acres. These pockets tend to be isolated from other access land are sometimes some distance from existing public rights of way or highways.

3.0 Criteria

3.1 In order to manage the situation, we need to prioritise which parcels of access land need links and discard those with no significant public benefit. In order to achieve this, the following criteria are suggested against which each parcel could be tested. Each criterion will be given a weighting reflecting its importance and the higher scoring parcels would go to the top of the priority list for management action:

3.2 *Would a link to the open access island improve the rights of way network?*

In order to achieve maximum benefit for any new link, it has to fit into the network and provide an improvement.

3.3 *Does the parcel of land have significant amenity value?*

This is a rather subjective factor, however an important one. If the parcel of access land has no obvious attraction and does not provide a significant improvement to the network, any links created would be unlikely to be used and therefore would be a waste of resources.

3.4 *Is the parcel of land environmentally sensitive to disturbance?*

There may be cases where providing a link to a certain parcel of environmentally sensitive land would have a detrimental impact on the habitat or biodiversity of that parcel. Some parcels will be designated as a SSSI (Site of Special Scientific Interest). In this instance, we will have to consult English Nature, who will already have assessed the parcel of land and may wish access to be restricted.

3.5 *Would the new link be accessible by public transport?*

If a link to access land is also available to people arriving in the area by public transport, this will allow more people to access the parcel.

3.6 *Is there scope to provide an easy-going link to the access land?*

As above, if the proposed link has the benefit of limited barriers, gentle gradients and a good surface, then it will be capable of being used by more people.

3.7 *Will the location of a new link cause a problem to locals?*

This factor may not be obvious at the beginning of the process but local knowledge may highlight issues before a creation agreement is sought. An example of this could be where a link starts from a village but the village has limited parking and cars could be left on the road verge causing a blockage.

3.8 *Has the link and parcel of access land been identified by a user group?*

We have already had a number of instances where parcels of access land with limited or no public links have been brought to our attention. This would suggest that there is already a demand for the link and that it would be a useful link.

4.0 Scoring Matrix

4.1 Each parcel of land could be given a unique number and a scoring sheet filled out for each parcel. Below is a suggested scoring table:

Criterion	Scoring range			Score
To what extent does the proposed link improve the existing Rights of Way Network?	No improvement	0 - 20	Significant Improvement	
Does the parcel of land have significant amenity value?	No amenity value	0 - 20	High amenity value	
Is the parcel of land environmentally sensitive to disturbance?	Highly sensitive protective area	0 - 20	Little environmental sensitivity	
Would the new link be accessible by public transport	No public transport available	0 - 10	Good public transport links	
Is there scope to provide an easy-going link to the access land?	No scope	0 - 10	enormous scope	
Will the location of a new link cause a problem to locals?	Many issues	0 - 10	No issues	
Has the link and parcel of access land been identified by a user group?	Not been Identified	0 - 10	Identified	
			TOTAL	

- 4.2 The officer scoring the parcels will have to make a number of judgements, using his/her own knowledge and skill. The scorer will also have to liaise with colleagues with local knowledge, as it would be inefficient to visit each parcel of access land.
- 4.3 Once a parcel of access land has been scored, it will then be placed in order, giving us our priority list. This list can then be incorporated into the Rights of Way Improvement Plan.
- 5.0 Creating New Links
- 5.1 Once we have a list of priorities there is still no guarantee of securing a right of way to the parcel. The County Council has certain powers to create a Right of Way but a Planning Inspector ultimately decides if the case goes to a public inquiry. The best and most efficient way of securing a Right of Way is through agreement with the landowner. However there are a number of other solutions to providing a link to access land, and the four principal mechanisms are listed below:

- 5.2 Creation Agreement – Creation by agreement is relatively straightforward. It is put into effect by a formal agreement between the Council and the landowner. The result is a Public Right of Way open to the public at anytime for perpetuity.
- 5.3 Creation order - Creating a path by order instead of by agreement. This could be appropriate where the landowner is opposed to the creation and the link would bring strong public benefit. The creation has to go out to public consultation and if an agreement cannot be found the case can go to a public inquiry. If the order is successful this will result in a Public Right of Way open to the public at anytime for perpetuity.
- 5.4 Higher Level Stewardship – There are options in the Higher Level Stewardship Scheme to provide a formal permissive link to access land. This option provides the public with a link and a payment for the landowner for the duration of the agreement, usually over a 10 year period.
- 5.5 Dedication - Under Section 16 the Countryside and Rights of Way Act 2000 landowners can dedicate land as access land. This can also take the form of linear routes. Under a pilot scheme run by the Countryside Agency, the landowner will receive payments for dedication. The final details of this scheme are not available at present. This will provide the public with a route in perpetuity, although the landowner will have control to close the route for up to 28 days a year (it is in effect access land).
- 6.0 Access Management Grant Scheme
- 6.1 There is quite a lot of work to be done compiling the priority list. We have an extra year of the Access Management Grant Scheme and therefore could bid for funding to employ or cover the costs of someone to do this work.
- 7.0 Conclusion
- 7.1 The criteria and scoring system suggested above provide a mechanism for managing access to access land throughout North Yorkshire which currently has missing or poor links. Using the Access Management Grant Scheme, it might be possible to fund the extra time required to carry out the assessment. The resulting priority list could then be incorporated into the Rights of Way Improvement Plan.

8.0 Recommendations

8.1 It is recommended that members:

- (a) endorse the principle of the proposed project set out in the report; and
- (b) agree that the suggested criteria are relevant and the weightings are proportionate.

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