

Definitive Rights of Way Task Group

Notes from meeting held 24th January 2008 at County Hall

Present :- Alan Aspden
Rachel Connolly (Chair)
Edward Dennison
David Gibson
Mike Knaggs
John Taylor

Penny Noake (NYCC)

Unable to attend: Leo Crone and Stephen Ramsden

Definitive Maps

Penny Noake kindly agreed to attend the meeting and provided some valuable insight into the history and current activity in creating the 'Definitive Map'

The 'National Parks and Access to the Countryside Act 1949' starting the whole process. Parish Councils were asked to provide information on ROWs and after several drafts and consultation periods Definitive Maps were confirmed in the years 1961 to 1965 depending on the area of the country.

Since the mid 1980s there has existed a backlog of changes and new routes needing adding to the Map. There are about 188 outstanding Definitive Map Modification Orders (DMMO's) which meet some of the evidential criteria and although the target is to complete 40 annually, the actual rate is lower. The backlog seems to have settled at around 5 years worth of work.

There is a much larger list of applications which have not been accepted as the evidence is too flimsy and these have been filed in case of future need. There is a dedicated officer dealing with Diversions of which there are currently about 200 which are being dealt with more quickly, and just about keeping up with new applications. Clearly a strategy will need to be developed by NYCC at some time to enable all outstanding work to be completed by 2026 which is the year that current legislation defines as when Definitive Maps will be finalised. The matter of Unclassified Unsurfaced Roads and Rationae Tenurae roads not being clearly designated on maps was also a matter of utmost concern, and the LAF would discuss this again later.

It was noted with dismay that the staffing levels of the department had fallen drastically and the workload was stretching staff beyond capacity.

Discovering Lost Ways

This is a project promulgated by the CROW 2000 Act, and the purpose was to record historical routes 'lost' and not recorded on the current definite map. It was formerly directed by The Countryside Agency (now Natural England). However, a lack of funding for the necessary research and the expense and complexity of the likely challenges to the routes when found, means that the project may be shelved by government. Where historic routes could form the vital links to make an improved network it was decided it could be appropriate for the LAF to support such research, otherwise it was not within the remit of the group to become involved.

Local history groups could be a useful source of assistance in these cases, or it might be possible to form other volunteer groups to carry out archival research to support the ROW team and speed up DMMO's.

Development

Penny Noake was asked how proactive her department was in working with the Minerals and Waste department at County Hall and with the 7 district councils. She gave assurances that the Minerals and Waste staff were more aware of access opportunities provided by planning gain and now liaised with the RoW department. However the same could not be said of all the district councils.

It was suggested that representations should be made to the Development Officers of the 7 District Councils requesting that the LAF be consulted in the discussions on their Development Frameworks and in the early stages of large developments. This is to ensure that access opportunities are not lost, thus delivering the purpose of the RoWIP

We also believe that the LAF should voice its concern at the cut in staffing of the ROW department given the extra workload that right to roam has created, that the Marine Bill (coastal access) will create, but most importantly that the cut-off date most certainly demands combined with constant expectation of targets and data recording. This must all be set against a background of the (again) government expectations of each county to improve its rights of ways in line with their improvement plans.

John Taylor 24/1/08