

## **NORTH YORKSHIRE LOCAL ACCESS FORUM**

Minutes of the meeting held in the Grand Committee Room, County Hall, Northallerton on 20 November 2008.

### **PRESENT:-**

Tony Turner in the Chair

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

Other Members:- Allan Aspden, Rachel Connolly, Paul Chapman, Edward Dennison, David Gibson, Ian Jakulis, Tony Martin, David Shaftoe, David Swabey, John Taylor and Paul Tibbatts.

Officers:- Richard Flinton (Corporate Director – Business and Environmental Services), Iain Burgess, John Edwards and Aidan Rayner (Countryside Services) Doug Huzzard (Highways and Transportation) and Jane Wilkinson (Legal and Democratic Services).

Present By Invitation:  
Chris Hawkesworth – British Canoe Union.

Apologies for absence were submitted on behalf of County Councillor John Fort, Leo Crone and Stephen Ramsden.

Three members of the public.

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### **COPIES OF ALL DOCUMENTS CONSIDERED ARE IN THE MINUTE BOOK**

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#### **140. MINUTES**

##### **RESOLVED –**

- (i) That the Minutes of the meeting held on 21 August 2008, having been printed and circulated, be taken as read and confirmed and be signed by the Chairman as a correct record subject to wording of the Forum's Principles (Minute No 131) being amended as follows:-

“Any new access should be at the most practicable and appropriate rights.

All new access is welcomed but the Forum stresses that permissive (temporary) access does not equate with definitive (permanent) rights, which are preferred.

The Forum wishes to raise awareness of how different users can enjoy responsible sharing of routes whilst supporting challenge to illegal usage when appropriate.

The Forum recognises the establishment and challenges of new initiatives eg coastal access, access to water, access to forests and woodland and dedication of land for public access”.

- (ii) That a copy of the Forum's Principals incorporating the revised wording be circulated at the next meeting of the Sub-Groups.

**141. MATTERS ARISING**

**MINUTE NO 134 – OPEN ACCESS – LINKS TO ISOLATED AREAS**

The Access and Public Rights of Way Manager reported that the County Council had accepted a grant of £2,500 from the Ramblers Association to produce a joint booklet promoting walks on open access land in North Yorkshire. The booklet would be based on the lines of a similar booklet produced by East Riding Council. Assurances were given that every attempt would be made to ensure that the featured walks were accessible to as many users as possible.

**142. PUBLIC QUESTIONS OR STATEMENTS**

The Chairman announced that he had received advance notification from two members of the public wanting to speak at the meeting. The Chairman then invited Mr Keith Wadd (Chairman of West Riding Ramblers Association) and Mr David Nunns (Ramblers Association) to address the meeting.

Mr Wadd made reference to agenda item 8 Maintenance Backlog Breakdown. This report contained details of 9,606 reported unresolved issues on the network, which he said represented approximately three years work. He regarded this as a scandalous situation as many of the unresolved issues made the routes in question impossible to use. He stressed that all of the affected routes should by law be accessible by the public. The maintenance backlog, coupled with staff numbers employed within the countryside service section of the County Council being reduced by a third, was reflected in the poor performance recorded for BVPI 178 (overall ease of use of routes). The figure for North Yorkshire outside of the National Parks had dropped to 61% in 2008 from a figure of 77% recorded in 2007. He stressed that many local people relied on the rights of way network as an essential means of transport and not purely for leisure and recreational activities. This important point was he believed often overlooked by the County Council. He believed that the current public rights of way budget was inadequate and he urged the Forum to lobby the County Council to request that it give serious consideration to substantially increasing the public rights of way budget for 2009/10.

Mr David Nunns said that when the Forum was initially established one of its main objectives was to increase access to open access land, especially isolated open access land. He acknowledged that some progress had been made in this area but said that there remained a lot of work still to do. He gave examples of obstacles encountered by users when attempting to access open access land and said that in so doing he was aware of unintended damage caused to infrastructure and the environment as a result. He asked how the Forum intended to address this difficulty.

