

# North Yorkshire Local Access Forum

Minutes of the meeting held in Meeting Room 3, County Hall, Northallerton on 23 May 2012, commencing at 10.00 am.

## **Present:-**

John Taylor in the Chair.

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

Officers:- Aidan Rayner and Penny Noake (Countryside Service), Andrew Bainbridge & Elwyn Williams (Highways & Transportation) and Jane Wilkinson (Legal and Democratic Services).

Present by Invitation: Andrew Finch – Consultant & Project Manager.

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**Copies of all documents considered are in the Minute Book**

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## **145. Minutes**

### **Resolved –**

That the Minutes of the meeting held on 29 February 2012, be agreed as a correct record and be signed by the Chairman subject to the following amendment:-.

#### Min no 137 Unsurfaced Unclassified Roads

Fifth paragraph delete the second sentence that reads “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”.

## **146. Matters Arising**

None

## **147. Public Questions or Statements**

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

## **148. Yorkshire & Humberside Regional Local Access Forum**

A copy of the draft Minutes of the meeting held on 18 April 2012 were circulated for information.

The Chairman who had been present at the meeting summarised the key issues that had been discussed. He invited expressions of interest from Members wanting to join Huddle. Four places were available to Forum members which if not utilised would be offered to members of other Forums. The Chairman and Rachel Connolly who were already on Huddle said it was a good resource which had proved very useful. Tom Halstead and Tony Martin both said they would like to join and the Chairman agreed to action this following the meeting.

**Resolved –**

That the Minutes be noted.

**149. Response to NYCC Consultation on Unsurfaced, Unclassified Roads**

The Chairman sought comments from Members on the draft response attached to the agenda.

Leo Crone referred to the recently published white paper Improvements to the Policy & Legal Framework for Public Rights of Way which he said proposed making the 2026 cut off date in the Natural Environment and Rural Communities Act exempt thereby making the consultation on UURs redundant.

Penny Noake responded saying that the County Council had not issued the consultation on UUR's in response to the 2026 cut off date. The consultation had been issued because clarity was needed about which users were eligible to use rights of way in North Yorkshire.

Leo Crone sought the agreement of Members for him to prepare a report supporting the retention of existing higher rights for consideration at the next meeting. Forum members welcomed his suggestion and looked forward to receiving his report at the next meeting.

Members agreed it was important that the Forum formally responded to the consultation and endorsed the draft response. Members commented that any subsequent proposals to amend legislation would best be addressed at the time.

**Resolved –**

That the draft response be approved and submitted on behalf of the Forum.

That a report supporting the retention of vehicular rights on UUR's prepared by Leo Crone be referred to the next meeting.

**150. Highways and Transportation - Protocol for Consultation with the Local Access Forum**

Considered –

The report of Andrew Bainbridge Team Leader – Transport Planning inviting the Forum to approve a protocol to establish which Highways and Transportation schemes and policies would include the Local Access Forum in the consultation process.

The report also sought the approval of the Forum on the recommended schemes and policies based on the protocol that would be the subject of consultation with the LAF during the current financial year (2012/2013).

The report was introduced by Andrew Bainbridge who said if Members approved the Protocol the process would be that early in the financial year once the programme of transport improvement schemes and transport policy work had been approved by the Corporate Director a highways officer would attend a meeting of the Forum to present the schemes and agree with Members which would be the subject of consultation. The format of the consultation undertaken would depend upon the size of the individual scheme. Large schemes would be the subject of a specific agenda item but a more general approach would be adopted for smaller schemes.

Members were invited to comment on the proposed protocol before considering which schemes and policies they wished to be consulted on.

The Forum welcomed the Protocol which they said was a big step forward and commended officers on their concise and comprehensive drafting.

It was suggested that the protocol for highway and transport improvement schemes be amended to include schemes where access or access improvements could be made for non-motorised users. This suggestion was supported by Forum Members. Andrew Bainbridge agreed to amend the protocol so as to include what had been suggested. Members then endorsed the amended protocol.

In response to questions requesting consultation on Traffic Regulation Orders the Forum was advised that there was a specific legal process which required all Orders to be advertised. Consulting specific groups on the making of an Order would be a major change and involve significant extra work and cost and as it was not part of the legal process could not therefore be justified.

Members asked if it was possible for the Forum to be given a list of Traffic Regulation Orders including their expiry dates in North Yorkshire on public rights of way that excluded Unsurfaced, Unclassified Routes. It was pointed out that the two National Parks in North Yorkshire did provide such a list and that the number of TRO's in North Yorkshire outside of the National Park Boundaries would be very small. Members said it would be useful if this could form the basis of a standing item on future agenda. Officers agreed to investigate and report back to the next meeting.

Members noted that based on the protocol they had just agreed there no transport improvement schemes or policies in the current programme that were likely to be of specific interest to the Forum.

#### **Resolved –**

That the Protocol for consultation with the North Yorkshire Local Access Forum on highways and transportation schemes and policies including the amendment recorded in the Minutes be approved.

