

NORTH YORKSHIRE LOCAL ACCESS FORUM

Minutes of the meeting held in Meeting Room 3, County Hall, Northallerton on 8 September 2011, commencing at 10.00 am.

PRESENT:-

John Taylor in the Chair.

Rachel Connolly, Leo Crone, Edward Dennison, David Gibson, County Councillor David Jeffels, County Councillor Robert Heseltine, Tony Martin and Pat Whelan.

Officers:- Aidan Rayner, Beth Brown, Richard Walker and Ian Fielding (Countryside Service), Doug Huzzard (Highways) and Jane Wilkinson (Legal and Democratic Services).

One member of the public.

Apologies for absence were received from County Councillor John Fort and Tom Halstead.

COPIES OF ALL DOCUMENTS CONSIDERED ARE IN THE MINUTE BOOK

The Chairman announced that letters of resignation had been received from Janet Dowling and Hugh Spencer.

109. MINUTES

RESOLVED –

That the Minutes of the meeting held on 19 May 2011, be agreed as a correct record and be signed by the Chairman.

110. MATTERS ARISING

NONE

111. PUBLIC QUESTIONS OR STATEMENTS

Mr Chris Truman Davies, Treasurer of the North Yorkshire Fell Club and member of the Yorkshire Dales Green Lanes Alliance addressed the meeting to express strong concerns regarding the condition of the unsurfaced, unclassified road known as Deadman's Hill between Nidderdale and Coverdale.

In August 2010 he said that the County Council had imposed an 18 month temporary traffic regulation order prohibiting recreational motor vehicles from using the route. This order was due to expire in February 2012. He urged the Forum to recommend to the County Council that upon the expiry of the temporary order application is made for the order to be made permanent.

Mr Truman Davies said that the continued illegal use of the route by some vehicle users had caused extensive damage to the moor. He acknowledged that lack of resources and the remote location of the route meant that it was not easy for the Police to effectively enforce the Order. He suggested the installation of a galvanised keyed gate similar to the one on Little Whernside as a solution to the problem. Such

a gate would allow free passage for pedestrians, horseriders and mountain bikers but would prevent access by motor vehicles.

The Chairman thanked Mr Truman Davies for his contribution and said that as there was a significant overlap of the subject matter with agenda item 6 'Unsurfaced, Unclassified Road Policy' a detailed response would be given during consideration of that item.

112. NORTH YORKSHIRE NATIONAL PARK LOCAL ACCESS FORUMS

The Forum received for information the minutes of meetings held during June 2011.

RESOLVED –

- (a) That the content of the minutes of the meetings of the North York Moors and Yorkshire Dales Local Access Forum held on 7 June and 21 June 2011 respectively be noted.

113. UNSURFACED, UNCLASSIFIED ROADS POLICY

The Highway Asset Manager, Doug Huzzard updated the Forum on progress achieved following his attendance at the last meeting regarding production of the consultation draft document.

Circulation of the pre-consultation draft document had he said led to a number of technical issues being raised which had been forwarded to legal services to determine. The original document was also thought to be too long and was in the process of being shortened. Doug Huzzard confirmed that the underlying principal of the policy would remain as stated at the previous meeting namely that future management of unsurfaced, unclassified routes would be based on usage/sustainability as opposed to historic rights.

The Forum was advised that it was hoped that work on the revised pre-consultation draft document would be completed by the end of September. The document would initially be referred to the County Council's Executive in October and then be the subject of a three month public consultation. Consultation responses would be referred to further meetings of the Executive and Full Council with a view to the new policy being effective as from 1 April 2012. The tight timescale meant that it would not be possible for Forum to have an opportunity to comment on the revised draft policy before it was released for public consultation. Assurances were given that full details of the consultation would be published on the County Council's website.

The Forum was eager to respond to the consultation and agreed that the revised draft document should initially be referred to the sub-group for consideration and comment. The views of the sub-group could then be referred to a meeting of the Forum to determine its final response.

Deadman's Hill

At the invitation of the Chairman, Doug Huzzard outlined the current position.

Doug Huzzard confirmed that the temporary traffic regulation order that prohibited vehicles from using Deadman's Hill was due to expire in February 2012. Investigations were underway to determine the extent and cost of the repairs needed to restore the route to bridleway standard. Subject to the weather and the availability of funding it was intended that the necessary repair works were completed prior to February 2012.

The Forum was advised that it was not possible to delay the determination of the status of Deadman's Hill until after the new policy was approved in April 2012. The situation was further complicated by an application that had been lodged on an adjoining right of way for vehicular rights. The County Council's approach being that it would not be appropriate to determine the status of Deadman's Hill without taking into account the application on the adjoining right of way.

In response to questions from Members about the priority to be given to determining the application on the adjoining route the Forum was advised that this would be looked at after the meeting.

Members commented that if the Traffic Regulation Order was made permanent it would not solve the problem of enforcement and that monies spent on repairs would be wasted.

Conflicting views were expressed by Forum Members about whether the use of vehicles should be allowed to continue on UUR routes.

