

NORTH YORKSHIRE LOCAL ACCESS FORUM

Minutes of the meeting held at Bewerley Park Outdoor Education Centre, Pateley Bridge, on Thursday, 18 May 2006.

PRESENT:-

North Yorkshire County Council: County Councillors John Fort and Michael S Knaggs.

Other Members – Allan Aspden, Leo Crone, David Currie, Robert Dennison, Edward Flexman, Christopher David Gibson, John Goss, Stephen Ramsden, Judith Ratcliffe, David Swabey, Paul Tibbatts, Tony Turner and Tom Wheelwright.

Officers: John Edwards, Chris Jones, Angela Flowers and Jane Wilkinson.

Two members of the public.

Apologies for absence were received from County Councillor Eric Broadbent, and Diane Baines and Iain Burgess.

COPIES OF ALL DOCUMENTS CONSIDERED ARE IN THE MINUTE BOOK

1. APPOINTMENT OF CHAIRMAN

RESOLVED –

That Edward Flexman is appointed Chairman of the Forum to hold office until the first meeting of the Forum after 1 April 2007.

2. APPOINTMENT OF VICE-CHAIRMAN

RESOLVED –

That Tony Turner is appointed Vice-Chairman of the Forum to hold office until the first meeting of the Forum after 1 April 2007.

3. MINUTES

RESOLVED –

That the Minutes of the meeting held on 23 February 2006, having been printed and circulated be taken as read and confirmed and be signed by the Chairman as a correct record subject to the following amendments:-

Minute No 46 - Information on Public Rights of Way,
The words "and to the Leader of the North Yorkshire County Council". be added to resolution (iv).

Minute No 48 - Local Access Forum Forward Plan,
The following resolution be added – "That the Secretary write to the former Chairman of the Forum, Derek Welford expressing the thanks of Forum Members for the contribution he made to the work of the Forum".

4. PUBLIC QUESTIONS OR STATEMENTS

None received.

5. NATURAL ENVIRONMENT AND RURAL COMMUNITIES (NERC) ACT 2006

CONSIDERED –

The report of Iain Burgess, Access and Public Rights of Way Manager presented by John Edwards, Head of the Countryside Service for North Yorkshire County Council. Leo Crone stated that the provisions contained in Section 67 of the NERC Act had resulted in a lot of uncertainty and confusion amongst users. In other parts of the country local authorities and LAFs had produced a Schedule of those ways where it was now illegal to use mechanically propelled vehicles following introduction of the Act. These lists had been disseminated to user groups whose members had found the information very helpful as they used them as a guide to ensure their activities were legal. He was also aware that the Police within the County were already enforcing the new Act by issuing Section 59 Notices to illegal users. On receipt of a Section 59 Notice users were given an initial warning and a further breach could result in their vehicles being confiscated. This seemed very harsh as neither the two National Parks nor the County Council had published a list of those ways whose status had changed as a result of the Act or where the use of mechanically propelled vehicles was still permitted. Leo Crone requested that the County Council give urgent consideration to publishing such a list. The Head of the Countryside Service, John Edwards, agreed that the production of schedules as suggested was a reasonable suggestion but, as this was the responsibility of Highways North Yorkshire, he would need to investigate if it was feasible.. It was also pointed out that the availability of such a list/s would be useful for Countryside Volunteers and National Park Wardens. John Edwards agreed that Iain Burgess would contact Leo Crone following the meeting to arrange a meeting to discuss the practicality of compiling a schedule.

Members of the Forum pointed out that the manufacturers of satellite navigation systems currently in use were unaware of the changes brought about by the Act, and consequently users of satellite navigation systems were still being directed along illegal/inappropriate routes.

Members of the Forum enquired why Green Lanes were not specifically signed like they were in many other parts of the country. Forum members agreed that proper signage would be beneficial to all types of users. John Edwards advised the Forum that the Green Lanes Liaison Group had been established to formulate a green lanes policy and this would determine what form of usage was appropriate. The Liaison Group was currently being reconstituted and work on the policy would be completed when the constitution of the group has been agreed. The Forum would be consulted on the Draft Green Lanes Policy as soon as it was available. He referred Members to the Forum's Forward Work Programme that already included an item on consultation on green lanes. David Gibson suggested that the newly constituted membership of the Green Lanes Liaison Group should include a representative/s from the Forum. County Councillor John Fort reminded Forum Members that the summer months were fast approaching and would see high levels of activity on Green Lanes. As a method of promoting their legal use, he suggested that a joint press release was issued by the Forum and the Green Lanes Liaison Group as soon as possible.

Tony Turner referred to the suggestion made at a previous meeting to invite a senior representative of North Yorkshire Police to attend the joint LAF meeting with Yorkshire Dales and North York Moors to give their views on enforcement issues. It was acknowledged that the enforcement of TRO's was not a Police priority.

