

NORTH YORKSHIRE

LOCAL ACCESS FORUM

18 May 2006

APPOINTMENT OF CHAIRMAN AND VICE-CHAIRMAN

1. The appointment of a Chairman is the first item of business on the Agenda.
2. A copy of the Local Access Forums (England) Regulations 2002 are attached. Regulation 6 (3) to 6(6) refers to the appointment of the Chairman.
3. Regulation 6 (5) says that the period of appointment of the Chairman or Vice Chairman should be determined by the Forum, but should not exceed the period of appointment as a member of the Forum. Previous appointments of Chairman and Vice Chairman have been only for a period of one year. This is allowed maximum flexibility in the operation of the Forum.
4. Attached to the Agenda is a list of the Members of the Local Access Forum. This list indicates which interest group Members of the Forum have been allocated to. In some instances the allocations are, I believe, quite clear. In other cases, however, I recognise that allocations have been made based on an officers' assessment of the relative balance of interests of Members of the Forum. This particularly applies to those Members stated to represent "other interests" – see Regulation 4 (3) of the Regulations.
5. Regulation 6 (6) makes clear that the Forum should not appoint as Vice Chairman a Member of the Forum who is considered to be representative of the same interest group identified in Regulation 4(3) as the Chairman – except in the case where the Chairman represents interests in sub-Regulation (c) and the candidate for appointment as Vice-Chairman represents some different interest under that sub-regulation.
6. The Forum is, therefore, free to appoint a representative of any of the interest groups as Chairman, but the Chairman should then rule as inadmissible any nomination for Vice Chairman of a Member who represents the same interest group as him/her, unless the Chairman represents "other" interests and the nominee for the Vice Chairmanship can be shown to represent **different** "other" interests.
7. In considering which Member of the Forum should be appointed as Chairman and Vice Chairman, the Members of the Forum may wish to give thought to – and may wish to express a view on – what the role of the Chairman should be and the extent of the Chairman's powers. I believe that the basic duties of a Chairman might be summarised as:-
 - To preserve order;
 - To ensure that the proceedings of the meeting are properly conducted, according to law and according to any Standing Orders or rules of the body concerned;
 - To ensure that all shades of opinion are given a firm and fair hearing as so far as is practicable; and
 - To ensure that the sense of the meeting is accurately ascertained and recorded.
8. In carrying out those basic duties the Chairman might be expected to:-
 - Seek to bring a meeting, or members of the public attending a meeting, to order and, if that cannot be achieved, decide to adjourn the meeting to a future time and, if necessary, date;
 - To ensure the meeting starts and finishes on time and to manage the conduct of business accordingly;

- To ensure that any rules about length of speeches are followed;
- The speeches are addressed to the Chair and receive a fair hearing;
- That speeches are relevant to the matter before the meeting and that speakers are not offensive;
- To rule on questions relating to procedure.
- To remain impartial.

9. Outside the meeting I would expect the Chairman of the Forum to have limited powers, but these might include:-

- Being consulted on dates, times, venues for future meetings;
- Being consulted on items for the agenda, the order of the agenda and guide timings for agenda items, if a Forum wishes to adopt such an approach.
- Agreeing the terms of any decision record coming from a meeting of the Forum which needs to be submitted to the County Council, as part of the Forum's advisory function, before the minutes have been confirmed by the Forum itself.

While the Chairman might be consulted on the items on the agenda, I do not believe that the Chairman should be able to control the agenda (recognising the need to maintain a reasonable balance between interests represented on the Forum).

JANE WILKINSON
Secretary to the North Yorkshire Local Access Forum
Head of Committee Services

County Hall
NORTHALLERTON

10 May 2006
JW/ALJ

Background Documents: None

2002 No. 1836

COUNTRYSIDE, ENGLAND

The Local Access Forums (England) Regulations 2002

Made - - - - - 15th July 2002
Laid before Parliament 16th July 2002
Coming into force - - - 7th August 2002

The Secretary of State for Environment, Food and Rural Affairs, in exercise of the powers conferred upon her by sections 94(1) and (3) and 95(1), (2) and (5) of the Countryside and Rights of Way Act 2000(a), and of all other powers enabling her in that behalf, having regard to the desirability of maintaining a reasonable balance between the number of members of any local access forum appointed in accordance with paragraph (a) and in accordance with paragraph (b) of section 95(2) of that Act, hereby makes the following Regulations:

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Local Access Forums (England) Regulations 2002 and shall come into force on 7th August 2002.

(2) These Regulations extend to England only(b).

Interpretation

2. In these Regulations references to sections are references to sections of the Countryside and Rights of Way Act 2000.

Establishment of a local access forum

3.—(1) Subject to regulation 13, where an appointing authority(c) is required, by section 94(1), to establish a local access forum, that authority shall establish the forum by appointing the members of the forum before 8th August 2003.

(2) Before establishing any local access forum an appointing authority which is a local highway authority shall consult—

- (a) any district council in their area, and
- (b) such other persons as they consider appropriate,

as to the area for which the forum is to be established.

(3) Before establishing any local access forum an appointing authority which is a National Park authority shall consult—

- (a) any district or county council for any part of the area of the National Park for which the National Park authority is the appointing authority, and
- (b) such other persons as they consider appropriate,

as to the area for which the forum is to be established.

(a) 2000 c. 37.

(b) Regulations made by the Secretary of State may be made only as respects England: see section 94(10) for the meaning of "regulations".

(c) See section 94(2) for the meaning of "appointing authority".

Membership of a local access forum

4.—(1) A local access forum shall consist of no fewer than 10 and not more than 22 members.

(2) In the case of a local access forum—

- (a) consisting of not more than 16 members, not more than two members of such forum may also be members of a district or county council or National Park authority for any part of the area of the forum,
- (b) consisting of no fewer than 17 members, not more than three members of such forum may also be members of a district or county council or National Park authority for any part of the area of the forum.

(3) The members shall be persons who appear to the appointing authority to be representative of—

- (a) users of local rights of way or the right conferred by section 2(1) (rights of public in relation to access land),
- (b) owners and occupiers of access land or land over which local rights of way subsist, or
- (c) any other interests especially relevant to the authority's area.

(4) The appointing authority shall ensure a reasonable balance is maintained between the number of members appointed in accordance with sub-paragraph (a) and in accordance with sub-paragraph (b) of paragraph (3).

(5) Subject to paragraph (6), before appointing any member the appointing authority shall—

- (a) advertise the vacancy—
 - (i) in such local or regional newspapers circulating in the authority's area as they consider appropriate, and
 - (ii) if they maintain a website on the internet, on such a website, and
- (b) consult such persons as they consider appropriate.

(6) The requirements in paragraph (5) to advertise and consult shall not apply to the appointment to a local access forum of any person who is a member of a district or county council or National Park authority for any part of the area of the forum.

Terms of membership

5.—(1) Subject to the following paragraphs of this regulation, the terms of appointment of a member of a local access forum shall be determined by the appointing authority and notified to him in writing.

(2) A member of a local access forum shall be appointed for not less than one and not more than three years.

(3) A member of a local access forum may resign by notice in writing to the appointing authority which appointed him.

(4) An appointing authority—

- (a) shall terminate the appointment of a member of a local access forum if they are satisfied that he has become a member of a district or county council or National Park authority and, as a result, regulation 4(2) is not complied with, and
- (b) may terminate the appointment of a member of a forum if—
 - (i) without the consent of the appointing authority, he has been absent from all meetings of the forum during a period of one year, or
 - (ii) he has failed to comply with regulation 6(7).

(5) An appointing authority may re-appoint a person who ceases to be a member of a local access forum.

Proceedings of a local access forum

6.—(1) Subject to the following paragraphs of this regulation and to regulations 7, 8 and 9, the proceedings (including the quorum) relating to the meetings of a local access forum shall be such as it may determine.

(2) A local access forum shall hold no fewer than two meetings every year.

(3) A local access forum shall have a chairman and a vice-chairman, who shall be appointed by election from amongst the members of the forum.

(4) The first chairman and vice-chairman of a local access forum shall be appointed at the first meeting of the forum.

