



Unapproved Minutes
Annual General Meeting of the Yorkshire Dales Local Access Forum
Held on Tuesday 23 February 2010
Yoredale, Bainbridge

Present: Michael Bartholomew (MB) – Chair, David Bartlett (DB), Andrew Colley (AC), David Gibson (DG), Neil Heseltine (NH), Guy Keating (GK), Michael Kenyon (MK), Robert Mayo (RM), Ken Miller (KM), Stuart Monk (SM), Jerry Pearlman (JP), Malcolm Petyt (MP), Mike Stephenson (MS), Alistair Thompson (AT), Pat Whelan (PWh), Phillip Woodyer (PW).

YDNPA Officers present: Alan Hulme (AH), Rachel Briggs (RB) – LAF Secretary, Kathryn Beardmore (KB), Jon Avison (JA), Meghann Hull (MH).

The meeting started at 1.15pm.

1. Election of Chair and Vice Chair

JA began the meeting by explaining the process for election of Chair.

DG proposed MB. This was seconded by PW. No further nominations were received. MB spoke to the meeting. There were no questions.

MB was elected as Chair of the Yorkshire Dales Access Forum for a year.

MB then asked for nominations for Vice Chair.

DG nominated PW. This was seconded by AC. No further nominations were received.

PW was elected as Vice Chair of the Yorkshire Dales Access Forum for a year.

2. Welcome

MB welcomed Neil Heseltine (NH), Stuart Monk (SM) and Mike Stephenson (MS) to the meeting, as new members of the YDAF. He then asked for the new members to introduce themselves.

3. Apologies

Apologies were received from Jon Beavan (JB) and Stephen Butcher (SB).

4. Approval of Minutes

The minutes of the previous meeting were approved as a true record of the meeting.

Matters Arising from the Minutes

There were several matters raised:

(a) The issue of the YDAF not receiving consultations from Natural England and DEFRA was raised by KM. DG said that this was partly due to the fact that there is currently no regional LAF contact for the Yorkshire and Humberside region and so consultations are not being circulated from a central point. Defra have now agreed that until a regional secretary is appointed, consultations will be sent straight to the individual LAF secretaries in this region.

(b) KM also raised the issue of uncertainty over the National English Access Forum (EAF) and asked for the YDAF to offer assistance to Duncan Graham from the Cumbria LAF who is seeking continued support from Natural England for the National Forum. This was supported by members.

MB to write to Duncan Graham to offer the support of the YDAF with his representation at the EAF.

(c) MP asked for legal clarification regarding item 10 of the minutes, page 3. In relation to unclassified unsurfaced roads (UURs) Doug Huzzard (DH) from North Yorkshire County Council (NYCC) had spoken about the 2026 definitive map cut off date and said that 'in his view, they [UURs] would not lose whatever public rights they may have. After 2026, if the date is enforced, they would not be able to be entered on the definitive map, and would remain as ORPAs (other routes with public access).' MP's concern was with the use of the phrase 'in his view' and wanted the legal view on this matter.

RB to seek legal clarification on the issue of the 2026 definitive map cut off date and UURs.

DG informed members that DH had been to a meeting of the North Yorkshire LAF and had now amended this view. The position is that any public rights over UURs not shown on the Definitive Map by 2026 (the cut off date) would be lost and not recorded. KB said the YDNPA recognised this and it was the reason why the YDNPA had undertaken DMMOs for routes such as Gorbeck Road. JP added that the Trail Riders Fellowship (TRF) had produced a very informative report on this issue a few years ago.

(d) There was a discussion as to how members should deal with urgent consultations that sit outside the dates of the full meetings of the YDAF. The example given was the

recent consultation for a fence to be erected on open access land on Whernside Common. The consultation was received by RB who gave members the following options:

1. To deal with the consultation via email.
2. To call a special meeting of the YDAF which could be based around a site visit to agree the YDAF's response.

Due to the inclement weather in January 2010, members chose to respond to the consultation via email. The response can be seen in the annex to the minutes.

MP thought that the process worked well and added that the Lake District LAF deal with all public path order consultations in this manner. The responses are then included in the papers for the full meeting to ensure that they are kept within the public domain. KB thought that was the pertinent point and suggested that when consultations are dealt with outside of the meeting, that the responses be put in the Secretary's Report. It was agreed that this was a good way forward.

