

North Yorkshire Local Access Forum

Minutes of the meeting held in the Grand Meeting Room County Hall, Northallerton on 29 February 2012, commencing at 10.00 am.

Present:-

John Taylor in the Chair.

Rachel Connolly, Leo Crone, Edward Dennison, David Gibson, County Councillor Robert Hesletine, Tom Halstead, Tony Martin, and Pat Whelan.

Officers:- Iain Burgess and Penny Noake (Countryside Service), Phil Strand (Projects and Partnerships Officer Business & Environmental Services) and Jane Wilkinson (Legal and Democratic Services).

Apologies for absence were received from County Councillors John Fort, and David Jeffels and Catherine Wardroper and Martin Wiles.

Copies of all documents considered are in the Minute Book

133. Minutes

Resolved –

That the Minutes of the meeting held on 24 November 2011, be agreed as a correct record and be signed by the Chairman.

134. Matters Arising

Minute No 113 Deadmans Hill

Members noted that improvement/repair works were scheduled to take place during the summer and that the Traffic Regulation Order was to be extended. Works to repair erosion damage on Ingmoor Lane, a feeder route to Deadmans Hill were also scheduled for the same time. It was acknowledged that the Traffic Regulation Order on Deadmans Hill directly affected the number of vehicles using Ingmoor Lane which also had vehicle rights. However whilst it made sense for a Traffic Regulatory Order to be in place on both routes Ingmoor Lane was the subject of an outstanding definitive map modification order application which had a low priority score and was therefore unlikely to be progressed in the near future.

LAF Members requested that consideration was given to processing the DMMO application on Ingmoor Lane before the Traffic Regulation Order on Deadmans Hill expired. Penny Noake, Definitive Map Team Leader agreed to prioritise the application on the understanding that this would have a 'knock-on effect' on the priority given to remaining outstanding applications. Penny Noake gave assurances that the recommendation of Officers for Ingmoor Lane would be known within 18 months but that if objections were received the application would take longer to process.

Defra Forestry Commission

The Chairman confirmed that a letter expressing the disappointment of the LAF that the recent site visit to North Yorkshire was not open to the public had been sent and a response received and circulated.

Min 124 Highways & Transportation

The Chairman reported that in response to recommendations made at the previous meeting Barrie Mason had supplied a document 'Protocol for Consultation with the Local Access Forum'. Regrettably however this document did not cover what had been requested. The Chairman said that following the meeting he would pursue the matter and a report would be placed on the agenda of the next meeting.

Members criticised the County Council (the appointing authority for the Forum) for failing to routinely consult the Forum as part of its statutory functions.

Min 127 Huddle Update

The Chairman reported that he had attended a training event in Leeds. Anyone interested in joining the Huddle was asked to contact him direct.

135. Public Questions or Statements

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

136. North York Moors National Park Local Access Forum

A copy of the draft minutes of the meeting held on 6 December 2011 were circulated for information.

Resolved –

That the content of the draft Minutes of the meeting of the North York Moore National Park LAF held on 6 December 2011 be noted.

137. Unsurfaced Unclassified Roads

Considered –

The report of the Public Rights of Way Team Leader inviting the Forum to respond to the County Council's consultation on Unsurfaced Unclassified roads.

The Chairman said that the consultation ended on 27 April 2012. He felt certain that Members would want to submit a response but doubted that this could be agreed at the meeting that day. As the date of next meeting of Forum was after the consultation had ended he suggested that the Forum seek permission to submit a late response. A meeting of the sub-group could then be arranged before the next Forum meeting at which a draft response could be formulated which would then be formally ratified by the Forum at its meeting in May. The Chairman thanked David Gibson and Rachel Connolly for their initial comments which he said had been very helpful and which had been circulated prior to the meeting.

The proposals put forward in the consultation for the future management of UURs were contentious and the Chairman said the Forum would have to choose which of the following options it supported:-

- Maintain the status quo
- Accept the sustainability argument put forward in the consultation
- Historic rights attached to individual routes to be legally determined and recorded and maintenance thereafter carried out in accordance with the status of the route.

Attached to the consultation was a questionnaire which consultees were asked to complete and return.

Iain Burgess responded to a number of technical questions from Members on the relationship between the List of Streets, the Definitive Map and the affect of 2026 cut off date in the Natural Environmental & Rural Communities Act 2006. Iain Burgess said that the situation in North Yorkshire was unique as other local authorities had already legally determined the status of routes on the List of Streets. In North Yorkshire that was not the case. All routes on the List of Streets in North Yorkshire were as a minimum public footpaths. It was however quite possible that the routes had higher rights which had never been formally determined. Iain Burgess said that the proposals in the consultation were an attempt to rectify this situation. It was suggested that as a minimum North Yorkshire County Council should apply for BOAT applications on all UURs. Leo Crone said that it was his understanding that local authorities in Northumberland were proceeding on this basis. Iain Burgess said that he did not see how this was possible because there were no grounds to do so under the Natural Environmental & Rural Communities Act 2006 unless one of five exceptions applied.

Rachel Connolly pointed out that the process of seeking orders through the Magistrates Court was both expensive and time consuming. She was also concerned that the consultation document did not contain a timeframe for what was being proposed.