(5) The period of appointment of the chairman and vice-chairman shall be determined by the local access forum, but in each case it may not exceed the period of appointment as a member of the forum.

(6) With a view to maintaining a reasonable balance between the interests of which the chairman and vice-chairman are respectively representative, a local access forum shall take such steps (as regards the selection of candidates for election as chairman and vice-chairman, determining the order in which they are appointed or the duration of their appointments as such, any combination of these or otherwise) as may be necessary to ensure that so far as practicable the chairman or the vice-chairman or each of them is a person who on his appointment as a member of the forum was eligible to be so appointed—

(a) on any basis mentioned in regulation 4(3) other than any on which the other was eligible to be so appointed, or

(b) (where each was appointed in accordance with regulation 4(3)(c)) on the basis of an interest other than any which was the basis on which the other was eligible to be so appointed.

(7) A member of a local access forum who is directly or indirectly interested in any matter brought up for consideration at a meeting of the forum shall disclose the nature of his interest to the meeting.

Access to meetings and documents of a local access forum

7.—(1) A meeting of a local access forum shall be open to the public.

(2) The right of admission of the public conferred by paragraph (1) is without prejudice to any power of exclusion to suppress or prevent disorderly conduct or other misbehaviour at a meeting.

(3) Copies of the agenda for a meeting of a local access forum and copies of any report for the meeting shall be open to inspection by members of the public at the offices of the appointing authority in accordance with paragraph (4).

(4) Any document which is required by paragraph (3) to be open to inspection shall be so open at least three clear days before the meeting, except that—

(a) where the meeting is convened at shorter notice, the copies of the agenda and reports shall be open to inspection from the time the meeting is convened, and

(b) where an item is added to an agenda, copies of the document adding the item to the agenda (or of the revised agenda), and the copies of any report for the meeting relating to the item, shall be open to inspection from the time the item is added to the agenda,

but nothing in this paragraph requires copies of any agenda, document or report to be open to inspection by the public until copies are available to members of the local access forum.

(5) An item of business may not be considered at a meeting of a local access forum unless either—

(a) paragraph (4) has been complied with, or

(b) by reason of special circumstances, which shall be specified in the minutes, the chairman of the meeting is of the opinion that the item should be considered at the meeting as a matter of urgency.

Inspection of minutes and other documents after meetings of a local access forum

8.—(1) After a meeting of a local access forum the following documents shall be open to inspection by members of the public at the offices of the appointing authority until the expiration of the period of two years beginning with the date of the meeting, namely—

- (a) the minutes, or a copy of the minutes, of the meeting,
- (b) a copy of the agenda for the meeting, and
- (c) a copy of any report for the meeting.

(2) If and so long as copies of a report for a meeting of a local access forum are required by paragraph (3) of regulation 7 or paragraph (1) of this regulation to be open to inspection by members of the public—

- (a) copies of a list, compiled by the secretary to the forum, of any background papers for the report, and

- (b) at least one copy of each of the documents included in that list,

shall also be open to their inspection at the offices of the appointing authority.

(3) Any document required by paragraph (1) or (2) to be open to inspection by members of the public shall be taken to be so open if arrangements exist for its production to members of the public as soon as is reasonably practicable after the making of a request to inspect it.

(4) For the purposes of paragraph (2) the background papers for a report are those documents relating to the subject matter of the report which—

- (a) disclose any facts or matters on which, in the opinion of the secretary to the local access forum, the report or an important part of the report is based, and

- (b) have, in his opinion, been relied on to a material extent in preparing the report, but do not include any published works.

Supplemental provisions about access to documents of a local access forum

9.—(1) A document required by regulation 7 or 8 to be open to inspection shall be so open at all reasonable hours.

(2) Where a document is open to inspection by a person under regulation 7 or 8, the person may, subject to paragraph (3)—

- (a) make copies of or extracts from the document, or

- (b) require the person having custody of the document to supply to him a copy of or extracts from the document,

upon payment to the appointing authority providing the facility of such reasonable fee as may be required in respect of any expenses thereby incurred.

(3) Paragraph (2) does not require or authorise the doing of any act which infringes the copyright in any work.

Secretary to a local access forum

10.—(1) The appointing authority shall employ a secretary for each local access forum which they establish.

(2) The secretary shall be responsible for the administration of the local access forum.

(3) The secretary may not be—

- (a) a member of the local access forum in relation to which he is employed as secretary, or
- (b) a member of the appointing authority in question.

Financial provisions

11.—(1) Subject to paragraph (2), an appointing authority shall meet any reasonable expenses incurred by a local access forum which they establish or by the members of that forum.

(2) For the purposes of paragraph (1), reasonable expenses incurred by the members of a local access forum are such expenses as are incurred by them in connection with their attendance at meetings of the forum and any other activities relating to the discharge of the functions of the forum, but only in respect of—

- (a) travel and subsistence costs, and

- (b) any expenses of arranging for the care of their children or dependants.

Annual report

12.—(1) A local access forum shall prepare an annual report on the discharge of its functions.

- (2) The report shall be published by the local access forum's appointing authority.

Joint local access forums

13.—(1) Two or more appointing authorities may establish a joint local access forum for their areas or for any parts of their areas by appointing the members of the forum before 8th August 2003, and where they propose to establish such a forum, references in regulation 3(2) and (3) to a local access forum shall be construed as references to a joint local access forum.

(2) Paragraph (1) shall not apply in relation to any appointing authority which has established a local access forum under regulation 3(1).

(3) Where a joint local access forum is established these Regulations shall have effect in relation to that forum with the following modifications—

- (a) any reference in these Regulations to a local access forum shall, unless a contrary intention appears, have effect as if for the words "local access forum" there were substituted the words "joint local access forum",
- (b) regulation 4 (membership of a local access forum) has effect as if—
- (i) in paragraph (3), for the words "appointing authority" there were substituted the words "the appointing authorities", and for the words "the authority's area" there were substituted the words "the authorities' areas",
 - (ii) in paragraph (4), for the words "The appointing authority" there were substituted the words "The appointing authorities", and
 - (iii) in paragraph (5), for the words "the appointing authority" there were substituted the words "the appointing authorities", for the words "the authority's area" there were substituted the words "their respective areas", and for the words "such a website" there were substituted the words "their respective websites",
- (c) regulation 5 (terms of membership) has effect as if—
- (i) in paragraph (1), for the words "the appointing authority" there were substituted the words "the appointing authorities",
 - (ii) in paragraph (3), for the words "the appointing authority" there were substituted the words "one of the appointing authorities",
 - (iii) in paragraph (4), for the words "An appointing authority" there were substituted the words "Appointing authorities", and in sub-paragraph (b)(i) of that paragraph, for the words "the appointing authority" there were substituted the words "one of the appointing authorities", and
 - (iv) in paragraph (5), for the words "An appointing authority" there were substituted the words "Appointing authorities",
- (d) regulation 7 (access to meetings and documents of a local access forum) has effect as if, in paragraph (3), for the words "the appointing authority" there were substituted the words "the appointing authorities",
- (e) regulation 8 (inspection of minutes and other documents after meetings of a local access forum) has effect as if, in paragraphs (1) and (2), for the words "the appointing authority" there were substituted the words "the appointing authorities",
- (f) regulation 10 (secretary to a local access forum) has effect as if—
- (i) in paragraph (1), for the words "The appointing authority" there were substituted the words "One of the appointing authorities", and
 - (ii) in paragraph (3), for the words "the appointing authority" there were substituted the words "any of the appointing authorities",
- (g) regulation 11 (financial provisions) has effect as if, in paragraph (1), for the words "an appointing authority" there were substituted the words "appointing authorities", and at the end of that paragraph there were inserted the words "in such shares as may be agreed or failing agreement, equally", and

- (h) regulation 12 (annual report) has effect as if, in paragraph (2), for the words “by the local access forum’s appointing authority” there were substituted the words “jointly by the local access forum’s appointing authorities”.

Application of these Regulations to London borough councils

14.—(1) Where a council of a London borough resolve(a) that section 94(1) applies to the council or to any part of their area, these Regulations shall, subject to the following paragraphs of this regulation, apply to the council of a London borough or to the part of their area to which the resolution relates.

