

NORTH YORKSHIRE LOCAL ACCESS FORUM

Minutes of the meeting held at Dalesbridge Centre, near Austwick on 16 August, 2007.

PRESENT:-

Tony Turner in the Chair.

North Yorkshire County Council:- County Councillors Michael S Knaggs and Eric Broadbent.

Other Members:- Allan Aspden, Paul Chapman, Rachel Connolly, Leo Crone, Edward Dennison, David Gibson, John Goss, Stephen Ramsden, David Swabey, John Taylor, and Paul Tibbatts.

Officers:- Iain Burgess, John Edwards, Aidan Rayner and Jane Wilkinson.

Apologies for absence were submitted on behalf of County Councillor John Fort, David Currie and Diane Baines.

One member of the public.

COPIES OF ALL DOCUMENTS CONSIDERED ARE IN THE MINUTE BOOK

74. MINUTES

RESOLVED –

That the Minutes of the meeting held on 24 May 2007, having been printed and circulated, be taken as read and confirmed and be signed by the Chairman as a correct record.

75. MATTERS ARISING

Members referred to the discussion that took place at the previous meeting about the possible merger of York Local Access Forum with North Yorkshire Local Access Forum and asked what progress if any had been made.

It was reported that Officers from both authorities had met in July to discuss the practicalities of the proposed merger. At that meeting two main areas of concern had been identified namely finance and political representation. The Officer from the City of York Council had agreed to seek instruction on these matters and as at the date of the meeting his response was still awaited.

A further report on this matter would be referred to the next meeting and an invitation would be extended to a representative/s of City of York Council to attend and participate in the meeting.

76. PUBLIC QUESTIONS OR STATEMENTS

The Secretary reported that Mr Jon Beavan had given advance notification of his intention to make a public statement.

The Chairman invited Mr Beavan to make his statement.

Mr Beavan stated that he was the owner of the Dalesbridge Centre, the venue of the meeting that day and that the success of his business was dependant upon the public being able access to the local public rights of way network. During the last two years continued long term closures of public footpaths in the area due to pipeline works had resulted in many problems not least because they coincided with the busy summer season. He had recently learned that another pipeline planning application had been submitted which would require further closures of footpaths in 2008. In 2006 following representations from himself some affected footpaths had been reopened. In 2007 affected footpaths were closed in April for six months when he was advised that they would be reopened in June following completion of pipeline and landscaping works. These works were now complete but the footpaths remained closed and it was now August.

He was concerned that the closures were not being managed proactively and that some closures had been maintained where there was no risk to public safety or interference with pipeline works. He requested the support of the Forum and further requested that the Forum apply pressure on the County Council to proactively manage footpath closures caused by pipeline works.

Forum Members who lived in the vicinity supported Mr Beavan's claims and called for improved communications between the County Council and the pipeline authorities. Mr Beavan added that he could provide examples of where utility contractors had completed works and indicated that the footpaths were able to be reopened but that County Council signs still indicated that they remained closed.

Iain Burgess stated that the County Council was keen to keep all routes open. The County Council however often received no advance warning from the utility companies of their intention to carryout pipeline works which made it very difficult to coordinate and plan footpath closures. The County Council was not a statutory consultee to pipeline planning applications. All such applications had to be submitted to the relevant planning authority which in North Yorkshire was the relevant district council or National Park Authorities. Legislation dictated that all closures for pipeline works had to be for a minimum of six months. Completing the signage of all the necessary footpath closures had been a massive task for the County Council which had been further hampered by staff absences and bad weather.

Local Members stated that the key problem occurred when only part and not the entire length of a footpath was closed. Mr Beavan stated that at the outset he had been given assurances that all closures would be publicised – this had not happened. The result was that user groups were very frustrated as they had no way of checking if a footpath was open or closed. He asked if it would be possible for closures to be published on a known web-site or for a liaison officer to be appointed.

The Chairman remarked that footpath closures due to pipeline works were undoubtedly necessary. In order to minimise the disruption and to improve communication channels he suggested that the Forum consider as a possible area of work the development of a protocol that could be used in these circumstances.