In response the Chairman said that the Forum would bear in mind the comments made by Mr Wadd when considering agenda item 7 Public Rights of Way Budget. In response to the statement and question posed by Mr Nunns the Chairman referred him to the Minutes of the previous meeting in particular Min No 134 Open Access – Links to Isolated Areas. The Minutes demonstrated both the Forum's and the County Council's commitment to finding a satisfactory resolution to the problem. The Forum's Forward Plan of Action tabled at the meeting also made reference to this ongoing area of work.

**143. THE ROLE OF THE NORTH YORKSHIRE LOCAL ACCESS FORUM**

The Chairman on behalf of the Forum gave a power point presentation (copy of slides in Minute Book) primarily to Richard Flinton Corporate Director - Business and Environmental Services outlining the role and membership of the Forum together with its recent achievements and areas of work currently under consideration. He said that Members were keen to raise the profile of the Forum and to develop their role as an advisory body to the County Council and other Section 94(4) Bodies. Members were also keen to be more proactive and would be interested to discover from the Corporate Director his thoughts on the relationship between the Forum and the County Council.

The Corporate Director – Business and Environmental Services thanked the Forum for their invitation. He said that he was a firm believer in the benefits of partnership working and was extremely interested in forging links with the Forum on account of the networking opportunities offered by Forum Members especially with regard to parish councils. He said that whilst he would not be able to attend all of the Forum's meetings his attendance that day would not be his last.

**RESOLVED –**

That the content of the presentation be received and noted.

**144. NORTH YORKSHIRE COUNTRYSIDE STRATEGY CONSULTATION DRAFT**

**CONSIDERED –**

Report of the Head of Countryside Services seeking the Forum's views on the draft North Yorkshire Countryside Strategy. A copy of Landscape Matters was tabled at the meeting and a copy placed in the Minute Book.

The concept behind the delivery strategy and details of the work done to date were outlined at the meeting. It was stressed that the Strategy was an aspirational document only with no direct funding attached. Members were advised that the deadline for receipt of responses to the consultation was the end of February 2009.

A Member suggested that it would be beneficial if the report was placed on the agenda of the County Council's Area Committees.

The Forum supported the approach being adopted and agreed to respond formally to the consultation document. Members were also keen to support implementation of the Strategy and agreed to discuss in detail how this could be achieved at the next sub-group meetings.

**RESOLVED –**

- (i) That a response to the draft North Yorkshire Countryside Strategy be drafted by the Forum's Sub Groups and referred to the next meeting of the Forum for endorsement.
- (ii) That the comments of the sub-groups on how the Forum could support implementation of the Strategy be referred to the next meeting of the Forum.

**145. PUBLIC RIGHTS OF WAY BUDGET**

**CONSIDERED –**

Report of the Head of Countryside Service providing details of current budget provision and expenditure on PROW in North Yorkshire outside the National Parks.

In presenting his report John Edwards explained the reason for the underspend referred to in the report and the required efficiency savings. The work completed on the maintenance backlog (agenda item 7) meant that for the first time the County Council was able to quantify and cost the works needed. This would enable the Service to submit funding bids based on performance and he was therefore confident that the majority of the base budget would in future years be spent on maintenance. He highlighted the allocation for signposting and said that whilst additional resources would always be welcome he had to be realistic and was pleased with the overall direction of travel.

The Corporate Director – Business & Environmental Services gave a detailed explanation of the County Council's overall financial position and described the background to the efficiency savings that were required. He said that he was well aware of issues surrounding BVPI 178 performance and said that the Executive Member was extremely supportive of making improvements to the network. Whilst unable to give any guarantees in respect of additional resources he said that it had been extremely useful to listen to the views expressed during the meeting. Having now been in post seven months he said it was his intention to review the current staffing structure about which he had yet to form a firm view. He stressed that throughout the Directorate difficult decisions surrounding finance had to be made. By working more efficiently he hoped that the decrease in the base budget would be mitigated. He gave assurances that all funding avenues would be explored but said that the financial position of the County Council was not likely to change in the short term. He said that he would welcome any suggestions from the Forum on improved methods of working.