(2) Regulations 3 (establishment of a local access forum) and 13 (joint local access forums) shall apply as if for the date mentioned in regulations 3(1) and 13(1) there were substituted a date one year after the date of the resolution.

(3) Regulation 4 (membership of a local access forum) shall have effect as if, in paragraphs (2)(a) and (b) and (6), for the words “district or county council” there were substituted the words “district, county or London borough council”.

(4) Regulation 5 (terms of membership) shall have effect as if, in paragraph (4)(a), for the words “district or county council” there were substituted the words “district, county or London borough council”.

Alun Michael
Minister of State

Department for Environment, Food and Rural Affairs

15th July 2002

(a) See section 94(7) which enables a council of a London borough council to resolve that section 94(1) shall apply to the council or to any part of their area.

EXPLANATORY NOTE

(This note is not part of the Regulations)

Section 94 of the Countryside and Rights of Way Act 2000 requires local highway authorities and National Park authorities to establish advisory bodies to be known as local access forums. The forums are required to advise about improvement of public access to land in their area for open-air recreational purposes. These Regulations, which extend to England only, make provision for the establishment and conduct of local access forums.

Regulation 3 requires local access forums to be established before 8th August 2003 and includes consultation requirements. Regulations 4 and 5 make provision about the membership of forums and the terms of such membership. Regulation 6 provides for the conduct of the proceedings of forums, and regulations 7 to 9 provide for public access to the meetings and documents of such forums.

Regulations 10, 11 and 12 provide respectively for the employment of a secretary for each local access forum, for the reasonable expenses of the forum and its members to be met by the authority which establishes the forum, and for the preparation of an annual report on the discharge of the functions of the forum.

Regulation 13 enables joint local access forums to be established, and regulation 14 makes provision where a council of a London borough resolve to establish a local access forum.

NORTH YORKSHIRE LOCAL ACCESS FORUM

Minutes of the meeting held at County Hall, Northallerton on Thursday, 23 February 2006.

PRESENT:-

Derek Welford in the Chair.

North Yorkshire County Council: County Councillor Michael S Knaggs.

Other Members – Diane Elizabeth Baines, David B Currie, Robert E Dennison, Roland Firby, Edward Flexman, Christopher David Gibson, Nigel Graham, Timothy C Laurie, Stephen Ramsden, Judith Radcliffe and Anthony Turner.

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

Four members of the public.

Apologies for absence were received from County Councillors Eric Broadbent, and John Fort Leo Crone, John Goss and Thomas Wheelwright.

COPIES OF ALL DOCUMENTS CONSIDERED ARE IN THE MINUTE BOOK

39. MINUTES

RESOLVED –

That the Minutes of the meeting held on 24 November 2005, having been printed and circulated be taken as read and confirmed and signed by the Chairman as a correct record subject to the following amendment:-

- That the names of Anthony Turner and Angela Flowers be added to the list of names as having tendered their apologies to the meeting.

40. PUBLIC QUESTIONS OR STATEMENTS

Brian Taylor a Member of Easingwold Town Council enquired what progress had been made regarding an application that had been lodged with the County Council to divert a public footpath that passed through Easingwold School. Joanne Coote responded that her recollection was that the adjacent land owner had failed to respond to consultation approaches. She agreed to check on the position on her return to the office and to contact the Parish Council direct with her findings.

A Member of Kirkby Fleetham Parish Council enquired about progress on an application submitted to the County Council for a circular walk around the village. Angela Flowers, agreed to speak to her colleague Peter Penny before giving a direct response to the Parish Council.

41. RIGHTS OF WAY IMPROVEMENT PLAN – PROGRESS REPORT

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. A copy of a letter outlining the content structure of the Rights of Way Improvement Plan was tabled at the meeting. Members were requested to feedback any comments they had on the proposed structure to Angela Flowers by 17 March 2006.

RESOLVED –

That the content of the report be noted.

42. SKIPTON PILOT PROJECT PHASE 1 REPORT

CONSIDERED –

The report of the Public Rights of Way Improvement Plan Officer summarising the results of the Skipton Pilot Project.

Members were informed that the project had been very labour intensive and that the original project was developed to look at the possibility of taking forward similar projects across the whole of North Yorkshire.

Members were advised that the nature of the improvement project per parish which could be carried out had yet to be identified and would be agreed following consultation with the local community. In view of the cross border issues involved Members suggested that a copy of the report be sent to the National Park.

Stephen Ramsden remarked that as maintenance of the existing rights of way network was fragmented and in view of the limited resources available any monies available should be spent on the existing network rather than on works to extend it even further.

Members were concerned that landowners/occupiers had yet to be consulted and thought that this should have been done at an initial stage of the project. Members debated whether if such a project was to be repeated in the future if it would be better to use Parish Councils as opposed to specific user groups as a point of contact.

David Gibson stated that he hoped recognition would be given to the volunteers involved and hoped that the local steering group that had been formed would continue to operate in the future. He requested that six copies of the plan are made available to the Steering Group who had arranged a meeting with Joanne Coote to take the project forward into the next phase.

Members congratulated officers for all their hard work in what had been a very interesting and worthwhile project.

RESOLVED –

- (i) That the content of the report be noted.
- (ii) That the key recommendations as set out in paragraph 3.27 of the report together with a further key recommendation that landowners/occupiers be consulted in the initial stages of the project be approved and used to guide the evolution of the Rights of Way Improvement Plan wherever possible.
- (iii) That the aims and objectives of the Skipton Pilot Project be collated and forwarded to the local co-ordinator for implementation.

- (iv) That the project co-ordinator and the volunteers involved in the study be thanked for their efforts and the valuable contribution they have made to the production of the Rights of Way Improvement Plan.

43. OPEN ACCESS UPDATE

CONSIDERED –

That the report of the Open Access Officer on the progress of Open Access in North Yorkshire.

David Currie suggested that a further column be added to the spreadsheet shown at Appendix 1 of the report to provide a further update on the action column. Such a column would give volunteers feedback on the incidents they had reported whilst on patrol.

David Gibson reported that he had been approached by members of the public complaining that there were not enough access points on to open access land in Nidderdale. He had asked for the complaints to be put in writing and asked officers if they were aware of any difficulties. Chris Jones responded that he was aware of one area in Nidderdale where there is some difficulty entering access land and stated that it was his intention to bring a report on this subject to the next meeting of the Forum. Members referred to access signage and whether there is any intention to put up access symbol discs. Chris Jones informed the Forum that he intended to use the volunteers to put up access discs. At the moment there were no guidelines for the volunteers to use on where to locate such signs. He confirmed that all landowners/occupiers would be consulted before access signs were placed on their land and that the guidance when available would differentiate between waymark discs and information boards.

RESOLVED –

- (i) That the content of the report be noted.
- (ii) That a further column be added to the spreadsheet shown at Appendix 1 of the report to provide a further update on action taken.
- (iii) That a report on the signing of access points to open access land be referred to the next meeting.

44. USE OF ACCESS LAND FOR TRAINING RACE HORSES

CONSIDERED –

The report of the Access Officer on issues surrounding the training of race horses on open access land. A copy of a map of the access land in question at Thixendale in the Yorkshire Wolds was circulated at the meeting.

County Councillor Mike Knaggs stated that he was familiar with the site and had grave concerns on health and safety grounds if the public continued to exercise their right to the open access land. An alternative route was available to the public that separated them from the galloping horses which he considered offered the ideal solution. The monies the occupier of the land derived from training racehorses represented a significant part of his overall income.

The Forum agreed that the current situation was unacceptable and that it raised various issues around what constituted the definition of a professional race horse trainer. Members noted that the occupier of the land intended to apply to the

Countryside Agency for seasonal restrictions and agreed to debate the matter in further detail if the Forum was formerly consulted. Members supported the action taken by the County Council.

RESOLVED –

- (i) That the content of the report be noted.
- (ii) That the North Yorkshire Local Access Forum supports the action taken by the County Council.
- (iii) That the wording on the notices referred to in the report be amended to show the reason why access is not permitted namely on health and safety grounds.

