

NORTH YORKSHIRE LOCAL ACCESS FORUM

Minutes of the meeting held at County Hall, Northallerton on 22 February, 2007.

PRESENT:-

Ted Flexman – Chairman.

Other Members – Diane Baines, Leo Crone, David Currie, Edward Dennison, Christopher Gibson, John Goss, Nigel Graham, Stephen Ramsden, Judith Radcliffe, David Swabey, Paul Tibbatts, Anthony Turner and Thomas Wheelwright.

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

Officers:- John Edwards, Iain Burgess, Angela Flowers, Gavin de la Tour, Aidan Rayner and Steve Loach.

Present by Invitation: Rachel Briggs, Yorkshire Dales National Park.

Apologies for absence were received from County Councillor Michael Knaggs.

COPIES OF ALL DOCUMENTS CONSIDERED ARE IN THE MINUTE BOOK

47. MINUTES

RESOLVED –

That the Minutes of the meeting held on 16 November 2006, having been printed and circulated, be taken as read and confirmed and be signed by the Chairman as a correct record.

48. PUBLIC QUESTIONS OR STATEMENTS

None received.

49. UNSURFACED, UNCLASSIFIED ROADS

The Forum received an update in respect of the unsurfaced, unclassified roads network, supplied by the Highways Asset Manager.

The report outlined the Council's intention to identify managed unsurfaced, unclassified network in a sustainable and fit for purpose manner. It was noted that there were approximately 750 km of unsurfaced, unclassified roads throughout the County. It was explained that the intention was to pilot 10 routes for use within the County and when the results of the pilot had been established to roll out this scheme to the whole of the network, relative to the results obtained.

Qualification was sought as to the status of surfaced unclassified roads. In response it was stated that the routes referred to were those that had never been sealed by the County Council. It was noted that there were a number of dual status routes affected by the NERC Act, whereby, should the main use of the route, over the previous five years, not being vehicular then any rights for vehicular use of that route would have been extinguished by NERC.

It was stated that DEFRA Guidance was being sought in relation to the unsurfaced routes and no action could be taken on these until that had been obtained.

It was noted that despite the NERC Act introducing powers for the National Parks to introduce Traffic Regulation Orders, currently, the County Council still has control of these. It was explained that there was some difficulty in proving that many routes had vehicular rights of way and it was expected, therefore, that a pragmatic approach would be undertaken in respect of identifying the routes for this purpose. A detailed discussion took place on the identification of roads and their lawful/unlawful use and how these were to be identified in respect of the report. It was stated that where issues could not be resolved in determining the classification of these routes negotiations would take place with the appropriate highways authority for that area. Members considered that some of the issues within the report required clarification, as, these were not always clear to those not fully involved in the process. The implications of "dual status" were discussed and it was indicated that this classification could relate to a number of uses. It was emphasised that where the NERC Act applied to these routes then vehicular access could not be undertaken. These routes, however, still had to remain within the list of roads because of their legal status. A Member considered that the term "dual status" was misleading, as the routes had a variety of uses and felt that these should be referred to as "multi-purpose". It was stated that consideration would be given to this matter, although the term "dual purpose" had traditionally been used for these routes.

Clarification as to whether the pilot project referred to within the report has been operated by the County Council or one of the National Parks Authorities would be confirmed subsequently.

It was asked how the proposed body, that had been outlined at a previous meeting, to give consideration and advice on the implications of the NERC Act, was developing? In response, it was noted that the proposals required three representatives from each of the Local Access Forums to take part in the group and it was assumed that these appointments had now been made. Some concern had been expressed that the representation on the group was not sufficiently wide enough. It was also noted that the Group had been appointed as a Sub-Committee to the Local Access Forums and, therefore, would include a mechanism for reporting back into the main meeting. It was considered, however, if these groups were not Sub-Committees of the LAF's then the representation would have to be reconsidered to ensure the views of the whole community were taken into consideration.

In terms of this it was asked how the development of the groups had progressed? In response it was stated that the situation was similar to the Green Lanes Liaison Group, in that meetings were not currently taking place. It was emphasised, however, that the situation was developing and that the pilot work had enabled the model to be produced by the Yorkshire Dales National Park Authority, which could be rolled out across the County to co-ordinate the response to the NERC Act. Should this be accepted, then it could negate the need for the sub-group to meet.

It was noted that the Highways Asset Manager was involved in the pilot group and would feedback information from the developments outlined and a way forward could be determined from there.

RESOLVED –

That the report be received and the information outlined be noted.