Members agreed that when consultations cannot be dealt with within the timescale of a full meeting of the YDAF, RB will send the information round to all members of the YDAF as well as members of the relevant advisory group where appropriate. The response will then be submitted in the Chair's name. In exceptional circumstances, a special meeting of the YDAF will be held to discuss consultations. All responses of consultations will be included within the Secretary's Report.

5. Public Question Time

There were no public questions.

6. Future Forum Meetings

Dates of meetings

Dates for meetings during 2010 are:

- 15 June - Yoredale, Bainbridge – 1.15pm.
- 19 October – Venue TBC – 1.15pm

Future Agenda Items

Future agenda items include:

- A presentation by JB on dogs and access.
- An officer from Lancashire County Council to be invited to talk about access for all and, in particular, Trampers.

MB asked members if they would like to be consulted on definitive map modification orders. Members agreed to leave this to the Access on Foot Advisory Group to deal with.

MB asked members to send any further agenda items to himself or RB.

7. **Review of nominated LAF members of groups linked to the Yorkshire Dales Access Forum**

MB went through each of the groups listed in the report and the YDAF reviewed the representative for each group in turn.

Access on Foot Advisory Group

MB thought that NH's contribution to the Access on Foot Advisory Group would be well received. NH agreed to attend the meetings.

NH, DB and MK to represent the YDAF on the Access on Foot Advisory Group.

Access for All Advisory Group

Members were satisfied with PW, MB, AC and PWh representing the YDAF on the Access for All Advisory Group.

Bridleways and Restricted Byways Advisory Group

Members were satisfied with AT, MK, KM and PWh representing the YDAF on the Bridleways and Restricted Byways Advisory Group.

Air Sports Advisory Group

Members were satisfied with JB representing the YDAF on the Air Sports Advisory Group.

Water Sports Advisory Group

Members were satisfied with AC and PW representing the YDAF on the Water Sports Advisory Group.

Caves and Crag Access Advisory Group

GK expressed a concern with the make up of the Cave and Crag Access Advisory Group. He felt that there were too many YDNPA officers in attendance and not enough members representing caving and climbing. RB agreed to look into recruiting more members to the group.

Members were satisfied with MK and JB representing the YDAF on the Caves and Crag Access Advisory Group.

Yorkshire Dales Green Lanes Advisory Group

Members were satisfied with PWh, JB, MB and KM to representing the YDAF on the Yorkshire Dales Green Lanes Advisory Group, as well as their individual interests.

Cumbria Countryside Access Partnership Board

As the Chair of the YDAF, it was noted that MB should continue to represent the YDAF on the Cumbria Countryside Partnership Board.

8. Report back from Advisory Groups

Access on Foot Advisory Group

DG presented the minutes of the Access on Foot Advisory Group.

KM raised the issue of the British Standards for gaps, gates and stiles and asked that this be looked at by the relevant advisory groups.

RB to ensure the relevant advisory groups look at the British Standard for gaps, gates and stiles.

JP asked if the details of the infrastructure on access land had been made public yet. AH said that the information became live on the website at the end of December 2009. This can be viewed at <http://www.yorkshiredales.org.uk/openaccess-infrastructure.htm>

JP asked if all members could view the list of long term obstructions that would be going to the next meeting of the Access on Foot Advisory Group. It was agreed to send this round all members.

RB to send the list of long term obstructions to all members of the YDAF for information.

Access for All Advisory Group

PW presented the minutes from the Access for All Advisory Group.

PWh offered to attend meetings of the NFU and Young Farmers to encourage landowners to adopt accessible features on any public rights of way that may cross their land.

Bridleways and Restricted Byways Advisory Group

KM presented the minutes of the Bridleways and restricted Byways Advisory Group.

PWh asked if the issue of accessing Ministry of Defence (MoD) land at Catterick could be revisited at a later date. It was agreed that this would be a good idea.

RB to raise the issue of access to MoD land at Catterick at a future meeting of the Bridleways and restricted Byways Advisory Group.

DG added that Richard Brookes, Access Officer from the Defence Estates, would be addressing the North Yorkshire LAF at its next meeting on Thursday 25 February.