45. RANGER SERVICE ON BARDEN FELL

CONSIDERED –

The report of the Open Access Officer explaining a forthcoming extension to the area covered by the Access Volunteer Service in relation to Barden Fell and the options available for future wardening.

RESOLVED –

- (i) That the future arrangements for wardening the area of Barden Fell outside the Yorkshire Dales National Park be negotiated on the basis of an integrated NYCC/YDNP Partnership, in line with Option 2 in paragraph 4.1 of the report.

46. INFORMATION ON PUBLIC RIGHTS OF WAY

CONSIDERED –

The report of the Head of the Countryside Service providing information on public rights of way to inform the work of the Local Access Forum.

Members thanked John Edwards for producing the report and confirmed that the information it contained was what they wanted and was what they would like to continue to receive. The data provided helped give them a better understanding of the work of the Countryside Service. Members congratulated officers on achieving the LPSA target and were disappointed to note that the LPSA monies would be allocated corporately and that it was unlikely that the Countryside Service would receive an allocation.

Members noted that the County Council had only recently established a specific budget for bridge maintenance works despite having statutory responsibility for their upkeep and maintenance. It was noted that the cost of bridge maintenance works currently outstanding was well in excess of the budget allocated.

Members commented that in their experience reported obstructions on the rights of way network were not dealt with promptly and that it was not uncommon for their to be a long delay before a problem was resolved. Members acknowledged recent increased activity levels on the rights of way network and suggested that consideration be given to using the media to publicise future works.

RESOLVED –

- (i) That the content of the report be noted.

- (ii) That the North Yorkshire Local Access Forum continues to receive regular reports of this type in the future.
- (iii) That future reports contain the following additional:-
 - The Countryside Service annual report.
 - Public Rights of Way Budget 2006/2007.
 - Information regarding the progress of Definitive Map Modification Order Applications referred to Legal Services.
- (iv) That the comments of the North Yorkshire Local Access Forum regarding the allocation of LPSA monies be referred to the Executive.

47. REVIEW OF THE LOCAL ACCESS FORUM

CONSIDERED –

The report of the Head of the Countryside Service summarising modifications put in place to address recommendations made at the last meeting concerning improvements to the operation of the Local Access Forum.

Members were supportive of the measures taken to make the Local Access Forum more effective and responsive to future needs.

A date of 27 April 2006 had been identified for the training/induction day and any Member of the Forum wishing to attend was asked to contact the Secretary.

RESOLVED –

- (i) That the current arrangements are monitored and an update report brought to the November 2006 meeting.
- (ii) That draft agendas be circulated to all Members of the Forum in advance of future meetings.

48. LOCAL ACCESS FORUM FORWARD PLAN

Members received the draft future work programme for the Forum and requested that if possible they be given a demonstration of the CAMS system at a future meeting.

RESOLVED –

- (i) That the North Yorkshire Local Access Forum Forward Plan be noted and approved.
- (ii) That a demonstration of the CAMS system be incorporated into the North Yorkshire Local Access Forum Forward Plan.

49. DATE AND TIME OF NEXT MEETING

The Chairman advised Members that it was intended to hold the next business meeting of the Forum on 18 May 2006 in the morning at Bewerley Park Centre, Nidderdale which would be followed by lunch and a site visit in the afternoon.

RESOLVED –

That the next meeting of the North Yorkshire Local Access Forum be held on Thursday, 18 May 2006 at 10.30 am at the Bewerley Park Centre, Pateley Bridge.

NORTH YORKSHIRE
LOCAL ACCESS FORUM

18 May 2006

Natural Environment and
Rural Communities Act 2006
(NERC)

1.0 PURPOSE OF REPORT

- 1.1 To provide the Local Access Forum with a report relating to the above Act.

2.0 BACKGROUND

- 2.1 The Natural Environment and Rural Communities Act (NERC) received Royal Assent on 30th March 2006. The Bill primarily contains details relating to the formation of Natural England, Nature Conservation, Formation of National Parks and Wildlife Protection
- 2.2 Part 6 Sections 66 – 67 directly affect public rights of way, in particular the use of mechanically propelled vehicles in the countryside. This report outlines the main aspects of sections 66 and 67.

3.0 Part 6 Sections 66 – 67

- 3.1 The new provisions contained within sections 66 – 72 of the NERC Act came into effect on Tuesday 2nd May 2006.
- 3.2 These provisions will significantly curtail the scope for adding further public rights of way for motor vehicles, known as byways open to all traffic (BOATs), to the definitive map and statement
- 3.3 Section 66 prevents the creation of new public rights of way for mechanically propelled vehicles, while section 67 extinguishes existing public rights of way for mechanically propelled vehicles, where those rights are not already recorded on the definitive map and statement, although this is subject to certain exceptions.

Further details can be found in the explanatory notes to the Act, which can be accessed at: www.defra.gov.uk/ruraldelivery/bill/default.htm

- 3.4 Property owners and others with an interest in land may have been relying on unrecorded public vehicular rights of way for access to that land. Section 67 ensures that, if the public right of way for mechanically propelled rights is extinguished, these people are provided with a private right of way to access the land with mechanically propelled vehicles.

There is also an exemption from prosecution under the Road Traffic Act 1988 for those using a restricted byway to gain access to their property in certain circumstances.

- 3.5 All claims made under Part 3 of the Wildlife and Countryside Act 1981 to establish new rights for mechanically propelled vehicles which were lodged before the 20th January 2005 will be preserved and dealt with under the old law. So also will applications that were lodged after the relevant date but have reached the stage of being determined by the surveying authority. So too will applications lodged by landowners who want to maintain access to their property by mechanically propelled vehicle.
- 3.6 There are 24 Byway applications lodged with North Yorkshire County Council, 18 will be dealt with under the old law and 6 under the new legislation.
- 3.7 The Act will also provide National Park authorities with a power to make traffic regulation orders on rights of way and un-surfaced routes within National Park boundaries but these powers will be commenced later this year.
- 3.8 Earlier this year, Defra published advice for local authorities, the Police and Community Safety Partnerships on the maintenance of byways and the illegal use of motor vehicles on rights of way. 'Regulating the use of motor vehicles on rights of way and off road' and 'Making the Best of Byways' are available online at www.defra.gov.uk/wildlife-countryside/cl/mpv/index.htm.

4.0 RECOMMENDATION

It is recommended that:

- a) This report is received for information and comments made as required

Contact Officer:

Iain Burgess

Access and Public Rights of Way Manager

01609 532894

NORTH YORKSHIRE
LOCAL ACCESS FORUM

18 May 2006

Draft Scheme Orders A1 M
Dishforth to Barton

1.0 PURPOSE OF REPORT

- 1.1 To provide the Local Access Forum with information relating to the affect of the above scheme.

2.0 BACKGROUND

- 2.1 The Highways Agency Consulted the County Council on the 30 March 2006 regarding the Dishforth to Barton section of the A1. The County Council has until the 9th June to make comments regarding the order plans.
- 2.2 NYCC has been in discussion with the Highways Agency for a number of years regarding the proposal to upgrade this section of Trunk road to motorway. The Rights of way and Access Group has had numerous meetings to discuss the affect on public rights of way.
- 2.3 In general terms NYCC supports the proposal to upgrade the route from Trunk Road to Motorway. The proposals do affect a number of public rights of way which are detailed below.