Forum Members acknowledged the financial constraints facing the County Council and said that it was their experience that the County Council was working more proactively than it had done in the past. It was suggested that in order to make best use of public money, work on the network should be rationalised so as to meet modern needs. Maintenance work should focus on those routes most frequently used and circular as opposed to linear routes should be prioritised.

With regard to the allocation for additional fingerposts Members were pleased to be informed that the installation works would be carried out by contractors thus not disrupting staff from their day to day duties.

Members commented that the County Council had at its disposal a large number of volunteers some of whom had complained that they were not given enough work to do. Members said that the County Council should make better use of this valuable resource especially in the light of the maintenance backlog. The Access and Public Rights of Way Manager acknowledged that Officers were struggling to meet the demands of volunteers. Plans to train some of the more experienced volunteers as supervisors were underway but it was acknowledged that current staff resources were unable to keep volunteers supplied with continuous work due to the practical logistics involved. This situation was being reviewed.

Members were disappointed to note the significant reduction in the General Maintenance Budget and expressed concern at the prospect of the maintenance backlog increasing year on year.

Members referred to the Minutes of the last meeting and asked what if any progress had been made with regard to the appointment of a new member of staff to support the work of the diversions officer on a self-funding basis. The Forum was advised that the appointment was subject to a successful bid being made to the Corporate Director – Business and Environmental Services.

Members were advised that it was too early to predict with any certainty the outcome of budget negotiation for 2009/10. Members requested a further update be reported to the next meeting.

**RESOLVED –**

- (i) That the content of the report be noted.
- (ii) That the North Yorkshire Local Access Forum requests that North Yorkshire County Council take into account staff numbers and the maintenance backlog within the Countryside Service when negotiating the Public Rights of Way Budget For 2009/10.
- (iii) That an update report on the Public Rights of Way Budget 2009/10 be referred to the next meeting.

**146. MAINTENANCE BACKLOG BREAKDOWN**

**CONSIDERED –**

Report of the Public Rights of Way Team Leader providing a statistical breakdown of reported unresolved maintenance issues on the public rights of way network.

In presenting his report Aidan Rayner said that the information in the report had led to annual programmes being designed and introduced to deal with specific problems such as vegetation. Some of the affected routes had more than one unresolved issue outstanding. In such instances Officers used their discretion when deciding whether to resolve a reported issue. An example of this could be a route with vegetation overgrowth and an obstruction. In this instance it was possible that Officers could decide that there was little point in clearing the vegetation as the route would still remain obstructed.

In response to requests from Members the Public Rights of Way Team Leader said the report could if required be produced on an annual basis with an interim six monthly update.

A Member observed that it was his experience that the public had made fewer complaints during the current year than they had over the previous four, however there was room for further improvement. The Access and Rights of Way Manager commented that it was possible to resolve problems quicker if damaged infrastructure items were replaced on a like for like basis. When considering maintenance requests Officers however took the opportunity to try to improve access to the network by upgrading infrastructure. This had cost implications and the delicate negotiations needed with landowners often led to delays in the works being carried out.

Members asked if the routes the subject of maintenance requests were prioritised and were advised that priority was awarded based on the severity of the reported issue. Frequency of usage of the route was one of several criteria used to determine ranking. Members commented that this could lead to certain areas of the county having very little maintenance work done on the rights of way network.

The Corporate Director – Business and Environmental Services said that the discussion raised an interesting point about whether there would be any merit in devising a classification of the rights of way network based on the model used by the highways network. He said that he would welcome advice from the Forum on this point. Delays in carrying out maintenance works were unavoidable for a variety of reasons as had been explained earlier but he said that it was important that the

County Council was open and honest in its dealings with the public. He acknowledged the need to make better use of the volunteers and welcomed any ideas the Forum may have on more innovative ways of working.