50. DEVELOPMENT AND COUNTRYSIDE SERVICE REORGANISATION

CONSIDERED –

The report of the Access and Public Rights of Way Manager providing an overview of the re-organisation of the Development and Countryside Service for the benefit of the Local Access Forum.

It was stated that the re-organisation focused on greater management accountability and efficiencies, performance management improvements and a delineation of responsibility around core business, policy development and front line services.

The principles behind the re-organisation had been as follows:-

- Strengthen management of the Rights of Way Service.
- Developing a new way of working.
- Mainstreaming of open access work.
- Higher profile for the Rights of Way Improvement Plan.

A copy of the revised structure for the service was appended to the report.

Members were re-assured that local liaison meetings would continue as at present but it was more likely that more Rights of Way Officers would attend those meetings, because, rather than area responsibilities, these officers had now been given specific service led responsibilities. It was emphasised that the work of Countryside Rangers would still continue on a geographical basis ensuring that the range of knowledge and trust built up with local communities could still be utilised. It was emphasised, however, that there were only 9 Rangers to cover the whole of the area.

Members enquired as to the position of the Information/Management/Development Officer, noting that the post was currently on a fixed term three month contract and asked whether consideration had been given to making the position permanent? In response it was explained that the post had been created specifically to ensure the CAMS system was in place, and it was noted that this continued to be developed at an exceptional level, which was nationally recognised. It was emphasised that until the work was completed the contract would continue as at present but consideration would be given to mainstreaming the post on the conclusion of the project.

RESOLVED –

That the report be noted.

51. PUBLIC RIGHTS OF WAY IMPROVEMENT IN THE NIDDERDALE AONB

CONSIDERED –

Report of the Nidderdale Project Officer updating Members on the progress of the Public Rights of Way Improvement Programme within the Nidderdale Area of Outstanding Natural Beauty.

The report highlighted the work that had been undertaken since the last meeting of the Local Access Forum in November 2006 and it was noted that the project was on track to deliver £50,000 of improvements to the Rights of Way network within the Nidderdale AONB in the current financial year.

It was noted that a survey of all Parishes within the AONB had indicated that the Public Rights of Way network was in need of significant improvement, as it had the highest density of problems found anywhere in the County.

This was being addressed, with good progress made. It was noted that the project would also benefit from the restructuring of the Development and Countryside service.

Members welcomed the developments on the project and hoped that the developments in the Nidderdale AONB could be mirrored across the County in future.

RESOLVED –

That the report be received for information.

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

CONSIDERED –

An oral Report from the Access and Public Rights of Way Manager updating the Forum on the provision for Public Rights of Way users with special needs.

He outlined the work that had been undertaken to ensure that gradient levels were included in the CAMS, that the Public Rights of Way network was being thematically mapped and that level paths, stile free, could easily be identified. It was expected that information would be available by Summer 2007, which would also be included on the County Council's website. It was emphasised that, through this method, appropriate information could be targeted at relevant groups. Routes targeted at people with specific abilities would also be promoted alongside this information.

It was noted that other areas, for example the Lake District, had published simple clarifications for different types of surfaces to assist disabled people in their choice of routes to take. It was stated that the system was fairly simple and easy to understand and allowed people to determine for themselves which route to use. It was noted that the information being produced by the County Council was to be placed on the website as this could be done much more quickly than producing leaflets and the cost implications were not as extensive. It was stated that unsurfaced, unclassified roads would also be included within the routes.

It was emphasised that access for everyone was being given a high priority, especially from those working on public rights of way, as it was the aim of the service to have the countryside as accessible as possible. It was emphasised, however, that it was not a particular priority of the service to ensure that the information relating to disabled people's access to public rights of way was placed into a meaningful format at this stage, due to the lack of available resources required to undertake that.

Potential improvements that could be made for making routes more favourable for disabled people were outlined, however, it was emphasised that resource issues meant that this could not be carried out on an extensive basis and that it was likely that one area per year would be considered to ensure that an accessible route was available in that area.

The cost of publicising routes was discussed and it was stated that these would be placed in the North Yorkshire Times, which was circulated to all households in North Yorkshire. In relation to this it was noted that ten routes had previously been identified and it was considered that these could be promoted within the NY Times to provide a catalyst for stimulating interest/debate on this issue. It was suggested that feedback could be obtained through the publication of these routes, allowing any benefits, or problems, to be reported back by disabled people.

It was noted that the National Parks were looking to audit routes throughout their areas to establish suitable routes for disabled people, publishing possibly one or two each year.

It was emphasised that more difficult routes should also be published, to allow disabled people to determine for themselves which route they would wish to use.

It was stated that CAMS would enable more of this information to be made available.

