

NORTH YORKSHIRE LOCAL ACCESS FORUM

Minutes of the meeting held in the Grand Meeting Room, County Hall, Northallerton on 19 August 2010.

PRESENT:-

John Taylor in the Chair.

Rachel Connolly, Leo Crone, Janet Dowling, County Councillor John Fort, David Gibson, Tony Martin, Hugh Spencer, Pat Whelan and Martin Wiles.

Officers:- Aidan Rayner, Richard Walker, Jane Wilkinson, Elwyn Williams, Honor Byford and Andrew Finch (Jacobs).

Apologies for absence were received from County Councillors Robert Hesletine and David Jeffels and Tom Halstead, Catherine Wardroper and David Shaftoe.

In attendance:- County Councillor John Batt.

COPIES OF ALL DOCUMENTS CONSIDERED ARE IN THE MINUTE BOOK

From the Chair John Taylor welcomed Pat Whelan to her first meeting of the Forum following her recent appointment.

61. MINUTES

RESOLVED –

That the Minutes of the meeting held on 20 May 2010, be agreed as a correct record and be signed by the Chairman.

62. MATTERS ARISING

Aidan Rayner to include as part of Maintenance Update report to be considered at the November meeting a list of sites where improvement works had been completed so Members could visit them if they wished.

63. PUBLIC QUESTIONS OR STATEMENTS

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

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

Forum Members made no comment.

RESOLVED –

That the content of the draft minutes be noted.

65. ADMINISTRATION OF NORTH YORKSHIRE LAF

CONSIDERED –

The Chairman introduced a report setting out the contact arrangements for the Forum. In particular he drew Members attention to the proposed mechanism for responding to consultations.

Forum Members agreed that the default method of communication between meetings should be electronic mail and that a deadline for receipt of responses should be included in any emails sent. For those Members without access to a computer it was agreed that the Forum Secretary would contact them via the telephone with the details of any consultations received so that they could then access the actual consultation document via a computer at their local library.

It was suggested that the County Council's own web-site should include links to live consultation documents. Richard Walker supported the suggestion but added that the costs associated with this were likely to prove to be prohibitive.

All Members to use the methods of communication set out in the report and electronic mail wherever possible as discussed at the meeting.

66. MINUTES OF NYCC LAF SUB-GROUP HELD ON 28 JUNE 2010

Martin Wiles said that he had contacted the National Farmers Union who had no objection to the work being carried out by the Rural Payments Agency and it was agreed that the Forum would take no further action in this regard.

The Forum was informed that with regard to the establishment of public rights of ways to Open Access Land, work was progressing and a list of 12 access points had been suggested.

Members referred to the discussion at the sub-group meeting on a possible merger of the Public Rights of Way Liaison Group and the Forum. Members agreed that the continuation of both groups would be the preferred option however dependent upon announcements made in the Government's Comprehensive Spending Review in October the position may need to be reviewed. Members asked Officers to explore the possibility of arranging a joint meeting with members of the Liaison Group in November provided the County Council's financial position was then clear to discuss the implications of a merger. In the meantime Officers were asked to explore the options for merger and report their findings to the Forum and Liaison Group. It was stressed to Officers that in doing this work they must consult fully and openly with both LAF and Liaison Group Members and the organisations/user groups represented in their respective membership.

Richard Walker to explore the options for merger of the Forum and Liaison Group and to arrange a joint meeting of both groups in November.

67. RECORD OF ACTIONS

CONSIDERED –

A report of the Public Rights of Way Team Leader.

The Chairman said that Appendix 3 (letter to Duncan Graham regarding the England Access Forum) was still in draft and welcomed comments from Members. Members were advised that the deadline for receipt of comments to the Chairman was the end

of August 2010. The Chairman agreed to amend the name of the Forum to read North Yorkshire Local Access Forum.

Aidan Rayner confirmed that Rachel Briggs had been appointed as the regional co-ordinator for Local Access Forums.

The Chairman to respond to Duncan Graham on the role of Local Access Forums.

68. 'AN INVITATION TO SHAPE THE NATURE OF ENGLAND' – DEFRA DISCUSSION DOCUMENT

Members agreed they wished to submit a formal response to the discussion document. The Chairman invited Members to refer individual comments to him by the end of August following which he would draft and submit a response on behalf of the Forum.

Members commented that the discussion document did not make sufficient reference to rights of way and was too full of jargon which made it difficult to understand.