**RESOLVED –**

- (i) That the content of the report be noted.
- (ii) That a further Maintenance Backlog Breakdown report be referred to the May meeting of the Forum and thereafter be produced and reported to the Forum on an annual basis.
- (iii) That a report on the priority matrix for carrying out maintenance works on the rights of way network be referred to the next meeting of the Forum.

**147. WORK COMPLETED 2007/08 TO DATE**

CONSIDERED –

Report of the Public Rights of Way Team Leader providing details of work undertaken by Ranger Teams during the current financial year.

**RESOLVED –**

That the content of the reported be received and noted.

**148. FORUM SUB-GROUPS MINUTES**

The Forum received the Minutes of the meetings of the Access for All and Improving Rights Sub Groups held on 24 July and 9 October 2008 respectively.

**RESOLVED –**

- (i) That the Minutes of the Access For All and Improving Rights Sub Groups held on 24 July and 9 October 2008 respectively be noted.

**149. SIGNPOSTING AND WAYMARKING**

CONSIDERED –

The report of the Public Rights of Way Team Leader on the current practice and design and on the materials used in signposting and waymarking the rights of way network in North Yorkshire. The report sought the views of the Forum on the options available for updating and standardising signage.

Members were advised that the adoption and standardisation of signage across the whole of North Yorkshire would result in procurement savings.

The Chairman said that the content of the report followed discussions that had taken place at the Access For All sub-group meeting held in July referred to earlier in the agenda. He suggested that the report be considered in detail by the Access For All Sub Group with a view to a guidance note being produced that could then be shared with the other two Local Access Forums in North Yorkshire. Members supported this suggestion.

## **RESOLVED –**

- (i) That the report on Signposting and Waymarking be referred to the Access For All Sub Group to agree preferred options that are then referred to the other two Local Access Forums in North Yorkshire for comment.

### **150. UNSURFACED AND UNCLASSIFIED ROADS**

The Forum received an oral report from Doug Huzzard Business and Environmental Services on progress of the review of the County's unsurfaced unclassified roads network (UUR).

It was reported that the County has approximately 700km of UUR's, of which almost 50% had been surveyed to date.

Members noted that there is no funding stream for the UUR network which is specifically excluded from the County's annual road length return to the Department for Transport which forms the basis for the Revenue Support Grant. As road condition surveys are only applicable to 'surfaced' roads, the County receives no capital allocation through the LTP process.

Whilst these 'roads' appear on the List of Streets (LoS), i.e. roads that are maintainable at public expense, their inclusion within the LoS does not confer 'user rights' e.g. public use of mechanically propelled vehicles (MPV's). A number of years ago, the County stated that as a minimum the routes would be identified as 'footpaths', i.e. pedestrian use only. Some of the routes have been identified as being of 'dual status' i.e. they appear on both the LoS and the PROW Definitive Map.

Historically, in terms of both management and maintenance activity, the County has only reacted to specific incidents/directions (vehicle damage, legal requirements etc), the outcome of which has not always been successful. However, with the introduction of the Natural Environment and Rural Communities (NERC) Act on 2nd May 2006, which gave some management powers (but not maintenance responsibility) to the National Parks, the County has had to become more proactive.

The County has led, assisted and cooperated with various initiatives undertaken primarily by the Yorkshire Dales National Park (YDNP), which have been designed to identify as objectively as possible the most appropriate and sustainable 'use' of the route. Where this is not by MPV's, the legal process of imposing Traffic Regulation Orders (TRO's) has to be followed. Recent experience (YDNP) indicates that any moves to restrict MPV use on the UUR network will result in legal challenge by the plethora of 'off road' user groups, despite the fact that such groups are involved with and/or represented in the consultation exercise (as a minimum, some groups have actively participated in the 'strategy' development process itself).