A Member of the Forum referred to a walk that had been described as wheelchair accessible, but turned out to be not and it was emphasised that every effort had to be made to ensure that, where routes were publicised as having access for disabled people, these had appropriate accessibility.

RESOLVED –

That the oral report be noted and further updates be submitted to subsequent meetings of the Forum.

53. RIGHTS OF WAY IMPROVEMENT PLAN

CONSIDERED

The report of the Improvement Plan Policy Officer, providing details of the progress made in respect of the Rights of Way Improvement Plan for North Yorkshire.

Draft copies and an Executive Summary of the plan were circulated to Members of the Forum. It was noted that the comments received at the meeting held in November 2006 had been included in a revised version of the draft plan.

It was expected the consultation for the plan would be launched at the beginning of April 2007, which would follow the required statutory consultation period, concluding in mid-June 2007.

Updates of the plan would continue to appear on the County Council's website.

It was emphasised that the timescales for the publication of the plan should be met.

An explanation of some of the details contained within the draft plan were provided for Members clarification. It was noted that a summary would be provided alongside the main plan to ensure that it was easier to understand.

RESOLVED –

That the Improvement Plan Policy Officer be thanked for the work undertaken in producing the plan, with the publication of the final plan being eagerly anticipated by the Forum.

54. PRIORITISATION OF COMPLAINTS ON THE PUBLIC RIGHTS OF WAY NETWORK - UPDATE

CONSIDERED –

The Access and Public Rights of Way Manager provided an oral report updating the Forum on the prioritisation of complaints on the Public Rights of Way Network.

It was reported that the system had been tested, on a simplified basis and it appeared to work. It was stated that the simplified version would be in place from 1 April 2007 and a report on this issue would be provided to the next meeting of the Local Access Forum.

RESOLVED –

That a further report on this issue be provided to the next meeting of the Local Access Forum.

55. DEFRA CONSULTATION – IMPLEMENTATION OF SECTION 72 OF THE NATURAL ENVIRONMENT AND RURAL COMMUNITIES ACT 2006

CONSIDERED –

Report of the Access and Public Rights of Way Manager providing the Forum with information relating to the power for National Park Authorities to make Traffic Regulation Orders, following the implementation of Section 72 of the NERC Act.

It was emphasised that the consultation in relation to this was on how the National Park Authorities would make Traffic Regulation Orders and not whether they would be allowed to.

In respect of the Order it was stated that the County Council was satisfied with the arrangements that were previously in place for the implementation of Traffic Regulation Orders within National Parks, however, the National Park Authorities had expressed concerns and this was why the process had been introduced. The National Park Authorities had suggested that the Local Authorities were not implementing Traffic Regulation Orders as quickly as they would like to have seen, which was why they had lobbied for this change in legislation.

The implementation of Traffic Regulation Orders under legislation prior to the NERC Act was outlined. It was stated that the process would be quicker for National Park Authorities to impose TRO's under the new Act. It was expected that this could have a major impact on the unsurfaced, unclassified roads within the National Parks. It was noted that a small amount of resources would be freed up for North Yorkshire County Council through the implementation of this Section of the Act.

A Member of the Forum noted that, since the implementation of the NERC Act he had noted a significant decrease in the number of vehicles on the road network within National Parks.

The report set out a series of questions from DEFRA, and a brief background to the content of the questions, which the Forum were invited to provide a response, as part of the consultation process.

The questions were set out as follows:-

Question 1 – Do you agree that the National Park Authorities should follow broadly similar procedures to those currently followed by Local Authorities in making Traffic Regulation Orders?

Members argued that there should be no difference in the procedure, with one procedure and one set of regulations in place for these. In relation to this it was explained that the procedure would be the same, however, the consultations would differ from those undertaken by the County Council and this was why the procedure would be broadly similar.

- Response – the Forum agreed to this issue.

Question 2 – Do you agree that providing a single new set of regulations targeted at National Park Authorities is the correct way to implement the new powers?

Response – the Forum agreed with this issue.

Question 3 – Are there any other surface materials, other than those outlined within the report, that the Forum consider should be added to the list of prescribed materials?

Response – the Forum considered that no other materials should be added.

Question 4 – Do you agree with the inclusion of the organisations listed in Table 1 of the report? Are there any other organisations that the Forum feel should also be included?

Response – the Forum agreed with the list of bodies provided in Table 1 of the report, but felt that the following additional organisations should also be consulted:-

- The National Trust.
- English Heritage
- NFU
- CLA

Question 5 – Is a requirement to give notice of the proposal in a newspaper appropriate or could it be replaced by a requirement to publish such a notice on the website of the National Park Authority?