RESOLVED –

- (a) That Iain Burgess arranges a meeting with Leo Crone as a matter of urgency to investigate the feasibility of drafting:-
 - (i) a Schedule of unclassified county roads in North Yorkshire that are unsurfaced where the use of mechanically propelled vehicles is still legal.
 - (ii) a Schedule of unclassified county roads in North Yorkshire that are unsurfaced where the use of mechanically propelled vehicles was previously permitted but has now been withdrawn following the introduction of the NERC ACT as they are recorded on the Definitive Map as being a public right of way.
- (b) That the Chairman and representatives from the two National Park Local Access Forums in North Yorkshire jointly publicise the distribution/availability of the Schedules referred to in the resolution above.
- (c) That the North Yorkshire Local Access Forum invites the Deputy Chief Constable of North Yorkshire Police to attend the joint meeting of all three Local Access Forums in North Yorkshire (date to be arranged) to discuss enforcement issues surrounding the new draft Green Lanes Policy when available.
- (d) That following their publication copies of the Schedule/s referred to in the resolution above are distributed to National Park Wardens, Countryside volunteers and North Yorkshire Police.
- (e) That the County Council is asked to include a representative of the North Yorkshire Local Access Forum on the Green Lanes Liaison Group and that the Chairman Ted Flexman be nominated as the Forum's representative.

6. DRAFT SCHEME ORDERS A1M DISHFORTH TO BARTON

CONSIDERED –

The report of the Access and Public Rights of Way Manager presented by John Edwards, Head of the Countryside Service advising Forum Members of the implications for rights of way of the proposed scheme for the Dishforth to Barton A1 improvement.

The Forum agreed that unless proper provision was made then routes would not be used. Copies of the written comments of Judith Ratcliffe were circulated at the meeting. Members agreed that the area in question was important to tourism and that the provision of two crossing points on a 25 mile stretch of road was inadequate. Members discussed the design of verges, access roads, bridges and underpasses required to meet the needs of specific user groups.

County Councillor John Fort recommended that if the Highways Agency had set aside monies for upgrade works to the Rights of Way Network, then the Forum should submit suggestions for its allocation.

The Chairman pointed out that the Highways Agency had produced a leaflet on the scheme and were hosting a public exhibition on 26 and 27 May 2006 at the Scotch Corner Hotel. Angela Flowers advised the Forum that through her work on the Rights of Way Improvement Plan she was aware that the Highways Agency was already over budget and thought it unlikely that any additional bridge crossing points would be provided.

Members of the Forum welcomed the report and agreed that the Forum should submit a formal response to the consultation. Members discussed the establishment of a Sub-Group to draft a response to the consultation. John Edwards advised that it was likely that a public inquiry would be held, and based on past experience any written comments submitted would be treated as objections. Forum Members thanked Judith Ratcliffe for the work she had done on this subject.

RESOLVED –

- (i) That the North Yorkshire Local Access Forum establishes a Sub-Group comprised of Judith Ratcliffe, Tony Turner and Iain Burgess to draft a response to the Highways Agency consultation on the Dishforth to Barton A1 Improvement.
- (ii) That a copy of the response be referred to the next meeting of the Forum.

7. ORDER OF BUSINESS

RESOLVED –

That the order of business be amended so that the next item of business be item 10, The Use of Access Land for Training Racehorses.

8. THE USE OF ACCESS LAND FOR TRAINING RACE HORSES

Chris Jones reported orally on developments since the last meeting. Members were advised that there was general consensus that it was in everyone's best interest to separate the public and horses. The Forum was advised that the land in question at Thixendale was open access land and that it was the responsibility of the landowner to apply for a Restriction Order to prevent the public from coming into contact with the horses whilst in training. Application forms and literature had been given to the tenant farmer, but to date no application had been lodged. The County Council was unable to erect any signs on the site until the outcome of the application was known. The current situation was that the public had a legal right of access to the open access land which was currently used for training point to point horses.

County Councillor Mike Knaggs was extremely concerned that unless the public and the horses were segregated there would be a serious accident. He had spoken to the tenant farmer who was also extremely concerned and worried about his personal liability should there be an accident. The segregation of public and horses would not affect public enjoyment as it was a matter of inches and the width of a fence. He considered the erection of a sign in the interim period before any restriction application was determined was of paramount importance on health and safety grounds but Chris Jones advised that the County Council had no powers to do so.

The Chairman requested David Gibson to pass on the comments of the LAF to the Ramblers Association. As a way forward Forum Members suggested that in the interim period before a restriction application was determined the Ramblers Association are invited to erect a temporary sign on the site in order to protect their members and the public. LAF Members agreed that until the landowner/tenant submitted a restriction application there was nothing further the County Council could do to resolve the situation.

RESOLVED –

That Iain Burgess consults the tenant farmer and invites the Ramblers Association to consider erecting a sign on open access land at Thixendale to protect the public from racehorses in training.

9. RIGHTS OF WAY IMPROVEMENT PLAN

CONSIDERED –

The report of the Public Rights of Way Improvement Plan Officer updating Members on progress made since the last meeting regarding preparation of the Rights of Way Improvement Plan for North Yorkshire.

Tony Turner referred to paragraph 3.4 of the report and stated that he had spoken to the Chairman of his local Parish Council, who was very enthusiastic about conducting a project similar to the one in Skipton and had requested further information in order to progress this work.