The Chairman to respond to DEFRA with members comments on the consultation 'An Invitation to Shape The Nature of England'.

69. SKEWKIRK BRIDGE UPDATE

Aidan Rayner gave an oral report.

The Forum noted that the application submitted by the British Horse Society for a bridleway to be added to the Definitive Map at the site of the former Skewkirk Bridge between Kirk Hammerton and Tockwith had been considered at a meeting of the Planning and Regulatory Functions Sub Committee on 3 August 2010. At that meeting the Sub-Committee had authorised the making of a Definitive Map Order for a bridleway. The Order was currently being drafted and it was anticipated that notices would be posted on site in the next few weeks. In the event that formal objections to the Order were received the matter would be referred to the Secretary of State who would finally determine the status of the route.

70. DEFINITIVE MAP UPDATE

In the absence of Penny Noake, the report was presented by Aidan Rayner. Members were asked to forward any queries they had on the applications referred to in the report to Penny Noake who would respond on her return to the office.

In response to a query from Leo Crone the Forum was advised that the Definitive Map Team was currently engaged upon prioritising a schedule of RT routes before adding them to the Definitive Map. Martin Wiles confirmed that Penny Noake had attended the last sub-group meeting at which she had identified prioritised RT routes.

The Forum noted that responsibility for the payment of the application fee to modify the Definitive Map rested with the Applicant. In cases where the property had subsequently changed hands it was often the case that the parties themselves reached a private agreement about payment of the fee. It was however acknowledged that current conveyancing practice meant it was possible for a new

owner to have completed the purchase without any knowledge of an outstanding Definitive Map Modification Order affecting their land. It was also confirmed that the County Council would refuse to progress an application to modify the Definitive Map without first having reached an agreement with the Applicant about payment of the fee.

Penny Noake to circulate to Forum Members a schedule of prioritised RT routes that includes grid/map references to enable the exact location of the routes to be identified.

71. BEDALE & LEEMING BYPASS

The Forum received a presentation from Elwyn Williams explaining in detail the main elements of the proposed scheme with particular emphasis on the provision for non-motorised users. Large scale coloured plans were circulated at the meeting and a copy placed in the Minute Book.

The Chairman asked if it was practical for non-motorised users to cross the road at Low Street and whether a 2km diversion to avoid crossing the road at Low Street was reasonable. Elwyn Williams replied that the volume of traffic predicted to be using the bypass in 2026 was similar to that using the A684 which was currently crossed by equestrians. He added that visibility at the crossing points on the bypass met current guidelines. A survey of the number of equestrians using the crossing had been carried out and the maximum number recorded was five. He maintained that across the county there were lots of similar crossings in use all of which operated without any difficulty. The Chairman whilst acknowledging the response given, asked if the County Council should be more forward looking by not creating a precedent that encouraged non-motorised users to cross a busy road.

Rachel Connolly said that she was very disappointed that the crossing at the end of Low Street was not to be controlled by traffic lights that incorporated intelligent technology. She suggested the reason for this was that North Yorkshire Police had indicated that they were not in favour of traffic signals being installed on a road with a speed limit that was in excess of 40mph. She said that North Yorkshire was the only police authority in the country to adopt such a stance and that in so doing they would deny non-motorised users the option of having a safe crossing point. She maintained that there was no evidence to support the views expressed by North Yorkshire Police and she believed that the County Council therefore needed to justify its decision. A diversion of 2km which included using a tunnel that was used by trains was not in her opinion safe.

Rachel Connolly said that traffic sensitive lights were in use at many locations around country all of which had reported no accidents. The crossing at the end of Low Street would not be used exclusively by equestrians and she suggested that approximately 200 journeys a week would benefit from traffic lights being installed.

Elwyn Williams replied that the County Council had given close consideration to the installation of traffic lights. He referred to the installation on the A66 which had to be removed on account of the issues it caused drivers. Rachel Connolly maintained that its removal was due to it being incorrectly installed. Elwyn Williams said that furthermore discussions with Officers from road safety had revealed further concerns namely that as use of the crossing would be infrequent, motorists who regularly used the route would get used to driving through the crossing and would not expect to see a red light. He acknowledged that traffic levels would differ at different times of the day – and said that he did not expect non-motorised users to cross during peak times.