3.0 Comments

- 3.1 The proposals include the provision of a verge on the local access road for use by equestrians. Whilst this proposal is welcomed there may be an issue regarding the width of these verges and the proximity of speeding traffic, in particular heavy goods vehicles which needs to be addressed.
- 3.2 In 2005 the HA stated a non-motorised user safety audit would need to be carried out. As yet I am not aware that this survey has been undertaken. Without this survey it is very difficult to comment on some of the proposals, in particular where equestrians will be required to cross busy roads close to junctions.
- 3.3 I would like to take the opportunity to thank the HA for the effort they have put into connecting the existing routes together. Currently there are a number of routes which end at the A1, where there is either no continuation on the other side of the current dual carriage way or users

do not cross as users consider crossing the busy dual carriage too much of a risk. If these proposals go ahead there will be a number of new routes running in a North South direction but no new routes running East West, (Over the Motorway). There is a particular issue at Catterick where equestrians currently cross the A1 at Manor House Bridge; the proposal is to site the motorway on the northern side of the current bridge. This will require equestrians to travel 900 metres between the motorway and the local distributor road to a roundabout cross the roundabout, the motorway (using a road bridge 200 metres) negotiate another roundabout before travelling a further 380 metres to link back up with the bridleway network. I have real concerns regarding the public's ability and willingness to use such a route, as none of the crossings will be controlled.

3.4 General Comments

- 3.5 There is a proposal to link Baldersby Bridleway 15.8/11 with a newly created bridleway running alongside the motorway (Site plan 3). This continues on to (site plan 4) as a footpath. NYCC recommends that schedule 4 is amended to read bridleway.
- 3.6 There is a proposal to create a footpath from Pickhill with Roxby 10.116/4 along a new private access road to end at Ramshaw farm. NYCC recommends the schedule is amended to remove this as footpath as this is clearly a mistake.
- 3.7 Currently at Theakston there is a bridleway which does not connect with the highway network, Theakston bridleway 10.145/17. NYCC needs to work with the HA to secure dedication of the current private access as bridleway and stopping up of the last 200 metres of the existing bridleway.
- 3.8 The current proposals at Londonderry will render Exelby and Newton footpath 10.47/7 a dead end. NYCC recommends the HA create a footpath link to the over bridge.
- 3.9 At Beadle Beck there is a proposal to create a new bridleway to link Aiskew bridleway 10.4/5 with Exleby and Newton bridleway 10.47/4. The current proposal leave a gap of approximately 100 metres between the end of the new route and Exeleby and Newton Bridleway 10.47/4. NYCC recommends the HA extend the new bridleway to link up with the existing network.
- 3.10 There is a proposal to create a new bridleway linking Ainderby Redmires with Holtby bridleway 10.4/3 with the over bridge at St Annes Cross. Schedule 14 has it as a bridleway but it then becomes a footpath on schedule 15. NYCC recommends the entire route between bridleway 10.4/3 and the over bridge at St Annes cross is created as bridleway.

- 3.11 There is a proposal to create a new bridleway linking Leases Lane with Appleton East and West bridleway 10.61/3. However there is no proposal to link this bridleway south via High Goskins Wood to Lords Lane. NYCC recommends that the HA work with NYCC to create this important link.
- 3.12 There is no current proposal to provide a bridge over the motorway at Manor House Bridge. The current proposal outlined in 3.3 is less than adequate for equestrian users. NYCC recommends that the HA consider a bridge at this location to protect equestrian users and encourage other vulnerable road users to use this route.
- 3.13 Site plan 20 currently does not show Brompton on Swale footpath 20.9/15 south west of Mount Pleasant farm. The route is currently a dead end. NYCC recommends that the HA work with NYCC to create a route linking this dead end path along the edge of the motorway to Brompton on Swale footpath 20.9/17
- 3.14 Currently there is no proposal to locate a bridge at Scurragh House, without this it will be impossible for the substantial horse populations to cross the motorway and link into the existing bridleway and quiet lane network. NYCC recommends the HA consider locating a bridge suitable for equestrians at this point.
- 3.15 The existing bridleway bridge at Kneeton Hall is to remain and the HA are to create a new access into the quarry from the existing public highway. NYCC recommends this new access is dedicated as a bridleway and that the HA and NYCC work with the owner of the quarry to make sense of the network around this area.

4.0 RECOMMENDATION

It is recommended that:

- a) This report is received for information and comments made as required

Contact Officer:

Iain Burgess

Access and Public Rights of Way Manager

01609 532894

NORTH YORKSHIRE
LOCAL ACCESS FORUM

2006

Rights of Way Improvement Plan
Progress Report

1.0 PURPOSE OF REPORT

- 1.1 To provide a progress report with regard to the Rights of Way Improvement Plan for North Yorkshire.

2.0 BACKGROUND

- 2.1 Local access forums are required to provide input into the production of Rights of Way Improvement Plans (RoWIPs). There are three local access forums in North Yorkshire, one for North Yorkshire outside the National Park Authority areas and one each for both the North York Moors National Park and Yorkshire Dales National Park.
- 2.2 One Rights of Way Improvement Plan is being prepared for the whole of the County which will be gradually merged into the Local Transport Plan for North Yorkshire. This is a progress report regarding the preparation of the RoWIP.

3.0 CURRENT POSITION

- 3.1 The technical team have met each month since the last LAF meeting in February. The main focus for the group has been to produce overall strategies for improving local rights of way across North Yorkshire. This will form the most important chapter of the RoWIP upon which local priorities for both service centres and landscape character areas will be developed and delivered.
- 3.2 The technical team have been augmented by a member of the Planning & Policy Unit of the Planning & Countryside Section at the County Council who is charged with producing a Strategic Environmental Assessment for the RoWIP. Discussions have centred upon drawing up a list of alternatives upon which to test strategic environmental impacts. The alternatives which have been discussed include differing scenarios of future demand, network management and quality and network length. A handful of realistic scenarios are being tested which include a "do nothing" option. The do nothing option is standard practice in all SEA work.
- 3.3 The technical team are looking at delivering a RoWIP project which is aimed at getting people familiar with the opportunities which are available to them from their doorstep. This will utilise the 50% grant which is being proposed by the Countryside Agency with the aim of

publicising the RoWIP through the media to a range of people. The overall aim is to raise the profile of the RoWIP to potential funders, politicians and potential partners. All access authorities will have to match the 50% grant funding in some form.

- 3.4 The project aims to test whether lack of information about the local area inhibits participation in walking for recreational or other purposes such as walking to the shops, community centre or work. Five potential communities have been identified upon which to run the project, they are: Richmond, Easingwold; West Ayton near Scarborough, Sherburn in Elmet and the three communities of Cononley, Sutton in Craven and Crosshills which are to be taken as one overall community.
- 3.5 Work is continuing on drafting other chapters of the RoWIP and a design for the 20 page pamphlet and whole draft document is being finalised with "Room for Design", the designers of the document based in Northallerton. Pictures have also been commissioned for this publication.
- 3.6 The new post of Project Development Officer which was discussed at the previous LAF meeting will be advertised in the near future to develop the RoWIP "Statement of Action" and specific project work for the RoWIP.

4.0 RECOMMENDATION

It is recommended that:

- a) This report is received for information.

Contact Officer:

Angela Flowers

PROW Improvement Plan Officer

01609 532774

NORTH YORKSHIRE
LOCAL ACCESS FORUM

18 May 2006

Annual Report
2005-2006

1.0 Purpose Of Report

1.1 To approve the Local Access Forum Annual Report for 2005-2006.

2.0 Introduction

2.1 The Forum has agreed to produce an Annual Report each year to promote its work to a wider audience. The 2004-2005 Report was circulated last year to all members and is available on the County Council's website

3.0 Draft Annual Report

3.1 A suggested draft of the text for the 2005-2006 Annual Report is attached. The same basic format as last year has been adopted, with sections covering the functions of the LAF, membership and attendance but with the main focus on the business of the Forum during the year. In addition this year, basic details of LAF expenditure have been included together with a copy of the Forward Plan.

3.2 Subject to any comments at the meeting, it is proposed to place the Annual Report on the County Council's website as soon as practical. A higher quality version will then be published to a similar standard as last year and circulated to key partners. Members are asked to comment whether they are happy with this format and to suggest any improvements. When finalised, the revised version will be substituted for the text version on the website and a press release will be issued to seek wider publicity. A copy of the report will be circulated to interested bodies and partner agencies.