Response – the Forum considered that notices should be published both on the National Park Authority's website and in an appropriate newspaper.

Question 6 – Do you agree that there should be a requirement to place a notice on site publicising an intention to make a permanent, experimental or temporary Traffic Regulation Order?

Response – the Forum agreed that a notice should be placed on site.

Question 7 – Are there other topics or areas that you believe should be covered in Guidance to National Park Authorities?

Response – the Forum suggested that where a route extended out of the boundaries of the National Park, then the proposals to implement a TRO should be discussed with the adjacent Highway Authority and any other body affected by the proposal.

Question 8 – Are there any other considerations which you think it is important for the Secretary of State to take into account in deciding how or when to introduce the new rights?

Response – the Forum considered that should a National Park apply for numerous closures, within their boundaries, in a short period of time, then the Secretary of State should intervene to determine why the closures had been requested and whether these were merited.

Question 9 – Does the Forum agree that the regulatory impact assessment accurately describes the possible impacts and likely costs and benefits of the proposals contained in the Consultation Paper?

Response – the Forum considered that they were not in a position to provide an appropriate answer on this issue.

RESOLVED –

That the Forum's response to the consultation process, as set out in the above Minutes be sent to the Secretary of State, as the Forum's response to the consultation.

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

CONSIDERED –

The report of the Definitive Map Officer providing an update to the Forum on the progress with the processing of Definitive Map Modification Order applications since August 2006.

It was noted that paragraph 2.2 of the report referred to an example stating that Modification Order Reference 88/02 Quarry Top Application in Laverton, was the second application received in 1997, whereas this should have referred to the second application having been received in 1988.

It was emphasised that Modification Orders/Creation Agreements were an extremely complex issue to deal with and it was not always easy to expedite these quickly. It was noted that the service was starting to clear the backlog of outstanding applications and was hoping to make further progress on this now that the revised staffing structure was in place.

RESOLVED -

That the report be noted.

57. RIVER ACCESS CAMPAIGN – UPDATE

CONSIDERED –

An oral Report of the Access and Public Rights of Way Manager highlighting the progress made on the River Access Campaign.

He stated that progress on this issue was still being made, following a Private Members Bill that was introduced to Government earlier in 2006. It was noted that the issues within the Bill were on a similar basis to the Right to Roam issues promoted by walkers and ramblers in the past. The aim was to make access to rivers, waterways, etc easier for people. It was noted that the initial request was just for the use of water, however, the Local Access Forum would have to consider how people would access the waterways and take into account other users of water, for example anglers.

RESOLVED –

That the report be noted and further updates be submitted to subsequent meetings of the Local Access Forum.

58. FORWARD PLAN

CONSIDERED –

The report of the Head of the Countryside Service requesting Members to consider future agenda items, with a view to establishing a Forward Plan at each meeting, to cover the year ahead.

It was noted that venues were being sought for the meetings being held on 24 May 2007 in the Scarborough area and also in the Settle area on 16 August 2007. Suggestions for venues would be welcomed.

Details of the suggested agenda items for forthcoming meetings were set out in the report and it was noted that site visits, together with invited speakers, were being suggested for the Scarborough/Filey area meeting on 24 May 2007, to discuss issues related to the coast and for the Settle area meeting being held on 16 August 2007 in respect of access issues in the Forest of Bowland.

It was suggested that an item be placed in the Forward Plan to consider Disabled Persons Access Mobility Routes in the Area. It was suggested that this would be appropriate for the November meeting in the Selby area as there were a number of appropriate routes available in that area. In respect of this issue it was again suggested that appropriate walks be submitted to the Head of Countryside Services so that these could be publicised in the North Yorkshire Times. It was also suggested that the publication be used to advertise meetings of the Local Access Forum and in relation to the recruitment of representatives to the Forum. These suggestions were noted and it was stated that the relative deadlines for the publication would be checked to determine whether the issues highlighted could be placed in the forthcoming edition of the NY Times.

RESOLVED –

That the proposed Forward Plan be approved, with the issues highlighted in the above Minutes, being addressed accordingly.

59. RETIREMENT OF CHAIRMAN

The Chairman stated that, following this meeting, he would be standing down as Chairman of the Local Access Forum.

RESOLVED –

That the Forum thank Ted Flexman, for his contribution to the North Yorkshire Local Access Forum and for his Chairmanship of the Forum and that the best wishes of the Members of the Forum be recorded.

60. DATE OF NEXT MEETING

RESOLVED –

That the next meeting of the Local Access Forum be held on Thursday, 24 May 2007, in the Scarborough Area at a time and venue yet to be determined.

SLM/ALJ