The Chairman stated that if Members were in agreement he was prepared to write to the utility companies and district councils in North Yorkshire seeking their cooperation in the development of a protocol for dealing with footpath closures arising from pipeline works.

RESOLVED

- (i) That the Chairman of the North Yorkshire Local Access Forum sends a letter to utility companies and North Yorkshire District Councils seeking their cooperation to improve communication channels surrounding the process for closing public footpaths following the granting of planning permission for pipeline works.

77. RIGHTS OF WAY IMPROVEMENT PLAN PUBLIC CONSULTATION AND PLAN ADOPTION PROCESS

CONSIDERED

The report of the Policy Officer providing an overview of the responses received following public consultation on the draft Rights of Way Improvement Plan for North Yorkshire together with the process for adoption of the Plan.

In presenting the report the Access and Public Rights of Way Manager said that the consultation results demonstrated that most people did not grasp the purpose of the Plan, he considered that a lot of the comments that had been received were misdirected or too detailed. He stressed that a lot of the objectives outlined in the Plan were aspirational and had no time frame or funding attached so may never happen. He confirmed that the Plan had been written so as to support and align with the County Council's Local Transport Plan but he did point out that not all of the targets in the Local Transport Plan were compatible with those in the ROWIP.

The Chairman said that following the discussion on the draft Plan at the previous meeting and subsequent conversations he had held with Forum Members he sensed that Members were keen to assume a more proactive role in the future. He had read in full all of the submitted responses and armed with this knowledge suggested that the Forum give consideration to establishing an operating structure for implementation of the Plan that would enable it to be more responsive. He referred Members to the next agenda item and suggested that if Forum Members supported his suggested approach that further discussion was deferred until the next item. Members agreed with the suggestions of the Chairman and voiced their support for the Forum to be more proactive.

RESOLVED –

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

78. THE DEVELOPMENT OF STANDING SUB-COMMITTEES

CONSIDERED –

The report of the Local Access Forum Chairman suggesting the creation of a number of sub-groups to deal with specific areas within the Rights of Way Improvement Plan. He suggested that the sub-groups should meet between formal meetings of the Forum.

The Secretary summarised the Guidance to Local Access Forums on the rules for the operation of sub-groups and stressed that Committee Services did not have the resources available to support sub-groups. Consequently if the Forum decided to establish sub-groups the Secretary would not be directly involved.

Forum Members noted the comments of the Secretary and remained committed to establishing sub-groups which they agreed they would operate themselves without any direct input from officers. The Access and Rights of Way Manager welcomed this approach and said that he would be happy to attend sub-group meetings if invited but that he did not anticipate attending every meeting.

The Chairman tabled a document headed "Principles to Underpin The Forum's Work" a copy of which was placed in the Minute Book. He suggested that the work described earlier in the meeting to develop a protocol for dealing with footpath closures arising from applications for planning permission for pipeline works could be added to his tabled itemised list.

There was general support for the approach outlined in the report and Members agreed that the role of any Sub-Group established would be advisory and that they would not directly submit advice to a Section 94(4) body. The Chairman circulated a sheet of paper to all Members on which he asked them to indicate their personal preference for membership of the sub-groups outlined in the report. Members agreed that the Chairman would ultimately determine the membership of each of the sub-groups. Following the meeting details of sub-group meetings would be circulated and feedback reports considered at the next meeting.

RESOLVED –

- (i) That the North Yorkshire Local Access Forum establishes the following four sub-groups:-
 - Improving Rights of Way
 - Definitive Map
 - Access for All
 - Appeals and Notifications
- (ii) That feedback reports from the above sub-groups be referred to the next meeting.

79. COASTAL ACCESS CONSULTATION – IMPROVING ACCESS TO ENGLISH COAST

CONSIDERED –

Report of the Public Rights of Way and Access Manager informing Forum Members of the content of the Improving Access to English Coast Consultation.

An overview report prepared by the Chairman and John Taylor following their attendance at a briefing event sponsored by DEFRA was circulated at the meeting.