4.0 Recommendation

4.1 It is recommended that the text of the Annual Report for 2005-2006 be approved for publication.

Contact Officer

John Edwards
Head of Countryside Services
01609 532452

North Yorkshire
Local Access Forum

ANNUAL REPORT 2005/2006

**NORTH YORKSHIRE
LOCAL ACCESS FORUM
ANNUAL REPORT 2005/2006**

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Chairman's Introduction

Derek Welford
Chairman, North Yorkshire Local Access Forum

April 2006

Area Covered by the Local Access Forum

The area covered by the North Yorkshire Local Access Forum is the administrative county of North Yorkshire, but excluding the areas of the Yorkshire Dales National Park and the North York Moors National Park. In both of these areas, the respective National Park Authority has established its own Local Access Forum. A separate Local Access Forum also exists for the area administered by the City of York Council.

Role and Responsibilities

Section 94 of the Countryside and Rights of Way Act 2000 places a statutory duty on the County Council, as highway authority, to establish a Local Access Forum. The primary purpose of the Local Access Forum is to provide advice to North Yorkshire County Council on how to make the countryside more accessible for open air recreation. Key functions include providing advice on:

- The development of access strategies, including the Rights of Way Improvement Plan;
- Improving the rights of way network; and
- The implementation, management and review of the statutory right of access to open countryside.

Membership of the Forum

The Local Access Forum regulations require that the members of the Local Access Forum should be representative of:

- (a) Users of local rights of way and areas of open access;
- (b) Owners and occupiers of access land or land covered by rights of way; and
- (c) Other interests relevant to the local area.

In appointing members to the Forum, the County Council has therefore tried to ensure a reasonable balance between these three interest groups. It has also aimed to achieve representation from different parts of the county and, where possible, adjacent areas where recreation users live.

There are 18 members of the Forum, who are appointed for a three-year term, after which they must retire or seek re-election. Appointments are phased to ensure that only one third, i.e. six members, retires each year. This process ensures continuity, whilst also allowing a regular opportunity to recruit members with new interests.

Vacancies on the Forum are advertised in the press and interested candidates are asked to submit written applications outlining their interests and experience and their reasons for wishing to serve on the Forum. Candidates are then asked to attend an informal interview, following which appointments are made by the Secretariat, with advice from the County Council's elected members on the Forum. Appointments to the Local Access

Forum during the current period were made on 25 May 2005 when Diane Baines, David Currie, Edward Dennison, David Gibson, Nigel Graham and Anthony Turner were appointed for the next term.

In addition to those members recruited by open competition, the County Council periodically appoints three of its own elected members to serve on the Forum for a three year period.

During 2005/2006 membership of the North Yorkshire Local Access Forum was as follows:

Name	District	Term of office to	Interest Group
Leo Crone	Darlington	2006	Users
David Currie	Craven	2008	
David Gibson	Craven	2008	
John Goss	Harrogate	2006	
Judith Ratcliffe	Hambleton	2007	
Edward Dennison	Hambleton	2008	Owner/occupiers
Roland Firby	Ryedale (AONB)	2006	
Nigel Graham	Harrogate	2008	
Stephen Ramsden	Harrogate (AONB)	2007	
Derek Welford (Chair)	Hambleton	2006	
Thomas Wheelright	Harrogate (AONB)	2007	
Diane Baines	Richmondshire	2008	Other interests
Edward Flexman(Vice-Chair)	Harrogate (AONB)	2007	
Tim Laurie	Darlington	2006	
Anthony Turner	Scarborough (NYMNP)	2008	
Co.Cllr.Eric Broadbent	Scarborough	2008	
Co Cllr John Fort	Harrogate	2008	
Co.Cllr Michael Knaggs	Ryedale	2008	

The County Council is grateful to all members of the Local Access Forum for their very valuable contribution to its work over the course of the past year.

New recruits are always welcome. Enquiries about future membership should be made to the Secretary (see below).

Member Profiles

Diane Baines

Diane lives in Richmond. She is a senior planning professional with extensive local government and committee experience. She is also a mother of young children who enjoys walking and has an interest in developing public and family access to the countryside, especially on the outskirts of towns and villages.

Eric Broadbent

Eric is North Yorkshire County Councillor for Northstead, Scarborough. He sits on the Planning and Regulatory Functions Committee and is Chair of the Transport and Telecommunications Overview and Scrutiny Committee. He also serves on Scarborough Borough Council and is a member of its Planning Committee. He is semi-retired, a keen walker with three dogs and has a strong interest in countryside matters.

Leo Crone

Leo lives in Darlington. He is a member of the North Yorkshire County Council Rights of Way Liaison Group and also sits on the Durham County Council Rights of Way Forum. He is a primary contact on vehicular access to the countryside with the Durham and Cleveland Police Forces. He was previously on Sports Council regional forums and the North York Moors National Park Rights of Way Committee. He aims to represent the views and aspirations of vehicle user groups and has a large network of contacts.

David Currie

David lives at Carleto-in-Cleveland near Skipton. He was previously a journalist and public affairs manager at the Royal Mail. He has a particular interest in promoting the needs of the disabled and, as Chairman of Cumbrian Community Video, directed "Access to the countryside for the disabled". He is a cyclist and climber with a love of the countryside and the environment.

Edward Dennison

Edward is a farmer and landowner from Thornton-le-Beans near Northallerton, where he is a Parish Councillor. He is NFU County Vice-chairman and is knowledgeable about the countryside and wildlife. He is interested in seeking a balance between protection of the environment, access and the rights of owners and occupiers.

Roland Firby

Roland is a full-time farmer and house builder from Scackleton in the Howardian Hills AONB. He is currently a member of the NFU Yorkshire Land Use Committee and the East Yorkshire Executive. He is former NFU County Chairman, a former Chairman of the Easingwold NFU branch, and former member of the NFU North-east Regional Board. He is a current Yorkshire delegate to the Conservative Countryside Forum. He has had a life-long interest in rural politics. His aims are to help preserve farming and farmers interests, whilst fostering a love and care for the rural life and environment.

Edward Flexman

Edward lives at Sawley in the Nidderdale AONB and has been a resident of North Yorkshire for 30 years. He is a retired Head-teacher and now a self-employed landscape gardener. He is a member of the Sawley Village Hall Committee and the Harrogate District Cultural

Partnership Board. He believes access to open countryside is a key issue for the culture/tourism of the area and would like to be part of the democratic process ensuring the responsible implementation of the CROW Act.

John Fort

John Fort is North Yorkshire County Councillor for Pateley Bridge and lives at Dacre in the Nidderdale AONB.

.....

David Gibson

David is a retired solicitor and justices clerk from Burton-in Lonsdale in Craven. He is a founder trustee and former Chairman of North Lancaster Victim Support, a charity working with victims of crime. He is a keen walker with an interest in history and archaeology. He is Access Officer for West Riding Ramblers Association, Footpath Officer for Craven Ramblers Association and a former member of the Yorkshire Dales local Access Forum.

John Goss

John lives in Boroughbridge where he previously owned a retail business. He is currently a non-executive director of the FSHAA. He is Chairman of the Harrogate and District Access Group and a member of Harrogate Borough Council's Disability Discrimination Committee. He is a co-opted member of the Yorkshire Dales National Park Local Access Forum representing people with disabilities. He wishes to see continued use of vehicles within the countryside via green lanes etc and successfully worked with Yorkshire Water to achieve disabled access improvements around Scar House Reservoir. He would like to make it possible for all countryside pursuits to take place for everybody's enjoyment.

Nigel Graham

Nigel lives at Norton Conyers near Ripon. He is a tenant farmer and professional land agent responsible for 61,500 acres of moorland in the North Pennines. He is a member of the Royal Institute of Chartered Surveyors Rural Division and a member of the North Pennines Advisory Group of English Nature, dealing with matters relating to upland SSSIs. He understands and appreciates the impact of access on wildlife and those who earn their living from the countryside. He believes that CROW Act access can be achieved without undue disruption to the countryside and nature conservation.

Michael Knaggs

Michael is County Councillor for Malton and chairs the Ryedale Area Committee. He is a retired farm machinery salesman, former president of Malton Agricultural Show and member and former President of Malton Rugby Club. Over the years he has developed a wide range of contacts across the county and an understanding of the needs of a range of user groups.