In order to develop a County Council strategy for the management and maintenance of the UUR network, the Council formed the UUR Liaison Group. The Liaison Group comprises three County Councillors (Transport & Telecommunications and Environment & Heritage Overview & Scrutiny members); officers of the two National Park Authorities; representatives of the two AoNB's (Howardian Hills and Nidderdale) and members of the three Local Access Forums (LAF) (the two National Parks and North Yorkshire). The Group is chaired by Councillor Fort, supported by two BES officers. Progress is reported back via the Environment and Heritage O&S Committee and is subject to NYCC resource availability.

The following outlines the order of procedure of the review, and progress made:

1. (a) Identify 'Dual Status' routes because the NERC Act effectively ended the use of MPV's on PROW within the National Parks – complete.
- (b) Investigate routes identified in 1(a) to ascertain if one of the four exceptions applies (a major project requiring input from HAM (CSI, Network Information team); Highway Operations; PROW; National Parks and Legal) - ongoing
2. Compare UUR Network with PROW Network to ascertain if elements of UUR complete PROW routes (a major project requiring input from HAM (CSI, Network Information team); Highway Operations; PROW; National Parks and Legal) - ongoing  
Outcome: a list of UUR's whose 'status' can be identified to reflect that of the adjoining PROW network (legal process and consultation necessary to impose TRO's restricting use).
3. (a) Develop Highways 'Condition Assessment' Survey for UUR's - complete and operational.  
Outcome: survey reports included within YDNPA route assessment reports as part of assessment criteria. The intention is to provide training to PROW volunteers who will then survey the network on an annual basis.
- (b) Develop NPA and AoNB route assessment criteria in order to identify route management options - complete, undertaken in conjunction with the Yorkshire Dales Green Lanes Advisory Group (YDGLAG).  
Outcome: intention is to passport the criteria as it is complimentary to the County Council's management process.
4. Survey all UUR routes to ascertain potential maintenance requirements and those that are most at risk from MPV's - 'At Risk' routes identified and surveyed within the YDNPA, not yet undertaken within the NYMNPA, limited surveys elsewhere in the County but undertaken reactively when complaints received about condition or illegal landowner activity.  
Outcome: unprioritised list of locations requiring maintenance activity, some of which may be undertaken by volunteer groups.
5. (a) Develop and document strategies for the UUR network that compliment those within the Highway Maintenance Plan which covers the 'surfaced' Highway network for example:
  - Frequency of Safety Inspections (based upon risk, exposure to risk).
  - Inspection criteria (defects and defect investigatory levels).
  - Route Condition Assessments including NPA and AoNB additional assessment criteria.
  - Route Management Options.
  - Route Maintenance Options.
  - Works Prioritisation Process - Maintenance/Improvement works.
- (b) Consult and agree strategies identified in 5(a) above; these will then become part of the Highway Maintenance Plan (HMP), the policy and strategy document for maintenance of the highway network (after approval by the Executive/Full Council).



6. Identify and confirm funding stream and budget.
7.
  - (a) Implement UUR Management and Maintenance strategies.
  - (b) See outcomes of 2, 3 and 4 above.
8.
  - (a) Initiate TRO requirements as part of UUR route management strategy.
  - (b) Amend LoS records to reflect 'status' as necessary.

Following the report, the Chairman opened the item for questions.

Members were advised that there was a map available of the 700km of UUR's which could be made available to Forum Members.

A Member referred to the offer of practical support made by the Trail Riders Fellowship which had not received any response. Doug Huzzard said that he was unaware of the offer and gave assurances that he would investigate and pursue.

**RESOLVED –**

- (i) That the information provided at the meeting be received and noted.
- (ii) That the topic of Unsurfaced, Unclassified Roads be referred to the sub-group for further detailed discussion.

**151. ACCESS TO WATER**

The Forum received a joint power point presentation from Paul Chapman and Chris Hawkesworth, Planning and Facilities Manager British Canoe Union on access to water and the British Canoe Union. A copy of the presentation slides were placed in the Minute Book.