That during the financial year 2012/13 there are no North Yorkshire County Council's transport improvement schemes or policies required to be the subject of consultation with the North Yorkshire Local Access Forum.

#### **151. A684 Bedale Aiskew Leeming Bar Bypass Non Motorised Users Provision**

Considered –

The report of Elwyn Williams, Acting Head of Network Strategy – NYCC Highways and Transportation on proposed modifications to non motorised user facilities in the A684 Bedale Aiskew Leeming Bar Bypass (BALB) scheme.

The report was introduced by Elwyn Williams who summarised the background to the proposals and gave an overview of the scheme. He then described the reasons the modifications had been put forward and with reference to large scale plans outlined in detail what was now being proposed.

It was reported that the meeting with the British Horse Society referred to in the report had now taken place and had been very positive. At that meeting a further modification had been agreed namely to set the route back from the edge of the carriageway.

Members discussed the modifications in detail before voicing their support and debating the merits of whether the proposals should also include an eastern link that had formed part of the original planning application due to non-motorised user safety issues on the A684 if no link was provided. Members were advised that funding for the scheme was capped. Consequently if the planning application about to be submitted included an eastern link in addition to the modifications being proposed the lack of funding for this work could result in the entire scheme being rejected. It was pointed out that the modifications being proposed did not preclude the track along the north side of the bypass being made into a public right of way for non-motorised users at a later date thereby creating an eastern link. This would have to be progressed independently by officers from Countryside Services as it fell outside the remit of the scheme.

The Project Manager, Andrew Finch suggested by way of compromise that the landowner be approached and asked to erect a fence to segregate the proposed route from the rest of the field which would facilitate the future delivery of the bridleway.

On this basis Forum Members supported the modifications proposed in the report and thanked the County Council for taking account of their views expressed at previous meetings.

Forum Members said they would liaise with officers from countryside services about making the track on the north side of the carriageway and along the railway line into a public right of way.

**Resolved –**

That the proposed modification to the NMU proposals for BALB as set out in Plan 2As and 2B as attached to the report be approved.

**152. Review of the Public Rights of Way Improvement Plan**

**Considered –**

The report of Aidan Rayner, Public Rights of Way Team Leader on the review of the North Yorkshire Public Rights of Way Improvement Plan.

The report was introduced by Aidan Rayner who said that the consultation response deadline was flexible but that he would like the response of the Forum by the date of the next meeting. He said that if Member would find it helpful he was willing to attend a meeting of the sub group to consider in detail the questions raised in the consultation.

Leo Crone said that he would like to see weight limits being attached to TRO's and for this to be included in the ROWiP. David Gibson said he had a number of comments in respect of the document which he was happy to discuss in a sub-group meeting. He said that the focus of the Plan was on community paths and that he would like to see paths that led away from settlements also being included. He agreed to email Aidan Rayner with his suggestions following the meeting.

Members agreed a meeting of the sub-group would be appropriate to draft a response to the consultation.

**Resolved –**

That a meeting of the sub-group be arranged to consider the consultation draft ROWIP 2 and to submit a draft response to the next meeting.

### **153. Public Rights of Way Maintenance Update**

Considered –

The report of the Public Rights of Way Team Leader updating Members on maintenance work undertaken during the 2011/12 financial year. A power-point presentation of photographs of completed countryside management works was shown at the meeting.

Members were pleased to see a reduction in the number of outstanding reported issues and noted that the bridge repair works identified in paragraph 4.2 of the report were likely to change as a consequence of recent reported flood damage.

Members requested that future reports on the results of ploughing and cropping surveys contain a breakdown for each district.

**Resolved –**

That the content of the report be noted.

### **154. Forward Plan**

Considered –

A paper setting out possible future agenda items.

It was agreed that the following items be added:-

19 September 2012

Land locked open access land

Paths For Communities

Unsurfaced Unclassified Road – Feedback on response to consultation

Coastal Access

Response to ROWiP 2

Retention of Vehicular Rights on Unsurfaced Unclassified Roads (Contact Leo Crone)

Members referred to the recently launched Natural England consultation on future Management Plan Arrangements for National Trails and the DEFRA consultation on Improvements To the Policy and Legal Framework for Public Rights of Way. In view of the imminent closing date and importance of the consultations Members agreed to hold a meeting of the sub group and additional meeting of the Forum to enable formal responses to be submitted within the consultation deadlines.

**Resolved –**

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

### **155. Date Time and Venue of Next Meeting**

**Resolved –**

That a meeting of the sub-group be held on 29 May 2012 at 10.00 am at County Hall Northallerton

That an additional meeting of the Forum be held on 27 June 2012 at 9.30 am at County Hall, Northallerton.

That the next schedule meeting of the Forum take place on Wednesday 19 September 2012 at 10.00 am at County Hall Northallerton.

The meeting concluded at 12.50 pm.

JW/ALJ