

NORTH YORKSHIRE LOCAL ACCESS FORUM

Minutes of the meeting held in Meeting Room 3, County Hall, Northallerton on 25 February 2010.

PRESENT:-

Stephen Ramsden in the Chair.

North Yorkshire County Council:- County Councillor Robert Hesletine.

Other Members:- Rachel Connolly, Leo Crone, Edward Dennison, David Gibson, Tom Halstead, Tony Martin, David Shaftoe, Hugh Spencer and John Taylor.

Officers:- Richard Walker, Aidan Rayner and Penny Noake (Countryside Services), James Gilroy (Highways) and Jane Wilkinson (Legal and Democratic Services).

Two members of the public were present at the meeting.

COPIES OF ALL DOCUMENTS CONSIDERED ARE IN THE MINUTE BOOK

The Forum noted with regret the resignation of Terry Williams.

28. APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of County Councillor John Fort, and Janet Dowling and Ian Jakulis.

29. MINUTES

RESOLVED –

That the Minutes of the meeting held on 19 November 2009, having been printed and circulated, be taken as read and confirmed and be signed by the Chairman as a correct record.

30. MATTERS ARISING

Min No 19 - Unclassified, Unsurfaced Roads (19 November 2009)

Forum Members asked why a report on Unsurfaced, Unclassified Roads (UUR's) was not included on the agenda of the meeting that day and why David Bowe was not in attendance in accordance with the resolution made at the previous meeting. Members were also keen ask to ask David Bowe about various other highway matters of consultation.

Members were assured that a report on UUR's would be presented to the May meeting when David Bowe would be in attendance.

Leo Crone advised that the latest NYCC policy document on UUR's was currently displayed on the County Council's web-site. He offered to use his expertise to compile a response to that document which could then be discussed by the sub-group prior to being referred to the Forum for approval. Forum Members supported this course of action.

RESOLVED –

That Leo Crone be authorised to draft a response to North Yorkshire County Council's policy document on Unsurfaced Unclassified Roads to be first considered by the sub-group before being referred to the Forum for approval.

31. PUBLIC QUESTIONS OR STATEMENTS

The Secretary reported that no advance notice had been received of any public questions or statements to be made at the meeting.

32. ACCESS AND RECREATION - CATTERICK GARRISON DEVELOPMENT

The Forum received an oral presentation from Richard Brooks Head of Access and Recreation for the Ministry of Defence. He was accompanied by Colin Boynton, Estate Surveyor and Jez Kalkowski, Head Forester. A copy of the presentation slides is in the Minute Book. The presentation described the estate at Catterick Garrison and the Defence Estates' strategic long term vision for sustainable development at the Garrison over the next 15/20 years. Various maps of Catterick Garrison showing existing public access provision were tabled at the meeting. Recent improvements and future plans to further extend provision were outlined at the meeting. Ultimately it was hoped to produce a leaflet detailing all public access provision. Assurances were given that whenever possible access routes on the Garrison would be connected and linked to existing rights of way both inside and outside of the Garrison.

Richard Brooks said that a capacity study had identified what was needed to improve public access at the Garrison but stressed that there was no guarantee that its findings would be implemented. Traditionally the Ministry of Defence did not welcome public access but the situation was now improving as demonstrated by the presentation. Public access at the Garrison was now the best it had ever been. However the Ministry of Defence in line with other public sector organisations faced its budget being significantly reduced for the next few years and future funding constraints were inevitable. It was emphasised that the Garrison was an urban development with demand being primarily for pedestrian and cycle access. The Ministry of Defence did not consider the provision of safe equestrian travel to be a priority and whilst it acknowledged the sense of the extra links that had been requested said it would be hard to justify improvements during the current economic cut-backs.

In response to questions the Forum was advised that it was MOD policy for the needs of the disabled to be taken account of. All public access provided had to be the least restrictive. This was increasing important as many service men and women had in recent times returned from tours of duty injured as a result of conflict.

When asked why the cycle tracks at the Garrison could not be officially utilised by horse riders who were already using them in preference to the roads it was explained that it was in response to advice received from the contractors. The contractors had said that the paint used on the surface of the cycle tracks was unsuitable for use by horses as it was too slippery. Therefore for health and safety reasons the Ministry of Defence could not officially recommend their use by horses as they would be held liable if any accidents occurred.

Forum Members recognised and acknowledged the progress that had been made by the Ministry of Defence and thanked Richard Brooks for his attendance and the information he had provided.

Forum Members said that they hoped the presentation that day would be the start of on-going relationship between the Forum and the Ministry of Defence. Richard Brook said that he would be happy to have further dialogue with the Forum in the future either by way of a progress report or by a representative of the Forum having regular meetings with personnel from the access department of Defence Estates

RESOLVED –

That the content of the presentation be noted.