A range of views was expressed by Members on the approach the County Council should adopt to determine the status of UURs. Members commented that until the routes had been surveyed and assessed it was difficult to comment on the proposals.

County Councillor Heseltine said that as an elected member he was unaware of the consultation and said that he would call for a report to be placed on the agenda of the next meeting of the Transport, Economy & Environmental Overview & Scrutiny Committee that focused on the legalities and cost implications for North Yorkshire.

Debate continued for some time before Members agreed they could not agree a response to the consultation that day. The approach suggested by the Chairman at the beginning of the meeting was supported as Members wanted to submit additional comments as opposed to completing the questionnaire. The Chairman agreed to contact Doug Huzzard and seek permission for the Forum to submit a response to the consultation after the closing date.

Iain Burgess and Penny Noake agreed to undertake research to ascertain the practice in Northumberland.

Resolved –

1. That the sub-group meet on 14 March 2012 at 10.00 am at County Hall to initially agree a response to the consultation on unsurfaced unclassified roads.
2. That a report inviting the Forum to formally endorse its response to the consultation on unsurfaced unclassified roads be included on the agenda of the next meeting.

138. A Local Nature Partnership for North Yorkshire and York

Considered –

The report of the Projects & Partnerships Officer inviting the Forum to comment on a proposal to create a Local Nature Partnership for North Yorkshire and York. Attached to the report was a discussion paper that had been circulated to external partners which provided further detail.

The report was introduced by Phil Strand, Projects and Partnerships Officer who said he had attended a meeting the previous day at which the establishment of a Local Nature Partnership (LNP) covering all of North Yorkshire and York had been agreed. The application process was that proposals for a North Yorkshire & York LNP had to be submitted to DEFRA by 8 March 2012. He confirmed that these were in the process of being drafted. DEFRA then had eight weeks to issue a response. Members noted that there was no funding available from DEFRA with which to establish a Local Nature Partnership and that Phil Strand was the project lead for North Yorkshire County Council.

Members expressed support for the project and looked forward to receiving details of the submission including proposed locations and landscapes in due course.

Resolved –

That a further report on the creation of a Local Nature Partnership for North Yorkshire and York be referred to the Forum in due course.

139. Pathways for Communities

Considered –

The report of the Public Rights of Way Team Leader informing the Forum of recently announced government funding measures relevant to the public rights of way network.

The Chairman said that the £2m fund available to local communities to improve public rights of way was particularly relevant to the work of the Forum. The scheme was likely to be heavily subscribed and successful projects would have to demonstrate improvement to an existing right of way that had local significance. Applicants had to be from the local community such as a parish council. In view of the time restraints attached to the Scheme it was considered that projects already underway were most likely to be successful. It was noted that grant monies would only be payable when the project was completed.

The Chairman urged Forum Members to promote the Scheme within their local communities. He said that details of the application process had still to be announced but would be available after the third week in April on the web site for Natural England.

Resolved –

That the report be noted.

140. Defra Guidance on Authorising Structures (Gaps, Gates & Stiles) on Rights of Way

Considered –

The report of the Public Rights of Way Team Leader outlining the approach of the Rights of Way team to structures on public rights of way with reference to the DEFRA guidance published in 2010.

Members agreed that where cattle grids were authorised under S147 Highways Act a route suitable for rights of way users should be investigated at the same time.

Resolved –

That the report and comments made at the meeting be noted.

141. Public Rights of Way and Definitive Map Modification Order & Public Path Order

Considered –

The report of the Definitive Map Team Leader updating members on progress with processing Definitive Map Modification Order and Public Path Order applications since September 2011. The applications referred to in the report were listed in appended schedules.

The report was introduced by Penny Noake who summarised key applications referred to in the report and described the Orders that had been made.

It was noted that efforts continued to locate the owners of the land over which 4 RT routes passed. It was also reported that there was a backlog of approx 10/12 applications awaiting Public Inquiry and that these were being processed at the rate of one per month.

In response to a request from Members it was agreed that future reports would include the ordinance survey map grid reference for each of the applications listed in the schedules attached to the report. Members commended officers on the comprehensiveness of the report.

Resolved –

That the content of the report be noted.

142. Sponsorship of Public Rights of Way

Considered –

The report of the Public Rights of Way Team Leader outlining sponsorship opportunities available for the public rights of way network.

Resolved –

That the content of the report be noted.

143. Forward Plan

Considered –

A paper setting out possible future agenda items.

It was agreed that the following items be added:

23 May 2012

- Unsurfaced Unclassified Road – Consultation response
- Highways & Transportation – Consultation Parameters and list of consultative bodies
- Budget report
- Access to open Access Land – Progress report

19 September 2012

- Doug Huzzard – Feedback on response to UUR Consultation

Resolved –

That the content of the Forward Plan together with the suggestions made during the meeting be approved and noted.

144. Date, Time & Venue of Next Meeting:-

Resolved –

That the next meeting take place on Wednesday, 23 May 2012 commencing at 10.00 am at County Hall, Northallerton.

The meeting concluded at 1.30pm.

JW/ALJ