Members debated the merits of each of the options outlined in the consultation and noted with concern that there was no statutory requirement for Natural England to produce maps showing coastal access. Members were also concerned that the proposals contained no provision for compensation for landowners. Whilst Members supported in principle the new right of coastal access they agreed that the proposals in their present format would give rise to many objections and confusion. Further it was noted that the proposed new right of access was not inclusive and would not apply in Scotland or Wales.

Members expressed concern at the lack of notice they had been given in which to respond to what was an important, large and detailed consultation document. Members requested that future consultations sent to the Forum be circulated upon receipt by the Access and Public Rights of Way Manager to all Members.

The Access and Public Rights of Way Manager agreed that in future he would liaise with the appropriate sub-group and coordinate a recommended consultation response which would then be referred to the Forum for approval.

After some debate Members voted in favour of option 4 outlined in the consultation paper together with the comments made in paragraphs 2.1- 2.9 of the tabled report.

RESOLVED –

- (i) That the response of the North Yorkshire Local Access Forum to the Improving Access To English Coast consultation document is to support option 4.
- (ii) That the following comments are included in the above response:-
 - The Forum agrees that the Government should introduce new primary legislation to allow for a tailored access regime around the coast.
 - That regard be given to the following comments made by Forum members in relation to implementation of option four:-
 - (a) Access to beaches should be maintained and improved where appropriate.
 - (b) Realistic steps should be included to maintain the habitat and wildlife on the coast. Any arrangements for closure should be carefully considered and where necessary, well publicised.
 - (c) Ordnance Survey will need to establish a new way to indicate the coastal strip on its maps.
 - (d) That when establishing legislation to identify a national coastal strip of land the existence of all existing rights of way should be maintained. This particularly relates to higher rights (e.g. bridleways) as the current proposals only relates to access on foot.
 - (e) That the legislation should not make it difficult to convert existing rights into higher rights and should ensure improved access for those with limited mobility (and families) and any furniture installed is compliant with the new British Standard gap gates and stiles.
 - (f) There is currently no proposal to pay compensation to landowners arising out of the change of designation/use. It is suggested that there is only a small number of circumstances where compensation could be considered e.g. loss of earnings of a private beach. The Forum Members consider that compensation should be payable in a narrow range of circumstances although they tended to agree with the overall principal.
 - (g) It is recognised that for some authorities with coast lines this will add an additional financial burden for maintenance, signage etc. Forum Members were keen that there should be minimal disruption to habitat and minimal but effective way marking. The Government should take into account the real cost to highways authorities and others to implement this strategy and should implement a permanent access management scheme to fund these schemes.

- (h) Option 4 involves a new approach to access (different to existing CROW access land). This will require good training provision for all involved in implementing it and excellent communications with landowners, existing users and the general public to ensure that everyone is aware of how coastal access will work.
- (iii) That the Access and Public Rights of Way Manager forward upon receipt to Forum Members copies of all consultation documents received and to then coordinate consultation responses.

80. PUBLIC CONSULTATION ON THE RIGHT TO APPLY

CONSIDERED –

The report of the Public Rights of Way and Access Manager seeking the Forum's response to the DEFRA (Department for Environment Food and Rural Affairs) consultation on implementation of the right to apply for orders to extinguish and divert public rights of way and associated rights of appeal.

The affects of paragraph 3.3 of the report were drawn to the attention of Members who were informed that the proposals were not supported locally by officers. Unlike some authorities North Yorkshire County Council did process the rights of way applications it received although it was acknowledged that there was a significant backlog.

Rachel Connolly stated that if approved the proposals would present voluntary organisations with a significant resource problem. The evidence required at a public inquiry involved a lot of preparatory work and it was feared that under the new proposals some applications could be vexatious.

Members noted the probable higher costs for stakeholder groups.

Members did not support the proposed new statutory approach for rights of application and appeal for the above reasons.