In response to questions from Martin Wiles about consultation, Elwyn Williams confirmed that user groups had been consulted including the British Horse Society. The British Horse Society had responded to the consultation stating their concerns in a letter which was almost word for word the same as that received from Rachel Connolly. The same response had been sent to the British Horse Society as that sent to the Chairman of the LAF in response to Mrs Connolly's letter. No further communication had been received from the British Horse Society since sending the letter. Martin Wiles added that he did not share the view put forward by road safety officers, he believed road users should drive in accordance with the road circumstances.

The Chairman said that the issue around the use of traffic lights was a red-herring. The point was that the Bypass favoured motorised users and that ideally the crossing at Low Street should be via a bridge.

Elwyn Williams stressed the importance of balancing the needs of users against the cost of provision. A bridge over the Bypass would cost approximately £1M for in essence what would be low usage. He said that given the circumstances it would not reasonable to invest such a large sum and that it was not possible the justify construction of a bridge. The total cost of the scheme was approximately £30M - £1M for a bridge was too high a proportion of that figure. With regard to train usage of the tunnel to be shared with non-motorised users he said that current usage was between 4-8 trains per annum some of which used the tunnel during the night. In these circumstances he did not think it was unreasonable for non-motorised users to share use of the tunnel. The dimensions of the tunnel and visibility meant that it would be almost impossible for a non-motorised user to get caught unaware by a train. If this situation were to change the position would be reviewed.

County Councillor John Fort said that Members should not forget that there was overwhelming local support for the Bypass which in any event he did not think would proceed on account of anticipated government announcements in October about cuts in funding.

David Gibson suggested that provision of a Pegasus crossing at a cost of around £70K would do away with the need to provide a diversion route thus saving money. Elwyn Williams replied that this was true but that it would not enhance the PROW network on the northern side of the bypass.

Honor Byford said that it would be possible to install ducting for a Pegasus crossing as part of the initial construction which could then be utilised if ever the situation changed in the future. Members supported this suggestion in the event that traffic levels increased to such a level that safety became an issue. Forum Members agreed to recommend the installation of ducting to the County Council as a fall back position if a crossing controlled by traffic lights was not initially installed.

Forum Members agreed that the County Council had demonstrated that it had properly consulted stakeholders.

The Chairman thanked the presenters for their attendance and for the information they had provided.

The Chairman to write to the County Council recommending the installation of a traffic light crossing point at Low Street as part of the Bedale Bypass and if such a crossing is not initially installed then for ducting for a Pegasus crossing be installed as part of the initial build.

72. FORWARD PLAN

CONSIDERED –

A paper setting out possible future agenda items.

The Chairman agreed to circulate to Forum Members for comment the response on UUR's prepared by Leo Crone. It was agreed that an update report on UURs be submitted to the November meeting.

David Gibson repeated his request for an item setting out the budget for the rights of way section which he said would be particularly relevant in the light of anticipated announcements made in the Government's Comprehensive Spending Review in October.

David Gibson sought the views of LAF Members regarding whether to respond to consultations received on Fire Directions and 'The Way of the Roses' Cycle Route. The Forum agreed to take no action in respect of the consultation on Fire Directions. With regard to the 'The Way of Roses Cycle Route' Members agreed that as it would utilise existing routes a detailed response was not necessary. It was agreed that the Chairman would acknowledge receipt of the consultation and welcome further engagement.

Rachel Connolly on behalf of David Shaftoe expressed concern at the delay by DEFRA in issuing new guidance on gates and stiles that would help to improve access for people with disabilities. Aidan Rayner confirmed that DEFRA had failed to issue any reasons for the delay. It was agreed that the Chairman would write to DEFRA and seek an explanation for the delay. Forum Members could if they so wished lobby their local MP to apply pressure to DEFRA to issue the guidance.

RESOLVED –

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

The Chairman to circulate to Members for comment the response on UUR's prepared by Leo Crone.

The Chairman to acknowledge receipt of the consultation on 'The Way of the Roses' Cycle Route.

The Chairman to write to DEFRA seeking an explanation for the delay in issuing new guidance on gates and stiles.

73. DATE OF NEXT MEETING.

It was noted that the next meeting was scheduled for Thursday 18 November 2010 at 10.00 am at County Hall and it was agreed that the next sub-group meeting would be on 11 October 2010.

The Chairman said that he would be attending a meeting of the Regional Forum in Wakefield on 13 September 2010 which other Members were welcome to attend.