

NORTH YORKSHIRE LOCAL ACCESS FORUM

Minutes of the meeting held at Hovingham Village Hall, Hovingham on Thursday, 17 August 2006.

PRESENT:-

Edward Flexman in the Chair.

Other Members – Allan Aspden, Diane Baines, David Currie, Christopher David Gibson, John Goss, Judith Ratcliffe, David Swabey, Anthony Turner, Paul Tibbatts and Tom Wheelwright.

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

Officers: Iain Burgess, John Edwards, Angela Flowers, Doug Huzzard and Jane Wilkinson.

Three members of the press and public.

Apologies for absence were received from Edward Dennison, Nigel Graham and Stephen Ramsden.

COPIES OF ALL DOCUMENTS CONSIDERED ARE IN THE MINUTE BOOK

16. RADIO RYEDALE

The Chairman sought the approval and consent of the Forum for the meeting that day to be recorded in its entirety and thereafter to be available on the web-site of Radio Ryedale to be downloaded by the public. Members of the Committee offered no objection and gave their consent to the meeting that day being recorded.

17. MINUTES

RESOLVED –

That the Minutes of the meeting held on 18 May 2006, having been printed and circulated be taken as read and confirmed and be signed by the Chairman as a correct record.

18. MATTERS ARISING

Minute No 8 – The Use of Access Land for Training Racehorses at Thixendale

Councillor Knaggs reported that following the last meeting he had been contacted by Mr and Mrs Brader the tenant farmers of the land in question who were extremely frustrated at the lack of progress that had been made. The Secretary reported that she had contacted Mrs Brader and invited her to attend the meeting that day. Mrs Brader had declined and had informed her that until the outcome of their application for a Restriction Order was determined they had decided to let the matter lie.

David Gibson advised that it was his understanding that Mr and Mrs Brader had applied to the Countryside Agency for a restriction order in April 2006. As the

application was not listed on the Countryside Agency's website and as the relevant time limits had now expired he believed the application to have been dismissed.

Iain Burgess confirmed that he had spoken to the Countryside Agency two weeks ago after he had looked at their website. The website showed the area in question to be permanently closed for shooting for five years. The Countryside Agency had acknowledged this was incorrect had agreed to rectify the relevant entries. The current situation was that Mr and Mrs Brader had applied for a Restriction Order that had been refused. The refusal was due to existing legislation that excludes the public from all access land during periods when racehorses are being trained. The Countryside Agency therefore did not think that a blanket restriction was necessary. In order to progress the matter Iain Burgess undertook to hold a meeting on site with Mr and Mrs Brader and a representative from the Countryside Agency to discuss practical issues surrounding the temporary erection of notices by Mr and Mrs Brader whilst racehorses were in training. He acknowledged that the situation was not ideal. The legislation whilst very clear meant that managing the situation from a practical point of view was very difficult as it would be illegal to erect a permanent sign that excluded the public, because when racehorses were not being trained the public had a legitimate right of access to the land. The erection of a permanent notice could at best advise but not tell the public not to walk on the open access land. He confirmed that it was the landowners responsibility to ensure that their "activities" were safe. He acknowledged the anomaly whereby land owners/tenants could apply for a permanent exclusion order if livestock were on the land as opposed to racehorses being trained.

Councillor Knaggs hoped that on account of health and safety grounds common sense would prevail and that a solution could be found that would satisfy all parties involved.

Minute No 10 – Annual Report 2005/06

John Edwards referred to the previous meeting at which Members had agreed the text of the Annual Report. The draft Annual Report had now been produced in a coloured format with spaces left for photographs to be inserted. Copies of the 'mocked-up' Annual Report were circulated at the meeting and Members were asked to forward to John Edwards their comments, if any, on the style and presentation of the draft Annual Report.

19. PUBLIC QUESTIONS OR STATEMENTS

None received

20. A1(M) DISHFORTH TO BARTON UPDATE

Iain Burgess introduced his report and Paul Beswick a representative from the Highways Agency to the meeting.