Cave and Crag Access Advisory Group

GK presented the minutes from the Caves and Crag Access Advisory Group.

GK added that he had an issue with the accuracy of the minutes. He said that he had been misquoted, and was worried, for the minutes were in public circulation. KB apologised, and suggested that, to avoid this happening in future, minutes be circulated to all members of the advisory groups for comments on accuracy and then re-circulated before they become public 'unapproved' minutes. The minutes will remain unapproved until the next meeting of the advisory group where they can be formally 'agreed', or modified, in the normal manner.

Yorkshire Dales Green Lanes Advisory Group

MP presented the minutes from the Yorkshire Dales Green Lanes Advisory Group.

Water Sports Advisory Group

MP asked that annex 3 of the minutes of the full meeting of the YDAF on 23 September 2009, in relation to access to water, be formally noted.

All members formally noted and agreed to the YDNPA legal clarification on the issue of access to water within the Secretary of State Guidance.

9. CROW Act Statutory Review and Reassessment of Restrictions and Exclusions – consultation

AH gave a presentation to explain the review of the CROW Restrictions before the Forum. The options considered for each of the exclusions and restrictions was for them to:

- remain unchanged,
- for them to be revoked or
- for them to be varied.

Members debated each of the consultation reports:

(a) Grassington Moor and Askrigg Common

Grassington Moor and Askrigg Common were taken together as they are both restrictions for dogs to be kept on a short lead from 1st August until 10th December.

GK asked if the current restrictions were effective. AH confirmed that the areas had been monitored and that they seemed to work i.e. dogs are kept on short leads.

Some members felt that the signage was unclear and that it should specify that where dogs are to be kept on a short lead, this means 2m.

Members were unanimous in their recommendation that the dog restrictions on Grassington Moor and Askrigg Common remain unchanged but that the signage be revisited.

(b) Holgates Pasture

The outline direction for the exclusion of dogs from Holgates Pasture due to the presence of suckler cows and calves was debated.

NH's view was that if the farmer felt there was an issue with the behaviour of his suckler herd and dogs, that this should be acknowledged and that therefore, the direction should remain unchanged. KM was in agreement with this and added that there have been numerous incidents of suckler cows attacking dogs and people this last year.

DG posed the question that if the direction had never been used, why was it required at all? He also wondered what sort of precedent it set to other landowners, his concern being that more applications for similar directions may start coming in. AT agreed with DG's point and added that he thought the direction should be removed.

Members were asked to vote for the direction remaining unchanged or the direction being removed. The results were six votes to keep the direction unchanged, six votes to remove the direction and three abstentions.

Members could not reach agreement with regards to a recommendation on the outline direction for the exclusion of dogs at Holgates Pasture. The vote was six members in favour of keeping the direction unchanged and six in favour of removing the direction. Three members abstained from the vote. The chair felt that the use of his casting vote would not be helpful.

There was then a discussion with regards to signage of the parcel of land. The presentation by AH had showed a sign on the gate depicting a bull which was deemed misleading.

MP said that as a walker with a dog, he would respond more to a sign saying that dogs are excluded due to the presence of suckler cows and calves.

There was a discussion with regards to the use of signs within the YDNP and it was agreed that members did not wish to see a proliferation of signs but that in this instance, the bull in field sign should be removed and replaced with a more specific sign warning of the dangers of suckler cows and calves.

AH to look at the signage at Holgates Pasture.

(c) Quarry Wood

The restriction of the public from Quarry Wood was debated by members.

The point at issue is a legal one: if a landowner has a long history of charging for admission to a parcel of land, going back well beyond the CROW Act, his or her land is exempt from the provisions of the act. In the case of Quarry Woods, a fee for public admission has been levied since the nineteenth century. Some members regretted that this is the case, but the legal point is insuperable.

Members were unanimous in their recommendation that the restriction to exclude people from Quarry Wood remain unchanged.

(d) Wood End

The direction for the complete exclusion of CROW rights at Wood End, Hubberholme, was debated.

MB thought that the direction should remain unchanged but was concerned about access to the access land above the Wood End parcel. AH said that he had tried to negotiate access previously but that the landowner had not agreed to it. MB asked that AH try again.

