

NORTH YORKSHIRE LOCAL ACCESS FORUM

Minutes of the meeting held in Meeting Room 3, County Hall, Northallerton on 20 May 2010.

PRESENT:-

Rachel Connolly, Leo Crone, Janet Dowling, Christopher Gibson, Tom Halstead, County Councillor Robert Heseltine, Anthony Martin, David Shaftoe, Hugh Spencer, John Taylor and Martin Whiles.

Officers:- Doug Huzzard, Stephen Knight, Rachel Pillar, Aidan Rayner and Richard Walker.

No members of the public were present at the meeting.

Apologies for absence were received from County Councillors John Fort BEM and David Jeffels and from Ian Jakulis.

COPIES OF ALL DOCUMENTS CONSIDERED ARE IN THE MINUTE BOOK

46. ELECTION OF CHAIRMAN

That John Taylor be elected as Chairman of the Forum until the meeting of the Forum in May 2011.

JOHN TAYLOR IN THE CHAIR

47. ELECTION OF VICE-CHAIRMAN

That Leo Crone be elected Vice-Chairman until the meeting of the Forum in May 2011.

48. MINUTES

RESOLVED –

That the Minutes of the meeting held on 25 February 2010, be agreed as a correct record and be signed by the Chairman subject to:-

- The inclusion of the words “and the County Council” at the end of the fourth paragraph of the preamble to Minute 37.
- And the addition of Martin Whiles to the list of those who gave apologies for absence.

49. MATTERS ARISING

Rachel Connolly referred to a letter from Natural England which had been issued the previous week but had not been circulated.

Members of the Forum agreed that Jane Wilkinson should be the contact point for all organisations as Secretary to the North Yorkshire Local Access Forum and Richard Walker proposed that he, in consultation with the Chairman, should develop

a statement of the appropriate contact arrangements for the Forum, prior to its next meeting.

RESOLVED –

That the Chairman of the Forum write to Stephen Ramsden to thank him for his work as a former Member and Chairman of the Forum and that Jane Wilkinson prepare a suitable letter for signature.

50. PUBLIC QUESTIONS OR STATEMENTS

There were no questions or statements from members of the public.

51. NORTH YORKSHIRE COUNTY COUNCIL'S MINERALS CORE STRATEGY

CONSIDERED –

A presentation by Rachel Pillar who gave Rob Smith's apologies, as he was at a meeting in Wakefield, and said that the deadline for responses to the consultation was at the end of May.

Martin Whiles referred to Environment Agency practices which meant that, if land owners suffered damage on their land, compensatory adjustments would be made elsewhere and also commented that owners of land where minerals were to be extracted might be happy with proposals set out in the plan, but on land where reinstatement work was to be undertaken it might be necessary for a close overview to be kept, to ensure that necessary works were carried out within an appropriate timescale.

In response to a question from Rachel Connolly about whether there was a statutory requirement to offset any environmental damage caused by mineral extraction by achieving planning gain, Rachel Pillar said that some applications needed to provide an Environmental Appraisal, but the County Council had to operate within existing legislation. County Councillor Robert Heseltine stressed that, if the County Council chose to disregard statutory policy and guidance, the Secretary of State could call in any application.

In response to a question from Christopher Gibson about the possibilities of achieving increased access through the planning process and whether the County Council sought to obtain insurance bonds for reinstatement of sites, Rachel Pillar said there might be some opportunities to explore access issues when holding discussions with applicants during a pre-application stage, but taking insurance bonds for reinstatement was not encouraged.

RESOLVED –

That the issues be addressed at the next meeting of the Sub-Group, which would be chaired by Rachel Connolly, and the Sub-Group be authorised to respond to the consultation.

52. UNSURFACED, UNCLASSIFIED ROADS

CONSIDERED –

A policy document on the management and maintenance of unsurfaced, unclassified roads, published by the Business and Environmental Services Directorate, a copy of which is in the Minute Book, and a presentation by Doug Huzzard, who said that a new document was being prepared for public consultation with a deadline for responses of two months. The intention was that the matter would be referred to the

relevant Overview and Scrutiny Committee of the County Council before proposals went forward to the Executive and then to the full County Council, at its meeting in October. He suggested that an existing user group was likely to be reformed to address route specific recommendations and, in response to Leo Crone, said he believed that LARA would be involved.