He updated Members on developments following receipt by the Highways Agency of the Forum's letter dated 9 June 2006. He confirmed that many of the points raised in the letter had been accepted by the Highways Agency and would be incorporated into their proposed works. Arising from meetings and negotiations between Iain Burgess and Paul Beswick the County Council had also agreed to undertake some works. Some of the proposals however, put forward by the Forum were not accepted by the Highways Agency and would be determined at the forthcoming Public Inquiry. The main points of contention were the items numbered one to three as set out in the Forum's letter of 9 June 2006.

Paul Beswick confirmed that the Highways Agency had received a large number of objections and that in some instances objectors had put forward alternative

proposals. He responded in detail to Members questions and outlined the funding restraints placed upon the Highways Agency. He confirmed that the Forum would receive a formal response to their letter within the course of the next few days.

Forum Members stated that it was difficult to make a decision about how to respond further within the time allowed until the written response of the Highways Agency was received. Paul Beswick confirmed that objections to points one to three had been received from other sources. Iain Burgess advised that if the Forum wished to make further submissions then any proposals put forward would need to be supported by evidence as they would be challenged at the Public Inquiry.

Following a lengthy discussion Members were pleased to note that significant progress had been made and that consensus in some areas had been reached since the last meeting. Members agreed that a further letter should be submitted by the Forum emphasising their concerns in respect of points one and two of their previous letter and taking into account the statements made by Paul Beswick that day. Members reluctantly accepted that not all of the historic crossing points would be reinstated but nevertheless were keen to increase the benefits for all users of the public rights of way network at every available opportunity. Members agreed that the further statement to the Highways Agency should also stress that all opportunities to create increased usage for all rights of way users should be encouraged. David Gibson suggested that the letter also include a brief paragraph outlining the membership and role of the Forum. Members agreed not to be formally represented at the Public Inquiry and hoped that their further letter would be used by other objectors to support their claims.

The Chairman thanked Paul Beswick for his attendance and the detailed information he had provided to the Forum which gave Members a useful insight into the work of the Highways Agency.

RESOLVED –

- (i) That Iain Burgess consults with Tony Turner, Judith Ratcliffe and Diane Baines before sending a further letter on behalf of the Forum to the Highways Agency on the Dishforth to Barton A1(M) Improvements that concentrates on the proposals that remain outstanding referred to in the Forums original letter.
- (ii) That a copy of the response be circulated to all Forum Members.

21. OPEN ACCESS UPDATE

The Forum received an oral update from Iain Burgess on progress made since the last meeting.

Members were advised that following the secondment of Chris Jones in April 2006 progress had been very slow due to difficulties encountered with the appointment of his replacement. The post had now been filled by David Ranner and Aidan Rayner on a job share basis. They each would be based for two and a half days a week at Pateley Bridge. Consequently work to progress providing access to landlocked open access land had been slow. Application had now been made to DEFRA for funding and until this application was determined further survey work would be held in abeyance.

Members were advised that there were very low levels of usage by the public to open access land. Iain Burgess was of the opinion that unless there was a significant investment in the promotion of open access then usage levels would not significantly alter.

Tom Wheelwright reported recent problems he had experienced as a landowner being notified by the Countryside Agency of open access moorland being closed for fire risk. Based on his experience as an owner/occupier he believed the public had very little chance of being able to access accurate information on closures.

Iain Burgess confirmed that it was the responsibility of the Countryside Agency to notify all relevant landowners/occupiers of the closure of moorland for fire risk and it was the responsibility of owners/occupiers to erect notices. He confirmed that this was an area where there had been problems and he agreed to contact the Countryside Agency with a view to agreeing process improvements to the current system.

The situation was further complicated by the Countryside Agency not publicising its five point fire scale. He quoted practical examples of the confusion caused through lack of notice. Iain Burgess confirmed that if an open access moor was closed by this method then any public rights of way across the moor would remain open and therefore in his opinion the risk was not greatly reduced by the closure of the moor. He suggested one way forward could be to target those moors that were otherwise inaccessible by public rights of way.