Members were unanimous in their recommendation that the direction to exclude people from Wood End remain unchanged. Members recognised that access from Hubberholme to the access land above Wood End was a separate matter, but asked AH to find a means of access, if possible, to the access land from somewhere near this location.

(e) Fire Prevention Directions

AH went through the options for how fire prevention directions could be dealt with. All members were in agreement that these should be dealt with by the YDNPA, as with the current method.

Members were unanimous in their recommendation that the YDNPA, as the relevant Authority, deal with non-application directions (outline) on behalf of the landowners.

10. Cumbria Rights of Way Improvement Plan

MB presented the paper on the Cumbria Rights of Way Improvement Plan annual work programme and asked for members' formal agreement to the plan.

Members agreed to the annual work programme for March 2010 to April 2011 of the Cumbria Rights of Way Improvement Plan.

11. **Possible boundary extension to the Northern and Western boundary of the Yorkshire Dales National Park – consultation**

MB presented the paper on the proposed boundary extension to the Yorkshire Dales National Park Authority. He took each candidate area of the Yorkshire Dales National Park separately, and said one of the key factors for the LAF to consider was whether the three areas' access opportunities would benefit from management by the National Park Authority:

Yorkshire Dales West

As a resident of this area, MP declared an interest. He added that, although the Ranger Services within Cumbria County Council have improved over the past few years, he felt the area's rights of way would benefit greatly from being in the Yorkshire Dales National Park. He also noted that the landscape was very similar to that of other areas in the Park, particularly around Dentdale and Whernside and so was worthy of inclusion. Members all agreed that this area had stunning natural beauty and good opportunities for recreation.

Members of the YDAF were in strong agreement that the Yorkshire Dales West area should be included within the boundary of the Yorkshire Dales National Park.

Yorkshire Dales North

Members of the Forum were particularly enthusiastic about this area, to include the Howgill Fells in the Yorkshire Dales National Park. Members all agreed that this area had stunning natural beauty and good opportunities for recreation.

Members of the YDAF were in full agreement that the Yorkshire Dales North area should be included within the boundary of the Yorkshire Dales National Park.

Orton Fells

KM said that he thought this area was more akin to the Yorkshire Dales National Park than the Lake District National Park.

AT asked what the general opinions were of officers from the YDNPA and the Lake District National Park Authority (LDNPA). JA said that the YDNPA would be happy to have the Orton Fells area included within the boundary of the Yorkshire Dales National Park, and the LDNPA were neutral at this stage.

MS asked about the opinions of the local communities. KB said she had been to all but one of the local consultation meetings and that local communities were keen to receive as much information as possible about what being in a National Park would mean. Members all agreed that this area had similar natural beauty to the Yorkshire Dales National Park and good opportunities for recreation.

Members of the YDAF were in full agreement that the Orton Fells area should be included within the boundary of the Yorkshire Dales National Park.

DB went on to say that the response from the YDAF with regards to the possible boundary extension should add that the increase in area must come with an increase in resources for the management of these areas. PWh added that member representation on the Yorkshire Dales National Park Authority should also be increased.

Members were in agreement that the increase in the boundary of the Yorkshire Dales National Park Authority should come with an increase in funding and an increase in the number of YDNPA members to represent the local communities of these areas, with no dilution of the representation of the areas at present in the Park.

MP closed the discussion by urging members to respond to the consultation as individuals as well as members of the YDAF. Response forms can be filled in on line at www.lakestodaleslandscapes.org.uk

12. Gorbeck Road – possible Traffic Regulation Order – consultation under Reg 4 of the National Park Authorities Traffic Orders (Procedure)(England) Regulations 2007

MP declared an interest in this item as the independent chair of the Yorkshire Dales Green Lanes Advisory Group (YDGLAG) and as a member of the Access Committee. He stated he would not vote on any decisions and would only take part in the debate to answer matters of clarification.

DG began the debate by recommending a permanent, all year round Traffic Regulation Order (TRO) be placed on Gorbeck Road. This would be to avoid any further damage of the route and also because the route forms part of the Pennine Bridleway, a National Trail promoting use for horse riders and mountain bikers.