Doug Huzzard urged caution and pointed out that the new policy would need to pass an equalities impact assessment. The suggested use of a galvanised gate would he said prevent some legal users from gaining access. He said that there were approximately 1000 UUR routes in North Yorkshire of which less than 12 had current management issues. He accepted however that enforcement on Deadman's Hill had been largely unsuccessful.

Leo Crone suggested a weight restriction be introduced on Deadman's Hill as a means of preventing 4x4 using the route. He also suggested the use of a seasonal Traffic Regulation Order between the months of April and September. He was confident that legal vehicular users would be prepared to help maintain routes on a partnership basis. He also pointed out that some police officers were ignorant of the powers available to them under the NERC Act to prevent illegal use. Doug Huzzard thanked Leo Crone for his suggestions and agreed to investigate the use of a weight restriction being introduced.

Aidan Rayner agreed to seek access to the data collected by the Yorkshire Dales National Park on usage of the route. It was pointed out that the present condition of the route prevented many would be users from using it. Aidan had spoken to the Police about enforcement at Deadman's Hill and to colleagues in Highways about the use of Traffic Regulation Orders on UUR's and indications were that the Police would take action where breaches of the TRO could be proven.

In summing up the Chairman said it had been a useful discussion and thanked Doug Huzzard for his attendance and the information he had provided.

RESOLVED –

That a meeting of the sub-group take place on 8 November 2011 commencing at 9.45 am to consider the revised draft policy on unsurfaced, unclassified roads.

Aidan Rayner to obtain data collected by the Yorkshire Dales National Park on user numbers of Deadman's Hill.

114. RECORD OF ACTIONS

CONSIDERED –

The report of the Chairman listing actions completed since the previous meeting.

The Chairman reported his ongoing frustrations in his communications with DEFRA and Natural England. The latest position as far as he could determine was that DEFRA whilst supporting LAFS was opposed to a National Local Access Forum. DEFRA were instead seeking to establish 'a huddle' which would be discussed in further detail at the forthcoming regional LAF meeting. He confirmed that DEFRA had agreed to fund the post of a regional LAF co-ordinator for 12 months.

115. RESTRUCTURING OF THE NORTH YORKSHIRE CONSULTATIVE GROUPS –

CONSIDERED –

The report of the Head of Countryside Service inviting the Forum to comment on a proposal to re-structure and rationalise access consultation groups in North Yorkshire.

It was reported that as at the date of the meeting only 3 responses had been received. Members were invited to forward their comments direct to Richard Walker by the end of September.

The Chairman commented that the membership vacancies on the Forum would be held in abeyance until the outcome of the consultation was determined.

Forum members supported in principal the proposal in paragraph 7.2 of the report.

David Gibson to forward his comments to Richard Walker following the meeting

116. RIGHTS OF WAY IMPROVEMENT PLAN UPDATE

CONSIDERED –

The report of the Public Rights of Way Team Leader outlining the proposed approach to update the North Yorkshire Rights of Way Improvement Plan.

Forum Members noted that they would be kept informed of consultation responses.

Forum Members commented that the ROWIP should include references to UUR's because of their importance in the overall connectivity of the network.

Members noted the report content.

117. PUBLIC RIGHTS OF WAY DEFINITIVE MAP MODIFICATION ORDER AND PUBLIC PATH ORDER APPLICATIONS UPDATE

CONSIDERED –

The report of the Definitive Map Team Leader on progress achieved since February 2011 processing Definitive Map Modification Order and Public Path Order applications.

It was confirmed that efforts were continuing to locate the owners of the land over which Priority 1 RT routes passed.

Members noted the report content,

118. FORWARD PLAN

CONSIDERED –

A paper setting out possible future agenda items.

Members agreed to defer reports on Maintenance and ‘Sponsorship of the Public Rights of Way Network’ until the February 2012 meeting in view of the busy agenda for the next meeting.

Members referred to the minutes of the previous meeting and their outstanding requests for progress/update reports on the Local Transport Plan and public access at Catterick Garrison. The Public Rights of Way Team Leader agreed to invite Andrew Bainbridge (Local Transport Plan Team Leader) to attend the February meeting. The Chairman undertook to write to Richard Brooks Defence Estates HQ Wiltshire to follow up a letter sent by the previous Chairman and the MOD offer to have continued engagement with the LAF.

It was agreed that an update report on Unsurfaced, Unclassified Roads be referred to the February 2012 meeting.

It was agreed that the Chairman together with Rachel Connolly and Tony Martin attend the forthcoming regional LAF meeting on 21 September 2011.

RESOLVED –

That the content of the Forward Plan together with the suggestions referred to in the Minutes be approved and noted.

Members to forward to the Chairman notice of the questions/topics they would like to put to Barrie Mason (NYCC Assistant Director – Highways) at the November meeting.

119. DATE OF NEXT MEETING

RESOLVED –

That the next meeting take place on Thursday, 24 November 2011 at 10.00 am at County Hall, Northallerton.

The meeting concluded at 12.45 pm.

JW/ALJ