During the presentation Members were informed of the requirements of the British Canoe Union needed by their Members in order to gain access to water. The Forum noted the willingness of the British Canoe Union to participate in joint working and to provide specific guidance on individual projects at an early stage. Members were advised that a list of sites in North Yorkshire where further work was needed was available.

The Chairman thanked Paul Chapman and Chris Hawkesworth for an interesting presentation which had greatly increased Member awareness and knowledge of this subject. The benefits of partnership working were once again obvious and Forum Members agreed to add Access To Water to the Action Plan.

**RESOLVED –**

That the content of presentation be noted.

**152. MINUTES OF MEETINGS OF NORTH YORKSHIRE LOCAL ACCESS FORUMS**

The Forum received Minutes of meetings of the North York Moors and Yorkshire Dales Local Access Forums.

**RESOLVED –**

That the Minutes of the meetings of the North York Moors and Yorkshire Dales Local Access Forums held on 2 and 23 September respectively be noted.

### **153. FORWARD PLAN**

#### **CONSIDERED –**

Report of the Access and Public Rights of Way Manager outlining the Forum's future work programme together with the Forward Plan of Action that was tabled at the meeting (copy placed in Minute Book).

Members agreed that the information in the Forward Plan and the Forward Plan of Action be amended so as to incorporate those matters discussed during earlier agenda items.

In response to a request the Rights of Way Manager agreed that future editions of the Forward Plan would indicate the start time of Forum meetings.

#### **RESOLVED –**

- (i) That the information contained in the Forward Plan and Forward Plan of Action is approved subject to the following topics being added:-
- Public Rights of Way Budget Update 2009/10 (LAF - February 2009).
  - Signposting and Waymarking (Sub Group Jan 09 & LAF – Feb 2009).
  - Unsurfaced & Unclassified Road (Sub Group Jan 2009).
  - Countryside Strategy (Sub- Group Jan 2009 and LAF Feb 2009).
  - Work Completed Update (LAF May 2009).
  - Classification of PROW Network (Sub Group Jan 2009).
  - Revised Principles (Sub Group Jan 2009).
  - Access To Water
- (ii) That a revised Forward Plan of Action be circulated at the next meeting of the Forum's Sub-Groups.

### **154. FUTURE MEETING DATES**

#### **RESOLVED –**

- (i) That the meeting dates for the North Yorkshire Local Access Forum during 2009 are as follows:-
- Thursday 26 February 2009 commencing at 1.00 pm at County Hall, Northallerton. Lunch available from 12 Noon.
  - Thursday 14 May 2009 commencing at 10.00 am at a venue in the east of the county to be determined. Lunch available from 12.30 pm followed by optional site/field visit.
  - Thursday 20 August 2009 commencing at 10.00 am at a venue in the south of the county to be determined. Lunch available from 12.30 pm followed by optional site/field visit.
  - Thursday 19 November 2009 commencing at 1.00 pm at County Hall, Northallerton. Lunch available from 12 Noon.
- (ii) That the meeting dates for the Wider Access Sub-Group during 2009 are as follows:-
- Thursday 22 January 2009 at 9.45 am at County Hall, Northallerton.
  - Thursday 16 April 2009 at 9.45 am at County Hall, Northallerton.
  - Thursday 23 July 2009 at 9.45 am at County Hall, Northallerton.
  - Thursday 8 October 2009 at 9.45 am at County Hall, Northallerton.

- (iii) That the meeting dates for the Improving Rights of Way Sub-Group during 2009 are as follows:-
- Thursday 22 January 2009 at 11.30 am at County Hall, Northallerton.
  - Thursday 16 April 2009 at 11.30 am at County Hall, Northallerton.
  - Thursday 23 July 2009 at 11.30 am at County Hall, Northallerton.
  - Thursday 19 November 2009 at 11.30 am at County Hall, Northallerton.
- (iv) That a joint event for the three Local Access Forums in North Yorkshire be arranged on a date to be agreed in either May/June 2009 at Northallerton.

JW/ALJ/JD