RESOLVED –

- (i) That the response of the North Yorkshire Local Access Forum to the DEFRA Implementation of the Right To Apply For Orders to Extinguish and Divert Public Rights of Way and Associated Rights of Appeal is as follows:-
 - (a) That the Forum does not support the introduction of new sections 118ZA, 118C, 119ZA, 119C, 121A, 121C, 121D and 121E (and consequential amendments) into the Highways Act 1980 and does not support legislation to enable the Secretary of State to prescribe by regulation procedural matters to provide clarity in administration of the new rights, as well as to prescribe charges to be paid by applicants.
 - (b) That North Yorkshire Local Access Forum would like to see the introduction of a simplified legislative procedure for dealing with Definitive Map Modification Order applications (Schedule 14 Wild Life and Countryside Act 1981) that includes a right of appeal.

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

Aidan Rayner updated Members orally with progress made in this area since the last meeting. He emphasised that he was focusing on delivery and that he was working specifically on publicity for three routes. Resources were tight but he hoped to finalise the project by the end of the year.

The consultation responses received on the ROWIP would be used to prioritise funding applications. Progress with the web-site was on-going and he hoped to have further news to report at the end of the financial year. The existing leaflet promoting rights of way for users with special needs was in the process of being revamped.

Aidan Rayner was grateful for the offers of practical help made by Forum Members and it was agreed that this was an area that warranted further exploration at a meeting of the relevant sub-group.

RESOLVED –

- (i) That the progress made to date be noted.

82. FUTURE OF BEST VALUE PERFORMANCE INDICATORS

CONSIDERED –

The report of the Access and Rights of Way Manager informing the Forum of the Government's intention to reduce the number of national BVPI's from 1200 down to 200 and the likely adverse impact this would have on BVPI 178 (% of paths Easy to Use).

Forum Members were advised that the regional surveyors group supported the retention of BVPI 178 as a local indicator.

David Gibson stated he was aware of the considerable staff resource needed to collate data for BVPI 178 but considered that it was well worth the effort as it provided rights of way managers with valuable local information about the condition of the rights of way network in their area. The results could also be used to benchmark performance with other authorities. The data had in the past been used as evidence and had led to North Yorkshire County Council being awarded a substantial sum of money from the LPSA fund.

Forum Members supported the comments made by David Gibson and agreed that it would be beneficial if the County Council continued to collate data for BVPI 178.

RESOLVED –

- (i) That if BVPI 178 is not retained as a national indicator North Yorkshire Local Access Forum to send a letter to North Yorkshire County Council recommending its retention as a local performance indicator.

83. PUBLIC RIGHTS OF WAY DEFINITIVE MAP MODIFICATION ORDER APPLICATIONS UPDATE

CONSIDERED –

The report of the Definitive Map Officer updating the Forum on progress made since February 2007 processing Definitive Map Modification Order applications.

Iain Burgess the Rights of Way Manager stated that the report was mainly for information and that he would be happy to answer detailed questions on individual applications outside of the meeting.

Members requested that in future similar reports are first referred to the relevant sub-group for information.

RESOLVED –

That the content of the report be noted.

84. PUBLIC RIGHTS OF WAY BUDGET

CONSIDERED –

The report of the Head of Countryside Services providing details of current budget provision and expenditure on Public Rights of Way in North Yorkshire outside the National Parks.

Members noted the loss of LPSA monies and supported the new presentation style of the report aligned to centralised budgets in accordance with the recent restructure of the service. It was noted that performance data on BVPI 178 was not yet available at the date of the meeting.

John Edwards the Head of Countryside Service commented that whilst increased funds would always be welcome the challenge was to maintain current performance on the level of funds currently available. He added that overall he was comfortable with the state of the budget for the forthcoming year.

RESOLVED –

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

85. 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 work programme for each meeting to cover the year ahead.

Details of the suggested agenda items for forthcoming meetings were set out in the Plan and it was agreed that the items referred to earlier in the meeting be incorporated.

RESOLVED –

- (i) That the proposed Forward Plan is approved and the matters referred to in earlier agenda items be incorporated.

86. DATE OF NEXT MEETING

RESOLVED –

- (i) That the next meeting of the North Yorkshire Local Access Forum be held on Thursday 22 November 2007 in the Selby area at a time and venue to be determined.

JW/JD/PAT