Forum Members agreed there was a need for greater integration and joined up working between all parties.

RESOLVED –

- (i) That Iain Burgess contact the Countryside Agency to discuss process improvements:-
- whereby owner/occupiers are notified of the closure of open access moorland for fire risk and
 - to communication methods used to notify the public of the closure of open access moorland for fire risk.

22. PROVISION FOR PUBLIC RIGHTS OF WAY USERS WITH SPECIAL NEEDS

The report of the Rights Of Way And Access Manager on the current position regarding provision for public rights of way users with special needs.

Members appreciated the honesty of the report and asked to know what was being done to improve the poor current situation. Members expressed concern that as all efforts to progress this work were being concentrated in a strategic way ie reliance on implementation of the Rights Of Way Improvement Plan then it would therefore be many years before specific routes were identified, improved and publicised. Members did not consider this situation to be acceptable and wanted to see practical examples of specific routes being made available and promoted in the immediate future.

Angela Flowers confirmed that through her work on the Rights of Way Improvement Plan she was aware of the existence of some routes that were suitable for public rights of ways users with special needs. She gave an example of a route developed by the Parish Paths Partnership in Thirsk. She also described an initiative with the Hambleton Strollers designed to encourage greater usage by older people of the public rights of way network.

Forum Members appreciated the County Council's efforts to finalise all elements of provision for users with special needs before publicising their existence but in the light of the knowledge that some provision was currently available believed it to be unfair if this knowledge was withheld and requested limited interim measures be made available.

Diane Baines suggested that sponsorship of specific routes could be a way forward. Iain Burgess advised that the Council had been unable to successfully recruit a Project Development Officer who would be responsible for this type of work. Members stated that this was maybe due to the temporary nature of the post. Members were informed that the strict deadline for preparation and publication of the Rights of Way Improvement Plan and the limited resources available meant that there was no spare capacity to carry out improvements as monies were fully utilised on maintenance issues.

In response to comments made at the meeting John Edwards agreed to report to the next meeting the viability of identifying a specific package of routes suitable for PROW users with special needs with a view to publicising them on the Council's website.

David Swabey suggested that the County Council contact local tourist offices who might be able to help them identify suitable routes.

RESOLVED –

- (i) That the content of the report be noted.
- (ii) That a further report be referred to the next meeting exploring the viability of identifying a package of specific routes suitable for PROW users with special needs.

23. PRIORITISATION OF REPORTED PROBLEMS

CONSIDERED –

The report of the Access And Rights Of Way Manager briefing Members on the use of a priority matrix designed to manage reported problems on the Public Rights of Way network based on the importance of the route and the severity of the problem.

He stated that the matrix which had been written from a customer's point of view would be used on a pilot basis between January and March next year.

David Swabey suggested that Category 1 be amended to incorporate historic routes such as causeways and monks roads. He referred to a report he had written and brought to the meeting about damage done to such a route in the Nidderdale area. David Swabey agreed to discuss this matter with Iain Burgess outside of the meeting.

Members supported the implementation of a structure for performance management and suggested that the publicity of its launch may have an added benefit in that offenders may reconsider their behaviour thereby reducing the workload of the unit.

John Edwards confirmed that the County Council was about to produce a monthly newspaper to be distributed to every household in the County. The newsletter would be an ideal vehicle for publicising the matrix. Members were advised that it was intended that the matrix would be available on the CAMS website.

RESOLVED –

- (i) That the Local Access Forum agrees that the matrix referred to in the report be piloted from January 2007 and that a further report on performance be reported to the meeting in May 2007.
- (ii) That Category 1 of the matrix be amended to include historic routes such as

causeways and monks roads and that the comments made by LAF Members be taken into account when preparing the report for the March meeting.

24. 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.

LAF Members commended Angela Flowers on the tremendous amount of work she had done in compiling the draft RoWIP for North Yorkshire.