Leo Crone commented that the printed document before the Forum was more comprehensive than the one which had been published on the website. He referred to the issue of funding for works and, in response, Doug Huzzard said that the Department of Transport made no contribution for works on the unsurfaced element of the highways network and there was, therefore, no funding specifically available for works on that part of the network. The County Council could, in carrying out its responsibilities, choose to make a contribution. In response to a question from the Chairman about the possible use of volunteers, Doug Huzzard said that the current proposals for the management and maintenance of the network did include proposals to utilise volunteers. Leo Crone said that part of the problem in undertaking works was the legal expectation placed on highways authorities that reinstatement would be to a proper standard and there were concerns about responsibilities for accidents if work was not carried out to the standard deemed appropriate. In response, Doug Huzzard agreed that there were many concerns relating to the possible involvement of volunteers but their use was, nevertheless, being considered, as the County Council already had a backlog of £400m of works needed on the surfaced network.

Christopher Gibson asked whether there would be discussions about levels of maintenance, if some routes became byways open to all traffic. Leo Crone asked whether the County Council had considered identifying exceptions if some routes had dual status. In response, Aidan Rayner said that Doug Huzzard and Penny Noakes' team would be having discussions about dual status routes.

Martin Whiles noted that, in the last two years, farmers and landowners had gone through a rigorous remapping process of their farms, working with the Rural Payments Agency. Many farmers believed that these were the best maps that they had seen, but Martin Whiles expressed concerns that unadopted roads were not shown and there appeared to be a lack of joined up thinking between the Definitive Map of Rights of Way and the Rural Payments Agency. In response, Doug Huzzard said that plans showing highways were not the statutory record, which was the list of streets and plans were only a locally developed record. He stressed that the Highway Authority only had legal event documentation for less than 5% of the network. He added that the maps referred to were produced by the Rural Payments Agency and, if they did not ask the Public Rights of Way Team for the relevant data on public rights of way they were unlikely to have the up to date position.

Aidan Rayner agreed with the concerns expressed by Martin Whiles that land owners had now been issued with maps by a Government Agency which did not properly show Public Rights of Way. Richard Walker suggested that it might be helpful to have an item on a future agenda to discuss the interface between the County Council and the Forum and the Rural Payments Agency.

Leo Crone referred to the possible use of targeted TRO's on the unsurfaced, unclassified roads network and asked in what way they would be targeted; in terms of timing, or specific users. He suggested that a request might be received from Hutton Rudby Parish Council for a weight limit. In response, Doug Huzzard said that the intention would be to target in terms of different timings, but consideration would also be given to targeting through specific users, as the County Council needed to deliver a sustainable network and satisfy the broadest range of users. In response to a question from Rachel Connolly about whether TRO's could be challenged, Doug Huzzard said that if there was a challenge the County Council would seek to resolve the issue. He said there were not many TRO's on the UUR network as the

Council had been reactive, to date. The proposed policy was about becoming proactive.

David Shaftoe suggested that the first paragraph on “conflicts between users” on page 9 of the document should be amended by deleting the brackets and the words “possibly”. Martin Whiles suggested that if the County Council could clear over hanging hedges from routes, that would provide more room and generate less conflict between users. In response, Doug Huzzard said that cutting back of hedges was generally a matter for the landowner, unless it was in the highway.

At the Chairman’s suggestion it was:-

RESOLVED –

That the document on the management and maintenance of unsurfaced, unclassified roads be put before the Sub-Group.

53. RECORD OF ACTIONS

CONSIDERED –

A report of the Public Rights of Way Team Leader.

Rachel Connolly noted that other Local Access Forums had decisions in their Minutes highlighted and records of issues which had been missed. She noted that, again, David Bowe was not at the meeting.

John Taylor, from the Chair, suggested that it would be helpful not only to highlight actions to be taken, but also who should take action. He also said it would be helpful to have draft Minutes available within two weeks of the meeting.

Richard Walker said that David Bowe had indicated that he would be able to attend a future meeting and suggested that it might be helpful to structure the issues which Forum Members wished to raise with Mr Bowe.

RESOLVED –

That questions and issues to be raised with David Bowe be brought forward via the Chairman of the Forum.

54. LOCAL TRANSPORT PLAN 3 CONSULTATION

CONSIDERED –

A report of the Public Rights of Way Team Leader who introduced the report, saying that he was drawing Forum Members’ attention to the fact that the LTP 3 Consultation was now out. In response to a question from the Chairman, he indicated that the deadline for responses was 23 July.

