



**Unapproved Minutes**  
**Meeting of the Yorkshire Dales Access Forum**  
**Held on Tuesday 17 July 2012**  
**Yoredale, Bainbridge**

Present: Jon Beavan (JB), Andrew Colley (AC), David Gibson (DG), Neil Heseltine (NH), Alex Law (AL), Stuart Monk (SM), John Richardson (JR), Mike Stephenson (MS), Heather Thomas-Smith (HTS), Alistair Thompson (AT), Pat Whelan (PWh), Jocelyn Manners-Armstrong (JMA).

YDNPA Officers present: Alan Hulme (AH), Rachel Briggs (RB) – LAF Secretary, Catherine Kemp (CK), Julie Barker (JBa), Mark Allum (MA).

The meeting started at 1.15pm.

In the absence of the Chair (Phil Woodyer), the Vice Chair (David Gibson) chaired the meeting.

**1. Welcome**

DG welcomed Jocelyn Manners-Armstrong (JMA) to the meeting as a new member of the Yorkshire Dales National Park Authority (YDNPA) and as a new member of the YDAF. He also welcomed Catherine Kemp (CK), Outreach Officer from the YDNPA.

Everyone round the table introduced themselves.

**2. Apologies**

Apologies were received from David Seaman (DS), Ken Miller (KM), Jerry Pearlman (JP), Sara Spillett (SS) and Phillip Woodyer (PW).

**3. Approval of Minutes**

Minutes of 6 March 2012

<p><b>The minutes of the meeting on 6 March 2012 were approved as a true record of the meeting.</b></p>
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## Matters Arising from the Minutes

There were several matters raised:

(a) PWh asked if there had been any further movements with the boundary review of the Yorkshire Dales National Park. AH said that the review was ongoing and that it was currently with the Secretary of State.

(b) JB asked if the guidance for large scale events had been finalised and whether it was available to be circulated. MA informed members that it was currently with the YDNPA communications team and that it would be available on the website shortly.

## Minutes of 2 April 2012

<b>The minutes of the meeting on 2 April 2012 were approved as a true record of the meeting.</b>
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### **4. Public Question Time**

There were no public questions.

### **5. Future Forum Meetings**

#### Dates of meetings

The next meeting of the YDAF will be held on 30 October 2012.

#### Future Agenda Items

Suggested future agenda items put forward by members include:

- *Ratione tenure* routes.
- Presentation on air sports by Sara Spillett.
- Huddle update.
- Woodland creation and fencing on commons.
- Forestry panel.

### **6. Report back from the Yorkshire Dales Advisory Groups**

#### Access for All Advisory Group

AC presented the minutes of the Access for All Advisory Group.

#### Access on Foot Advisory Group

DG presented the minutes of the Access on Foot Advisory Group.

JB asked if there had been another application for the provision of timber extraction at Cam High Road. AH said that nothing had been received yet but that another application

was expected. The timescale for comments will be eight weeks and if this fits in with the timescale of the next meeting of the YDAF, a presentation will be made. AH added that some of the windblown timber was now being extracted via the Gayle and Hawes road as the weight restriction on this route had been removed.

**A presentation to be made on the planning application at Cam High Road at the next meeting of the YDAF if received and timescales are appropriate.**

#### Bridleways and Restricted Byways Advisory Group

AL presented the minutes of the Bridleways and Restricted Byways Advisory Group.

### **7. Authority's outreach programme**

Catherine Kemp (CK), YDNPA Outreach Officer, gave an introduction to the YDNPA's outreach programme including the main parts of the programme such as Dales Experience visits and Wild Wednesdays.

A press release was circulated at the meeting with the news that the Campaign for National Parks had announced a further stage of the successful Mosaic project. The project will provide funding to support young people facing economic or social exclusion to develop new skills and to build a national network of Young Champions for National Parks.

AC thought the project looked really good and asked CK how she would get in contact with youth groups. CK said the best way to ensure continuity of the project was to get youth workers on board.

NH congratulated CK on the work she has been doing with black and minority ethnic groups (BME) as he has seen a noticeable increase in the number of BME families in the Malham area.

