

North Yorkshire Local Access Forum

Improving Rights of Way Sub Group Meeting held on 22nd October 2009

Present: Rachel Connolly (Chairman), John Taylor (Note Taker), David Gibson, Tom Halstead, Tony Martin, Penny Noake (NYCC), Hugh Spencer, Martin Wiles

Apologies were received from Janet Dowling and Terry Williams

The Following matters were discussed:-

The Future of 'Ratione Tenurae' (RT) Roads

RT roads are public rights of way (ROW) that are maintained by the land owner but do not presently appear on the definitive map (DM).

Discovering RTs is usually only possible by referral to Enclosure Awards or the land owners returns made following the 1910 Finance Act or by reference to the pre 1986 records when rebates were allowed against rates or poll tax to cover maintenance costs.

It is important that RTs are both discovered and recorded on the definitive map before the current 2026 deadline for the 'freezing' of the map because they will often provide essential links between other rights of way.

The plan is for RTs to be included on the definitive map at a usage level appropriate to surrounding ROWs especially any joining the RT.

The DM Team has already identified the need for this project and the Council is aware of this.

It was suggested that a volunteer or a college student could assist Council staff in producing the list of RTs as this is essentially a question of retrieving information from documents held at County Hall and elsewhere. This initial stage would not require special skills and should be done as soon as possible because only then would the size of the next stage become apparent, together with the extra legal work involved which might need special funding.

Fragmentation was the single most frequently mentioned complaint from Parish Councils during the preparation of the RoWIP and the recognition of RTs as ROWs would significantly reduce this problem.

It was considered by the sub group that LAF support was important to give impetus to this project. In the meantime Penny Noake would make enquiries about some assistance in listing the RT roads.

To this end the sub group recommends to the LAF that it make strong representations to the LTP team to provide for the future funding that would be needed to incorporate the RTs on the DM once they have been identified, and this could be achieved through the general justification of 'remedy fragmentation to provide routes which are necessary for current or future demand'.

Assessment of suggestions made during the compiling of the ROWIP

About 1000 requests had been made, with a hugely varying degree of ambition and achievability. It was hoped to get a feeling of these suggestions in order to make recommendations for LTP funding which would reflect the public need.

The council problem is how to prioritise these requests in a way that can lead to an action plan.

The sub group agreed to look at 25 examples of the requests made and how these could be categorised and prioritised. The members of the group will work independently to see if it is easy to come up with a reasonable consensus. The idea is to use the criterion shown on the survey form completed by the respondents together with the LAF principles to rank the suggestions.

Some concern was expressed at the lack of progress and leadership associated with the ROWIP and it was suggested that the new Head of the Countryside Department should be invited to attend the first LAF meeting in 2010 to report on progress with the ROWIP.

Parish Council Initiative

Tony Martin reported that he had already had a meeting with NYCC about a pilot study to educate Parish Councils about their powers and how they could be influential in a more robust way with their Rights of Way. Nidderdale had been chosen for this initial trial, and Ian Burgess, now working with Paul Burgess, would be the key link. Improvements would be made by the parishes under the direction of their local rangers. It was discussed how parishes could be made aware of their area rangers and it was hoped that some publicity in the D and S, or through the NY Times would alert people to the help available. If the project became a success, then it would be rolled out into other areas.

Tony Martin will keep the LAF updated on progress

John Taylor
22.10.2009