33. LOCAL TRANSPORT PLAN 3 (LTP) CONSULTATION

The Forum received a presentation from James Gilroy on the third North Yorkshire Local Transport Plan 2011-2016. A copy of the presentation slides is in the Minute Book. The aim of the Plan effective from 1 April 2011 is to set out the County Council's approach to all aspects of local transport in the County. He described how the Plan differed from the previous two Plans and outlined its objectives. Members were advised that Officers from LTP and PROW teams were working together to identify how PROW could contribute towards LTP3 objectives.

The Forum noted that a summary report on the first stage consultation results would be available in the next two weeks. A copy of that report would be forwarded to Aidan Rayner who agreed to make it available to all LAF Members.

The second stage of the consultation would take place during the period April-July 2010 when responses from either individual LAF members or the LAF itself were invited. It was anticipated that the first draft of LTP3 would be available from mid-April 2010.

In response to questions the LAF was advised that a delivery report on LTP2 would be made available sometime during 2011.

Members recognised the importance of having direct links between LTP3 and the ROWIP as a means of accessing funding. Members noted that the first draft of LTP3 would be available for the May meeting. Aidan Rayner agreed to supply hard copies to Members upon demand and it was agreed that the comments of the sub-group on the first draft would be referred to the LAF at its next meeting.

RESOLVED –

That the first draft of LTP3 be referred initially to the Forum Sub-Group for comment.

That the comments of the Forum sub-group be referred to the next meeting of the Forum when a formal response to the consultation on LTP3 will be agreed.

34. DRAFT MINUTES NORTH YORK MOORS NATIONAL PARK LAF

The Forum received for information the Minutes of the meeting of the North York Moors National Park LAF held on 1 December 2009.

RESOLVED –

That the Minutes of the North York Moors National Park LAF held on 1 December 2009 be noted.

35. RECORD OF ACTIONS:-

CONSIDERED –

The report of the Public Rights of Way Team Leader listing the actions that had been taken as a result of decisions made at previous meetings.

Members welcomed the report and said that email was their preferred means of communication. It was agreed that those Members who would prefer to receive hard copies should contact Aidan Rayner who would compile a separate distribution list.

RESOLVED –

That the content of the report be noted.

36. **REPORT FROM IMPROVING RIGHTS OF WAY SUB GROUP**

The Forum received the notes of the meeting of the Improving Rights of Way Sub-Group held on 28 January 2010.

In response to questions the Forum was advised that the student from Bishop Burton College who had agreed to help classify and record Ratione Tenurae (RTs) in the County had yet to commence work. Penny Noake agreed to contact the student with a view to agreeing a timescale for when this work would be done.

RESOLVED –

That the notes of the meeting of the Improving Rights of Way Sub-Group held on 28 January 2010 be noted.

37. **LOCAL DEVELOPMENT FRAMEWORKS**

A schedule of Local Development Framework priorities drafted by Forum Members was presented for approval. It was proposed that the priorities identified in the schedule were used by the Forum to form the basis its responses to consultations by District Councils on the content of their Local Development Frameworks.

Rachel Connolly said that when Forum Members met to discuss LDF priorities, she had a different understanding of what was agreed at that meeting. She had prepared a written note of what she considered was agreed which was tabled at the meeting.

The reaction of Hambleton District Council to a letter sent by the Forum to all district councils in North Yorkshire was reported. Hambleton District Council had replied that it was not legally bound to consult with Local Access Forums and did not propose to do so. As a result Forum Members had sought clarification of the position from Natural England. Natural England had advised that there was no reciprocal duty on Section 94(4) bodies to consult with local access forums.

In the light of the advice received from Natural England following the sub-group meeting it appeared necessary that the wording of the list of expectations sent to Section 94 (4) bodies and the County Council needed to be amended to that of an invitation as opposed to an instruction. It was noted that local access forums had a statutory function to provide advice to District Councils.

It was agreed that the Forum write to the Chair of the England Access Forum highlighting the difficulties it had experienced in trying to engage with Section 94 (4) bodies.

RESOLVED

That the list of Forum LDF priorities be redefined.

That a letter be sent to the Chair of the England Access Forum in the terms described above.

38. PRIORITISATION OF DEFINITIVE MAP MODIFICATION ORDERS

The Definitive Map Team Leader reported orally that all outstanding Definitive Map Modification Orders lodged with the County Council were to be re-prioritised. The applications would be prioritised using a new points scoring scheme that still had to be agreed. Interested parties were being consulted and their suggestions invited regarding the scoring criteria to be adopted. Suggestions made to date included:-

- The improvement/benefit to the public of the route (ROWiP criteria).
- Evidence of usage.
- Challenge to use ie obstructions.

Once a new scoring scheme had been agreed it would be used to prioritise the improvements identified in the ROWiP as well as DMMO's.

Forum Members were invited to comment on the weighting to be attached to the criteria outlined at the meeting and/or suggest alternative criteria.

The Forum was advised that there were approximately 180 DMMO applications currently outstanding, with new applications being received at the rate of one per month. The Definitive Map Team was currently charged with an annual target of processing 20 applications. The limited staff resource available was identified as the reason why greater numbers of applications could not be processed. It was however pointed out that recently the Definitive Map Team had been expanded in an attempt to deal with the backlog and that the benefits of this extra resources should be seen over the coming months.