AT agreed with DG and added that, as a Dales Volunteer, he walked the route very frequently and that it was very well used by walkers, horse riders and cyclists.

JP felt that the YDNPA needed to ensure that a full balancing act had been considered so that the TRO could not be challenged by the recreational motor vehicle user groups. KB responded by saying that, at this stage, no balancing act was necessary as no decision had been taken. If a decision were taken for a TRO on Gorbeck Road then a full, detailed report explaining how the Authority had considered its duty under section 122 of the Road Traffic Regulation Act 1984 would be part of the decision-making process. For now, at this first stage YDNPA were simply asking whether management were needed, and if management were needed whether the YDNPA should consider a TRO. The consultation responses were a precursor to any decision.

SM said that he recognised that the route is in need of managing. He proposed that the route be closed during winter (end of October to the end of March). He suggested that it then be monitored for two years and then discussed further after this period. He added that, in his opinion, the information gathered by the YDNPA shows that up to half of the

traffic on Gorbeck Road is agricultural vehicles. There had also been no recorded accidents on the route and complaints have reduced over the past few years. He felt that there should be a place for recreational motor vehicle use on routes and that by placing a full TRO on Gorbeck Road it was reducing this amenity.

NH commented that agricultural vehicles accessed their land along Gorbeck, out and back, from the Langcliffe End, and that agricultural vehicles did not use the Langscar Gate end where damage to the route's surface was evident.

MB confirmed that all members agreed that some sort of management was required on Gorbeck Road. He then asked members to consider the kind of management that was required. There were two options on the table:

Option 1: A permanent, all year round TRO.

Option 2: A seasonal TRO from the end of October to the end of March, for two years.

Members briefly debated the two options further. Then took a vote The results were:

Option 1. 10 votes

Option 2: 3 votes

Abstentions: 3 votes (including the abstention of the chair)

Members asked that the LAF's consultation response record the fact that consensus could not be reached and the views of a minority of members be also noted along with the majority.

Of the members present, ten members agreed that for Gorbeck Road, a permanent all year round TRO be made to exclude all recreational motor vehicles. Three members agreed that a seasonal TRO be made (end of October to the end of March) to exclude all recreational motor vehicles. The recommendation of the Yorkshire Dales Access Forum, therefore, is that a permanent, all year round TRO be placed on Gorbeck Road.

DG asked SM if he would be prepared to give a presentation on the use of recreational motor vehicles in the countryside at a future meeting. SM agreed to give a presentation at a meeting at a later date.

SM to give a presentation on the use of recreational motor vehicles in the countryside at a future meeting.

13. Secretary's Report

RB presented a report of items for Members' consideration and information. These were:

- Access Committee Dates and Venues.
 - JA reminded members that they were welcome to attend the training session offered to members of the Access Committee. In October the training session will be on public rights of way. RB will forward the details.
- Yorkshire Dales Access Forum membership.
- Cumbria Countryside Access Partnership.

- Yorkshire Dales Access Forum Annual Report.
 - Members welcomed the new style of annual report.

14. Update on Members Activities

Members had nothing to add to the meeting.

The meeting closed at 5.15pm

Annex

YDAF response to the Whernside Common consultation

Email sent on 4 January 2010 to Ben Gray of Crescent Estates

Dear Ben

I have now had comments from some of the members of the Yorkshire Dales Access Forum with regards to your application for a fence on Whernside Moor. I can confirm that there is full support for the application and that no site visit is required. However, the following comments have been made:

1. Plain wire, as per the drawing, be used and that under no circumstance barbed wire be used.
2. Suggestion to have stiles at either end of the fence and then every 200m or so. These could be very simple timber step over platform stiles with a balancing pole.
3. All gates to remain unlocked for better access. These would need to be signed if cattle are grazing to remind users to close the gates.
4. That the fence be temporary and that it be removed after five years, as per the application drawing.

It has also been suggested that you be invited to talk to the Yorkshire Dales Access Forum at a later date to look at the application process and to update members as to how the scheme has gone e.g. how well the cattle are reducing the grass and promoting the varied flora. I would suggest you attending a meeting in June if you are in agreement.

Thank you for consulting with the Yorkshire Dales Access Forum and best wishes for 2010.

Rachel Briggs
Yorkshire Dales National Park Authority