John Edwards referred to paragraph 3.2 of the report and the proposal for a joint LAF event in October 2006 and suggested that due to practical difficulties it may be better if each LAF was limited to sending only four to six representatives. Thomas Wheelwright reminded LAF Members that any sub-groups had to be proportionate between the three user groups to comply with the Regulations. LAF Members requested that they be given as much advance notice as possible of the date of the October event.

RESOLVED –

- (i) That the content of the report be noted.
- (ii) That Ted Flexman, David Gibson and Judith Ratcliffe are nominated as the Forum's representatives on the RoWIP Steering Group.

25. OUTDOORS FOR ALL?: DRAFT DIVERSITY ACTION PLAN

CONSIDERED –

The report of the Public Rights of Way Improvement Plan Officer giving an overview of the consultation document produced by DEFRA in May 2006 entitled "Outdoors for All?: Draft Diversity Action Plan.

Iain Burgess referred to paragraph 3.9 of the report and was disappointed to report that hard copies of the consultation document had not arrived in time for the meeting. He confirmed that as soon as copies of the document were received they would be distributed to all Members of the Local Access Forum.

RESOLVED –

- (i) That the content of the report be noted and a copy of the consultation document 'Outdoors for All?: Draft Diversity Action Plan' be circulated to all Members of the Forum as soon as it was available .
- (ii) That Iain Burgess together with David Currie and John Goss formulate a response to the consultation document on behalf of the Forum.

26. PUBLIC RIGHTS OF WAY DEFINITIVE MAP MODIFICATION ORDER APPLICATIONS – AN UPDATE

CONSIDERED –

The report of the Definitive Map Officer updating Members on progress made processing Definitive Map Modification Order applications since September 2004.

RESOLVED –

That the content of the report be noted.

27. EXPANSION OF CATTERICK GARRISON –IMPLICATIONS FOR ACCESS

CONSIDERED –

The report of the Head of Countryside Services advising Members of the proposed expansion of Catterick Garrison and associated implications for access.

Diane Baines thanked John Edwards for producing the report and informed the Forum that the development of Catterick Garrison was the fastest growing site in North Yorkshire. At present the site was not a welcoming environment and from the point of view of public rights of way was not user friendly. She believed that the Ministry of Defence needed to be made aware of the needs of the local community and reminded that they did not have complete control over development of the site. There was a role for the Forum in co-ordinating responses to development proposals to promote integrated access from other Forums, National Parks, District Councils and other affected groups/organisations.

County Councillor Knaggs reminded Forum members that they should not forget the increased need for security at military sites and the sensitivity that surrounded all aspects of security.

Forum members agreed that there was a delicate balance to be struck as the expansion of the site was dependant upon private house sales. Forum members suggested that contact be made with other Forums in the country where expansion of military sites was proposed to see if they could offer North Yorkshire any advice or support.

RESOLVED -

- (i) That the Ministry of Defence be requested to prepare an Access Management Plan, as part of the Catterick Garrison expansion proposals, which assesses future access needs in relation to the rights of way network both within the Garrison area and in relation to links to the surrounding countryside, and which puts forward proposals to address those needs; and
- (ii) That a representative from the Ministry of Defence/Defence Estates be invited to a future meeting of the Local Access Forum to outline their Catterick Garrison proposals in more detail and discuss their potential implications for access.

28. PUBLIC RIGHTS OF WAY BUDGET

CONSIDERED –

The report of the Head of Countryside Services outlining key budget provisions and expenditure on public rights of way in North Yorkshire outside the National Parks.

Members thanked John Edwards for compiling the report and noted the downward trend of monies available for maintenance whilst acknowledging that this was mainly due to the loss of time-limited Government funding.

RESOLVED –

That the content of the report be noted.

29. ACHIEVEMENTS AND PERFORMANCE ON PUBLIC RIGHTS OF WAY 2005/2006

CONSIDERED –

The report of the Head of Countryside Services giving details of achievements and performance relating to public rights of way.

RESOLVED –

That the content of the report be noted.

30. FORWARD PLAN

Members received the proposed future Work Programme of the Forum. Members were advised that the November meeting would include an additional item – a consultation on River Access. It was agreed that the recommendations made earlier in the meeting for additional reports are incorporated into Work Programme.