RESOLVED –

That the Sub-Group be authorised to respond to the consultation on Local Transport Plan 3.

55. PUBLIC RIGHTS OF WAY UPDATE ON RT ROADS

CONSIDERED –

A report by the Definitive Map Team Leader.

Aidan Rayner introduced the report, indicating that Penny Noake, the Definitive Map Team Leader, could not be present. He said that the report suggested how routes might be categorised. In response to questions from Leo Crone, he said it was intended first to look at the status of each of the routes and then to seek to identify ways forward and that it was Penny Noake's intention that reports would come back to the Local Access Forum. He stressed that, if any one believed they had evidence in respect of RT Roads, Penny Noake would welcome receiving it.

John Taylor, from the Chair, said that the policy was to seek the highest level of use possible, whilst Rachel Connolly indicated that, elsewhere, the view had been taken that if vehicular routes were linked by RT Roads the rights on those roads would be vehicular, whereas if bridleways were linked by an RT Road then the rights would be as a bridleway. She asked whether Members of the Sub-Group could be provided with a map or RT's. Aidan Rayner said he would do so, if that were possible.

Martin Whiles suggested that, if a map could not be provided, a map reference for each RT road would be very helpful, so that land owners could consider the issue and be part of the consultation process.

Tom Halstead asked whether the County was now left with 72 RT routes, as he believed it had started with more than 900 and he questioned whether the survey was complete. In response Aidan Rayner said that the report indicated that these were RT routes the County knew about.

Christopher Gibson asked whether any of these routes crossed over into other counties and said that an indication of the route miles for each section would be helpful.

RESOLVED –

That the report be noted.

56. MAINTENANCE UPDATE

CONSIDERED –

A report of the Public Rights of Way Team Leader, who introduced the report.

Christopher Gibson reported that a signpost remained broken outside his home.

Tom Halstead asked whether there was still an opportunity to record issues on the website. In response, Aidan Rayner said that a major revamp was to be undertaken of the website as it was recognised that the site was not as helpful as it could be, currently.

Christopher Gibson asked whether any analysis had been done of the backlog to see what was not resolvable. In response Aidan Rayner said he was hoping to cover that in the revised survey of the network which would start in Nidderdale but there were some intractable problems such as the construction of buildings or excavation of quarries.

RESOLVED –

That the report be noted.

57. MINUTES OF LAF SUB-GROUP HELD ON 29 APRIL 2010

Rachel Connolly said that the Strategy "Waterways for Everyone" had been discussed at the previous meeting of the LAF Sub-Group, under any other business, and that she had sent a written response.

Martin Whiles referred to improved use of access land.

RESOLVED –

That the Minutes be noted.

That the written response on "Waterways for Everyone" be placed in the Minute Book.

That the issue of improved use of access land be referred to the next Sub-Group.

58. DRAFT MINUTES OF MEETINGS OF YORKSHIRE DALES LAF AND NORTH YORK MOORS NATIONAL PARK LAF

LAF Members made no comments.

59. FORWARD PLAN

CONSIDERED –

A paper setting out possible future agenda items.

Christopher Gibson said that he would like to see an item setting out the budget for the Rights of Way section for the current year. He asked whether the meeting of the LAF in August might be held in Settle, as a land owner in that area had granted cycle rights on a footpath.

The Chairman sought the views of LAF Members on site visits. In response Rachel Connolly said she was ambivalent on the matter, only feeling that it would be worthwhile if Aidan Rayner believed there was a need for LAF Members to see whatever was the subject of the site visit. The Chairman suggested, therefore, that the LAF meeting should be held at County Hall in August, unless Aidan Rayner decided there was something sufficiently important for the LAF Members to see.

David Shaftoe suggested that it would be helpful if Aidan Rayner could provide LAF Members with six map references for locations where the Public Rights of Way Team had done good work, so that LAF Members could visit independently, if they wished. Aidan Rayner agreed to build that into the six monthly report.

Richard Walker suggested that an item about Rural Payments Agency maps be included on the Forward Plan.

Rachel Connolly referred to the loss of river crossings arising from the effects of the Tees Barrage and it was agreed that this should be added to the Forward Plan of items for consideration by the LAF.

60. DATE OF NEXT MEETING

It was noted that the next meeting was scheduled for Thursday, 12 August 2010 at 10.00 am, and would be held at County Hall, Northallerton and that the next Sub-Group meeting would be on Monday 28 June, 2010 at 10.00 am.