The Public Rights of Way Improvement Plan Officer confirmed that assessment packs would be circulated to the new Members of the Forum.

RESOLVED –

- (i) That the content of the report be noted.
- (ii) That assessment packs be forwarded to the new Members of the Forum.

10. ANNUAL REPORT 2005/06

CONSIDERED –

The report of the Head of the Countryside Services seeking Members' comments on the draft Annual Report 2005/06

Members commented as follows:-

- (i) That the address of David Currie be amended.
- (ii) That the Member Profile of David Gibson and Tom Wheelwright be amended in accordance with the comments made at the meeting.
- (iii) That the Member Profile of County Councillor John Fort be completed.

RESOLVED –

That, subject to inclusion of the comments made above, the Annual Report for 2005/06 be approved for publication.

11. LINKS TO OPEN ACCESS LAND

CONSIDERED –

The report of the Access Officer suggesting a management system for dealing with pockets of open access land within the County to which there is little or no legal right of way.

David Currie referred to the criteria and suggested scorings and stated that in his opinion the initial assessment of a parcel of land should not include scoring awarded for its accessibility by public transport. If an assessment of public transport accessibility did form part of an initial evaluation, then the scores awarded under the criteria proposed would skew the overall priority awarded. He believed that accessibility to public transport was not relevant to the majority of people who would pursue their right of access. The Access Officer suggested that the scoring range for "scope to provide an easy-going link to the access land" was increased on the grounds that public transport was not always accessible to people with mobility

problems and as a means of overcoming the difficulties highlighted by David Currie. Angela Flowers considered it vital that consideration of accessibility to public transport remained part of the criteria. County Councillor John Fort supported the comments of David Currie and suggested that the criteria be amended so that it was not part of the initial evaluation.

Tom Wheelwright suggested that any creation agreement should be flexible so as to take account of cropping patterns. A codicil to this effect would make a Creation Agreement much more attractive to a landowner. David Gibson pointed out that the creation of a permissive route i.e. a route diverted to accommodate farming practices, would not be a permanent right of way.

Members suggested that in view of the large amount of survey work to be done user groups be invited to do some of the work which would also achieve greater coverage than just one person. Members agreed that Parish Councils should be included in the list of groups that would be consulted on a possible link between access land and the rights of way network where there was a significant amount of access land within their boundaries.

RESOLVED –

- (i) That the North Yorkshire Local Access Forum endorses the principle of the project as set out in the report.
- (ii) That the suggested criteria be approved, subject to their amendment to reflect the comments made at the meeting.

12. FORWARD PLAN

Members received the future work programme for the Forum. Members were pleased to see that items mentioned at previous meetings had been included.

David Currie requested a report on what the County Council was doing to meet the needs of disabled people who wanted to access the countryside. He also requested that the report include practical examples of improvements made to increase disabled access together with details of the budget available for improvement works and future projects.

John Edwards reported that Diane Baines had requested a report on the expansion of Catterick Garrison and its effects upon the Rights of Way Network.

John Edwards referred to the suggested agenda items for the August meeting and stated that the item on the Rights of Way Improvement Plan should be the subject of a special joint meeting with the two National Park LAFs. Following a request from Forum Members John Edwards agreed to report progress made to the next meeting progress regarding fixing a date for the joint LAF meeting on the Draft Green Lane Policy.

RESOLVED –

- (i) That the content of the North Yorkshire Local Access Forum Forward Plan be noted and approved.
- (ii) That reports on:-
 - (a) The affect of the expansion of Catterick Garrison on the rights of way network; and
 - (b) improvements to the rights of way network in North Yorkshire to enable disabled people access the countryside

are incorporated in the Forward Plan.

13. DATE AND TIME OF NEXT MEETING

The Chairman advised Members that subject to confirmation of the venue it was intended to hold the next business meeting on the morning of Thursday, 17 August 2006 at Hovingham Village Hall, Hovingham followed by lunch and a site visit in the afternoon.

RESOLVED –

That subject to confirmation the next meeting of the North Yorkshire Local Access Forum is held on Thursday, 17 August 2006 commencing at 10.30 am at Hovingham Village Hall, Hovingham followed by lunch and site visit to the Howardian Hills AONB.

14. FIRE HAZARDS

The Chairman agreed that the following item be dealt with as a matter of urgent business due to the immediate risk of fire in the countryside.

County Councillor John Fort reported that the North York Moors National Park had experienced two large fires recently, one caused by a spark from a steam engine and the other by a barbecue. He urged that fire awareness was immediately promoted.

Chris Jones reported that he had produced a leaflet on the subject which should soon be available for distribution.

RESOLVED –

That the Chairman issues a press release, promoting fire awareness and the launch of the Fire Hazards leaflet.

15. MANAGEMENT AND MAINTENANCE OF THE GREEN LANES NETWORK

Leo Crone referred to the discussion of the above item at the meeting of the Forum held on 11 August 2005 during which David Bowe had stated that if representatives from motorised user groups were willing to work together to help repair damaged green lanes then the County Council would be prepared to assist them with this.

In order to progress this with motorised user groups Leo Crone asked for confirmation of the statement made by David Bowe to be put in writing to him.