Tim Laurie

Tim lives in Darlington. He is a part-time field class lecturer in prehistoric landscapes in the Yorkshire Dales and Pennines and has co-authored several papers on archaeology. He is co-director of the Swaledale Ancient Land Boundaries Project and a member of the Feldon Ranges Conservation Group. He has a detailed knowledge of the topography of the eastern fringes of the Pennines, an understanding of the threats to sensitive places and a special interest in protection of areas of high ornithological, botanical and archaeological interest.

Stephen Ramsden

Stephen is a farmer and landowner from Middlesmoor in the Nidderdale AONB. He is a Parish Councillor for Upper Nidderdale and serves on a committee for Moors/Dales training for land-based industries. Living and working on the moors, he can provide the Forum with first hand knowledge of day to day countryside issues, local farming contacts and advice on how to manage an increase in visitors.

Judith Ratcliffe

Judith lives at Stokesley. She is a voluntary bridleways officer for the British Horse Society for Hambleton District and North Yorkshire County Council's Northern Area . She is a former employee of Cleveland County Council's Research and Intelligence Department and North Yorkshire County Council's Environmental Services Traffic Section. She has been a horse rider and owner for most of her life and although her main interest is in bridleways for horses, she also has a good understanding of the needs of off road cyclists.

Anthony Turner

Anthony lives at West Ayton near Scarborough where he is programme manager for Surestart, a family support programme for children aged 0-4. He was previously an education officer for community learning and a head of department teacher. He is a leisure walker who owns two horses and is a member of Scarborough and District Riding Club.

Derek Welford

Derek lives at Easby near Great Ayton where he is a farmer. He is currently Chairman of the Local Access Forum. He is a former County Chairman of North Riding and Durham NFU and is current Chairman of Stokesley Agricultural Society. He is Chairman of Easby Parish Council, a former director of North Yorkshire Training and Enterprise Council representing agriculture and other land-based industries and a former Chairman of North Yorkshire Agricultural Training Committee. His farm contains well used rights of way and he encourages access to various user groups. He wishes to see a better understanding between owners/managers of land and those seeking access for leisure.

Thomas Wheelwright

Thomas lives at Wath in the Nidderdale AONB where he owns and manages an estate. He is a Chartered Surveyor and agricultural valuer. He is Moorland Association representative on the Nidderdale AONB Joint Advisory Committee and an executive member of Nidderdale Plus. He is a member of the Yorkshire Dales Green Lane Alliance and the Country Land and Business Association. He brings 30 years experience of rural land management, farming and sporting rights. He seeks to represent the interests of owners and occupiers of land, especially those affected by CROW Act access.

Meetings of the Forum

Meetings of the Forum are advertised in the local press and are open to the public, who are always made very welcome. An opportunity will be provided for any member of the public who attends to ask questions or to make a statement should they wish to do so. Wherever possible, meetings are held at locations relevant to the business under discussion.

Business of the Forum

The agenda and minutes of the quarterly meetings, and a copy of the most recent Annual Report, are available for inspection on the North Yorkshire County Council website at www.northyorks.gov.uk.

The principal agenda items at each of the regular quarterly meetings during 2005/2006 were as follows:

3 June 2005, Crown Hotel, Middlesmoor

- Approval of Annual Report 2004/2005
- Environmental Stewardship Scheme – presentation by Angus Barratt, DEFRA
- Rights of Way Improvement Plan update
- Open Access Update
- Access to open country – letter from Rt Hon Alun Michael MP
- Access Newsletter Issue 8 – DEFRA
- Bulletin 4 Access Management Grant Scheme
- North Yorkshire Joint Local Access Event

11 August 2005, County Hall, Northallerton

- Management and maintenance of the Green Lanes network
- Rights of Way Improvement Plan – Joint Local access Forum Event – 6 July 2005
- Local Access Forum Annual Report 2004/2005
- Fire Hazards
- Review of Local Access Forums – Countryside Agency Report
- Access Newsletter Issue 9,10,11 – DEFRA

24 November 2005, Council Offices, Pateley Bridge

- Geocaching – presentation by John Beavan, Yorkshire Dales Local Access Forum
- Rights of Way Improvement Plan progress report
- Rights of Way Improvement Plan Implementation Grants
- Open Access Volunteers
- Extension of Access Management Grant Scheme – Countryside Agency Consultation

- Proposal for a long term direction – access land at Raisthorpe Estate - Countryside Agency Consultation
- Review of Local Access Forum
- Amendment of the Local Access Forum regulations – DEFRA consultation
- Orders relating to public rights of way and the role of the Local Access Forum
- Local Access Forum Forward Plan
- Access Newsletter Issue 14 – DEFRA

23 February 2006, County Hall, Northallerton

- Rights of Way Improvement Plan progress report
- Skipton Pilot Project Phase 1 Report
- Open Access update
- The use of access land for training racehorses
- Ranger Service on Barden Fell
- Information on public rights of way
- Review of the Local Access Forum
- Local Access Forum Forward Plan

In addition to the regular quarterly meetings of the Forum, members were also involved in two additional joint meetings on the Rights of Way Improvement Plan with other Local Access Forums:

6 July 2005, Golden Lion Hotel, Northallerton

9 January 2006, Romanby Golf Club, Northallerton

A summary of the major business transacted during 2005/2006 is set out below under five main themes:

- The Rights of Way Improvement Plan
- Management of open access
- Local Access Forum Consultations
- Presentations to the Local Access Forum
- Developing the work of the Local Access Forum

The Rights of Way Improvement Plan

All Highway Authorities are required to produce a Rights of Way Improvement Plan by November 2007. This will assess the extent to which local rights of way meet the present and likely future needs of the public, as well as considering issues of accessibility for all types of user. Government guidance highlights the key role to be played by Local Access Forums in advising on the production of the Plan. For this reason, the emerging Plan has been a key focus for the work of the Forum throughout the year. Regular progress reports were received at each meeting and members debated several related issues.

In June 2005, the Forum received an update on the submission that had been made to the Local Transport Plan in relation to the Rights of Way Improvement Plan. The previous meeting had considered a draft of the LTP submission, and following consultation with the Government Office (Yorkshire and Humber), this had subsequently been amended to address the issues raised. A report was also provided on ongoing work to assess the adequacy of the rights of way network for different classes of user and the methodology being adopted was explained.

In July 2005, a 'training day' was organised for members of the three Local Access Forums (North Yorkshire, Yorkshire Dales and North York Moors) involved with the production of the Rights of Way Improvement Plan. Representatives were also invited from adjoining Local Access Forums, including East Riding, Calderdale and Redcar and Cleveland. Following an introduction from the Rights of Way Improvement Plan Officer, an interesting range of speakers shared their experiences on a wide variety of access related issues. These included Lawrence Player (NYCC Social Services) – visual impairments; Celia Grieve (NYCC Social Services) – physical impairments; David Shaftoe (Open Country) – information for all; Andrew McCloy (Peak District LAF) – the work of the Peak District Local Access Forum; Jon Beavan (Yorkshire Dales National Park LAF) – geocaching; Paul Delaney (National Trust) – conserving access in the Lake District; John Deighton (Swaledale Outdoor Club) – the work of the Swaledale Outdoor Club; Liz Blanchard (Swaledale Outdoor Club) – mountain biking and orienteering; Chris Marshall (Countryside Agency) – the formation of Natural England; Bill Breakall (North York Moors National Park) – sustainable tourism and transport; and Tamsin Phipps (British Canoe Union) – the Rivers Access campaign.

In August 2005, the Forum received detailed feedback on the joint 'training' event held in July (see above)

In November 2005, the Local Access Forum were given an account of the proposed methodology to be used to assess the adequacy of the rights of way network. This involved dividing the county into a combination of service centre areas and landscape character areas which would then be used as a basis for assessing levels of demand and the suitability of the existing network for different types of user. A separate report was received on the funding of projects likely to be identified in the Rights of Way Improvement Plans. This covered the potential for support from the Local Transport Plan as well as a new source of implementation grant recently made available by the Countryside Agency.