Members agreed to the suggestion of John Edwards that future agenda include standing items on the Rights of Way Budget and Performance Monitoring on an annual basis.

The Chairman reminded the Forum that any Member wanting to place an item on the Forward Plan was to contact the Secretary.

RESOLVED –

- (i) That the content of the North Yorkshire Local Access Forum's Forward Plan be noted and approved.
- (ii) That the following reports are incorporated into the Forum's Forward Work Programme:-
 - identifying a package of specific routes suitable for PROW users with special needs.
 - Catterick Garrison Expansion Proposals
 - Consultation on River Access
- (iii) That standing agenda items on PROW Budget and Performance Management be reported to the Forum on an annual basis and incorporated in the Forward Work Programme.

31. INTRODUCTION TO SITE VISIT OF THE HOWARDIAN HILLS AREA OF OUTSTANDING NATURAL BEAUTY

The Howardian Hills AONB Officer Paul Jackson welcomed Forum Members to Hovingham and gave an overview of the Howardian Hills AONB area prior to the afternoon site visit. Copies of the current Annual Report of Howardian Hills were circulated at the meeting.

The Chairman thanked Paul Jackson for extending an invitation to LAF Members to visit the Howardian Hills.

RESOLVED –

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

32. DATE AND TIME OF NEXT MEETING

The Chairman advised Members that it was proposed that the next meeting be held on the afternoon of Thursday, 16 November 2006 at County Hall, Northallerton.

RESOLVED –

That the next meeting of the North Yorkshire Local Access Forum be held on Thursday, 16 November 2006 commencing at 1.00 pm at County Hall, Northallerton.

33. GREEN LANES POSITION STATEMENT

The Chairman agreed that the following item should be dealt with as a matter of urgency to enable nominations to the re-established Green Lanes Liaison Group to be made and a Management Document developed.

A copy of a briefing note outlining the current position regarding the management of Green Lanes was circulated at the meeting.

At the invitation of the Chairman, Doug Huzzard the County Council's Highways Asset Manager outlined the background to the current position and responded to Members questions. He stressed that any works carried out would need to be prioritised and described the review of the Highways Maintenance Plan undertaken by the County Council's Transport and Telecommunications Services Overview and Scrutiny Committee. He confirmed that resources to carry out works to the Lanes had been identified and hoped that the re-establishment of the Green Lanes Liaison Group would progress this area of work which was why nominations were being sought that day.

Iain Burgess referred to recommendations made at the last meeting (Minute No 5 Natural Environment and Rural Communities (NERC) Act 2006) and stated that the County Council was not in a position at present to produce the schedules of unclassified roads specified due to problems with record management. Following introduction of the NERC Act there had been no significant change in user practice and he did not anticipate this situation changing in the immediate future. Some specific issues had been identified and dealt with.

Doug Huzzard suggested that in view of the scale of the network and the limited amount of resources available one possible solution was for the County Council to provide materials to volunteer groups to maintain the Green Lanes network. This would require consensus and compromise and was why prioritising was necessary.

The Chairman noted that the membership proposals for the Green Lanes Liaison Group did not include representatives of specific user groups and pointed out that LAF members were not individual user group representatives. Member agreed that it made sense for individual user groups to be represented as they would provide the manpower needed to maintain the sustainability of Green Lanes.

RESOLVED –

- (i) That the Local Access Forum notes the current position regarding the management of Green Lanes in North Yorkshire.
- (ii) That a copy of the Green Lanes Position Statement circulated at the meeting be forwarded to Leo Crone.

- (iii) That the Local Access Forum supports the re-establishment of the Green Lanes Liaison Group.
- (iv) That the Local Access Forum recommends that representatives of specific users groups be included in the membership of the Green Lanes Liaison Group.
- (v) That John Goss, Thomas Wheelwright and Leo Crone be nominated to represent the North Yorkshire Local Access Forum on the Green Lanes Liaison Group.

JW/ALJ