Forum Members said that the backlog of 180 applications was the tip of the iceberg as there were hundreds of unofficial diversions in the County. Members acknowledged the need to be realistic but said that based on current figures the backlog would take in excess of ten years to clear. This time was in addition to the time applications had already spent waiting to be processed which was in some instances several years.

Members commented that the three criteria described above all had merit and made the following additional suggestions:-

- Priority be given to routes with long standing obstructions as opposed to creation of new routes.
- Priority be given to most cost effective routes that would provide the greatest benefit if supporting evidence is available.
- Priority be awarded based on the date the application was received.

Richard Walker thanked Members for their comments which he had noted and agreed to provide the Forum with a further opportunity to comment once the new scoring system had been agreed.

RESOLVED –

That a report on the new scoring system for re-prioritising Definitive Map Modification Orders be referred to a future meeting.

39. PUBLIC RIGHTS OF WAY IMPROVEMENT PLAN PROGRESS

CONSIDERED –

A report highlighting progress made implementing the Public Rights of Way Improvement Plan in 2009/10.

RESOLVED –

That the content of the report be noted.

40. NORTH YORKSHIRE LOCAL ACCESS FORUM ANNUAL REPORT 2008/09

A copy of the draft annual report for 2008/09 was presented for approval. The draft report incorporated Members comments made at the previous meeting.

It was suggested that if the annual report was produced in colour it could be used as a promotional tool. Members were reminded that Officers had been criticised in the past for producing a glossy brochure.

RESOLVED –

That the Annual Report 2008/09 be approved.

41. DEFRA CONSULTATION ON THE DISABILITY DISCRIMINATION ACT 1995 AND STRUCTURES ON RIGHTS OF WAY

CONSIDERED –

The report of the Public Rights of Way Team Leader on the DEFRA consultation which was intended to act as a good practice guide for local authorities when considering structures on the network.

The Forum was informed that the consultation document contained no new information. The issue was how to implement the guidelines with practitioners.

A Member commented that the guidance focused on structures at the expense of surfaces.

It was agreed that the Forum should send a formal response to the Consultation. Members were asked to forward their comments on the Guidance to Aidan Rayner who would then compose a response based on the comments he received.

RESOLVED –

That authority be delegated to the Public Rights of Way Team Leader to draft and submit the response of the North Yorkshire Local Access Forum to the DEFRA

consultation on the DDA 1995 and structures on Rights of Way based on comments from Forum Members.

42. SUSTAINABLE COMMUNITY STRATEGY CONSULTATION

The report of the Public Rights of Way Team Leader asking Members to comment on the ten key priorities and themes identified in the Sustainable Community Strategy.

Members commented as follows:-

- 'Health and Wellbeing' priority should include reference to the ROWiP and LTP as they encouraged a healthy lifestyle by providing rights of way and sustainable transport.
- 'Environment' priority should include the protection of green space for public enjoyment.
- 'Community Safety' should include the provision of multi-user of road routes.

Suggested response to Question 3 " Yes – outdoor recreation, tourism and leisure that includes access to sporting facilities and use of public rights of way".

RESOLVED –

That the above comments be forwarded to the North Yorkshire Strategic Partnership in response to the consultation on the Sustainable Community Strategy.

43. ADMINISTRATION OF THE NORTH YORKSHIRE LOCAL ACCESS FORUM

The Public Rights of Way Team Leader gave an oral report outlining the level of administrative support the County Council was able to provide to the Forum. He said that Jane Wilkinson would remain the Secretary. Her role would be to act as an initial point of contact and to organise and minute Forum meetings. All external consultations received by the Secretary would be forwarded to the Chair and Officers in Countryside Services. All additional support was to be provided by Officers in Countryside Services.

Members said that the current arrangements were confusing and that their preference would be to have dedicated support. Members were advised that this was not possible with the resources that were available.

RESOLVED –

That the information provided at the meeting be noted.

44. FUTURE MEETING DATES

RESOLVED –

That the next meeting of the North Yorkshire Local Access Forum be held on 20 May 2010 commencing at 10.00 am at County Hall, Northallerton.

That the next meeting of the North Yorkshire Local Access Forum Sub-Group be held on 22 April 2010.

45. FORWARD PLAN

A copy of the Forward Plan identifying work to be considered at future meetings was tabled and a copy placed in the Minute Book.

In line with what was agreed earlier in the meeting Members requested that a report on Unsurfaced, Unclassified Roads was added to the list of items to be discussed at the May meeting.

Rachel Connolly was concerned that Members had not received a copy of the DEFRA consultation Waterways For Everyone. She said that the consultation document made no reference to equestrians. Members supported Rachel Connolly submitting a formal response to the Consultation.

RESOLVED –

That the content of the Forward Plan including suggestions made at the meeting be approved and noted.

CHAIRMAN'S ANNOUNCEMENT

The Chairman said that this was his last meeting as Chairman and as a Member of the Forum as he had decided not to seek re-election.

JW/ALJ