In January 2006, a workshop was held to discuss the first draft of the 'adequacy assessment' of the rights of way network. This was attended by over 100 delegates including representatives of the three Local Access Forums, National Parks Rangers, AONB Officers and NYCC Area Rights of Way staff and District Council officers. This led to detailed prioritisation of access issues for each of the service centre and landscape character areas being used to provide the framework for the assessment.

In February 2006, the Local Access Forum received feedback on the previous month's workshop and an explanation was given as to how this work would be used to inform policy development for the Rights of Way Improvement Plan. At the same meeting a separate report was considered which explained the results of the 'Skipton Pilot Project', a local initiative which involved user group volunteers undertaking a detailed survey and appraisal of the rights of way network and formulating proposals for improvement. The Forum debated the conclusions and made recommendations on how the information could be used to feed into the Improvement Plan.

Management of Open Access

A second major focus for the work of the Local Access Forum over the year has been arrangements to manage the new right of public access to open country. The majority of access land in North Yorkshire became available on 28 May 2005. During the course of the previous year, regular reports had been provided to the Local Access Forum by the County Council on action being taken to prepare for introduction of the new rights.

In June 2005, the Local Access Forum received a report on the launch of the new rights at an event in upper Nidderdale just a few days earlier. Some of the key management measures that were being introduced were summarised. These included the provision of information points, interpretation boards and a wardening service using open access volunteers.

In August 2005, the Local Access Forum debated a report on fire hazards on moorland which highlighted the need to provide more information to the public and to ensure that there were updated fire plans in place for open access areas.

In November 2005, the Local Access Forum received a report summarising the results of the first season's wardening by the open access volunteers. 40 volunteers had been trained to assist with wardening and at least two had been out on patrol every weekend since May. Their reports revealed that most patrols had encountered relatively few people using the access areas and over 90% of those seen were using established paths or tracks.

In February 2006 the Access Officer provided further details of management problems encountered by the open access patrols during their first year. The views of the Local Access Forum were also sought on an issue relating to the training of racehorses on access land at Thixendale in the Wolds. Members supported proposals to resolve the issue through appropriate signage. At the same meeting, they also considered proposals to extend open access wardening to Barden Fell and agreed that this should be undertaken in partnership with the Yorkshire Dales National Park ranger service.

Local Access Forum Consultations

- Countryside Agency consultation on the future of the Access Management Grant Scheme
This was considered in November 2005. In their response members made suggestions for targeting any future funding that might be made available on nature conservation issues, providing links to access land, developing the volunteer service and on a rapid response service.
- Countryside Agency consultation on a proposals for a long term direction on access land at Raisthorpe Estate in the Wolds.
This was considered in November 2005. After a lengthy debate, the Forum agreed that there were sound reasons for a restriction in this particular case to prevent disturbance to game birds and recommended that dogs should be restricted to leads all year round to avoid a confused message to the public.
- DEFRA Consultation relating to the amendment of the Local Access Forum Regulations
This was considered in November 2005. Members endorsed a set of suggested responses to various questions posed in the consultation paper aimed at improving or clarifying the regulations governing the establishment and operation of local access forums.

Presentations to the Local Access Forum

- Green Lanes
Following discussion in previous meetings of the Forum about issues related to 'green lanes', at the meeting of the Forum in August 2005 the Assistant Director of Highways North Yorkshire presented a report on the management and maintenance of the green lane network. This explained the legal position and ongoing work through the County Council's Green Lane Liaison Group towards the development of a policy to decide future priorities for maintenance and management. This led to a wide ranging debate on the complicated issues involved and the way forward for the future through consensus building.
- Environmental Stewardship
A presentation was made to the Local Access Forum in June 2005 by Angus Barratt from DEFRA on the operation of the Government's new Environmental Stewardship Scheme. Members debated a number of related issues, including educational access and the problems caused by paths crossing arable fields and farmyards.
- Geocaching
Following his talk to the Local Access Forums training day in July on geocaching, Jon Bevan, the Chairman of the Yorkshire Dales National Park Local Access Forum, was invited to give a presentation to the meeting of the North Yorkshire Local Access Forum in November. The

Forum provided advice on how this rapidly growing recreational pursuit could be more effectively managed.

Developing the work of the Local Access Forum

In August 2005, the Local Access Forum received details of a Countryside Agency sponsored research report on the work of Local Access Forums nationally. During September 2005, the Local Access Forum was represented at a workshop for Forums from across the Yorkshire and Humber region in which the report was debated in some depth. Subsequently at the next meeting of the Local Access Forum in November 2005, members considered how they felt the North Yorkshire LAF rated against a suggested checklist of good and poor practice and agreed a range of specific measures to help improve the work of the Forum. These included: induction for new LAF members; regular briefings for the Chair and Vice-Chair; circulation of minutes to NYCC Area Committees; improved liaison with neighbouring Forums; developing a more independent identity for the Forum; a review of the relationship between the LAF and the Rights of Way Liaison Group; the development of a Forward Plan of agenda items; and financial budgeting for the work of the LAF. At their next meeting in February 2006, members received an update on specific actions that had been implemented to help deliver these improvements.

In November 2005, the Local Access Forum received a report on Legal Orders relating to public rights of way. This prompted a debate on the extent to which the Forum should get involved in advising on detailed issues concerning the rights of way network and NYCC performance and highlighted the need for more detailed information.

In February 2006, the Local Access Forum received a report on the various types of information currently available for monitoring rights of way performance. The report also considered the relationship between the Local Access Forum and the work of the Public Rights of Way Liaison Group. The Forum was then able to consider what types of issues it might wish to invite reports on to future meetings.

Budget

The following expenditure was incurred by North Yorkshire County Council during 2005/2006 on behalf of the Local Access Forum

	£
Annual Report	1,160
Meeting expenses	460
Recruitment advertising	1,832
Total	3,452

Members' attendance 2004 – 2005

✓ = attendance

× = apologies / non-attendance

NAME	3/6/05	18/8/05	24/11/05	23/2/06
	Middlesmoor	Northallerton	Pateley Bridge	Northallerton
Diane Baines	✓	✓	✓	✓
Eric Broadbent	✓	✓	✓	×
Leo Crone	×	✓	✓	×
David Currie	✓	×	✓	✓
Edward Dennison	✓	×	✓	✓
Roland Firby	✓	✓	×	✓
Edward Flexman	✓	✓	✓	✓
John Fort	✓	✓	×	×
David Gibson	✓	✓	×	✓
John Goss	×	✓	✓	✓
Nigel Graham	✓	✓	✓	✓
Michael Knaggs	appointment not confirmed	✓	✓	✓
Timothy Laurie	×	✓	×	✓
Stephen Ramsden	✓	✓	✓	✓
Judith Ratcliffe	×	×	✓	✓
Anthony Turner	✓	✓	×	✓
Derek Welford	✓	✓	✓	✓
Thomas Wheelwright	✓	✓	✓	×

Forward Plan for 2006/2007

Members are asked to consider future agenda items in advance and to discuss these with the Chair prior to each meeting of the LAF. The LAF then agrees a Forward Plan at each meeting covering a rolling two year period.

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NOVEMBER 2007
<ul style="list-style-type: none"> Rights of Way Improvement Plan – Receipt of Final Plan Open Access Update

Contacts

Information on the work of the Forum can be obtained from the following County Council staff. All can be contacted at:

Countryside Service, North Yorkshire County Council, County Hall,
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Tel: 01609 780780

www.northyorks.gov.uk

Secretariat:

Jane Wilkinson Local Access Forum Secretary

e-mail: Committee@northyorks.gov.uk

Countryside Service Officers:

John Edwards	Head of Countryside Services
Keith Watkins	Access and Public Rights of Way Manager (to Jan 2006)
Iain Burgess	Access and Public Rights of Way Manager (from Mar 2006)
Angela Flowers	Improvement Plan Officer
Chris Jones	Access Officer (to Apr 2006)
Dave Ranner	Volunteer Co-ordinator

e-mail: countryside@northyorks.gov.uk

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.

Contact Officer:

Chris Jones

Access Officer

01423 712950

**NORTH YORKSHIRE
LOCAL ACCESS FORUM
FORWARD PLAN**

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