JB asked that CK look at bringing people in from the east Lancashire conurbation as there seems to have been a lot of focus in the past on West Yorkshire. CK agreed with this and asked members for any contacts they might have.

MS said that he had spent his working life working with groups of young people and that he was confident that CK would not have a shortage of people wanting to take up the project. However, the health and safety surrounding such visits is so strict that many youth groups will not be interested. The solution is to ensure that qualified leaders are on hand when groups arrive in the Yorkshire Dales.

AL suggested contacting Scout and Guide groups as well as Duke of Edinburgh.

CK thanked members for their input.

### **8. North Yorkshire Rights of Way Improvement Plan**

DG gave members a brief introduction to the paper.

JB began by asking officers how much they use the Rights of Way Improvement Plan (RoWIP) in their work. AH said that rights of way have always been a priority for the YDNPA so many of the objectives within the plan would have been done anyway. However, it was a useful guidance document and will be used when rewriting the Yorkshire Dales National Park Management Plan.

AC asked that when discussing the RoWIP, members consider access for people with limited mobilities. All agreed that this was important.

DG went through each of the questions individually. There was much discussion around each question and the agreed response was as follows:

#### Question 1

Members of the YDAF agreed that the background **research in ROWIP 1** is still relevant.

Comment [D1]: added

#### Question 2

Members of the YDAF agreed with the approach of identifying guiding principles in ROWIP 2 and felt that these should be republished **from ROWIP 1** to ensure they are not forgotten or ignored.

Comment [D2]: added

#### Question 3

Members of the YDAF felt that the objects and principles drafted for ROWIP 2 had too much of an urban bias that officers needed reminding that rights of way are used mainly for recreation and pleasure. Members went through each of the principles in turn and had the following comments to make:

#### **P4**

Members of the YDAF felt that P4 should have a particular reference to assisting the less **able(d)**.

Comment [D3]: Preferred wording but if yours is the correct wording continue to use it.

#### **P5**

Members agreed P5 was **rather** vague and, again, felt that particular reference should be made to the provision of access for the less **able(d)**. It was suggested that the YDNPA guiding principle from 'Special Qualities, Special Experiences' be used: 'Wherever an existing right of way is being maintained, every opportunity to replace difficult barriers with more accessible features will be considered (for example, replacing a ladder stile with a gap or gate). The less remote a route, the more stringently this criterion will be applied'.

Comment [D4]: Amended

Comment [D5]: See D4

#### **P8**

Members agreed that principle P8 should include reference to upgrading some rights of way to allow access to more isolated areas of the countryside to encourage greater use of the 'outer' network.

#### **P10**

Members suggested this be reworded to read: 'Maximise the efficient and effective use of volunteers, including user groups, in delivering appropriate improvements to the network and provide appropriate training, supervision and support for all volunteers and ensure job satisfaction'.

**P11**

Members thought that P11 should include localism when planning and executing works and sourcing labour and materials.

**P16**

Members suggested adding the following to the end of P16: 'by developing links to improve the rights of way network'.

**P23**

Members agreed that P23 was worded badly and asked that some consideration be made to rewording it.

Members also agreed to the addition of a further principle to highlight the importance of the national trails and other regional routes in North Yorkshire. They suggested the following wording:

'Continue to promote and maintain the national trails and important regional routes.'

Question 4

Members of the YDAF had no comments to make on the Equality and Diversity Impact Assessment.

Question 5

Members did not identify any further ways in which the management of rights of way may affect the environment, society or the economy.

Question 6

Members had no comments to make on the methodology for undertaking the sustainability checklist assessment. They did, however, have the following comments to make on the sustainability checklist objectives highlighted in Table 1.

**Objective 13**

Members thought that objective 13 should be retained in the ROWIP as community severance can be minimised by improving the rights of way network

**Comment [D6]:** I intended to mean improving existing or adding routes.

**Objective 14**

Members asked that objective 14 include the less able(d) and carriage drivers.

Question 7

Members agreed that the 15 sustainability questions were appropriate and didn't have any extra questions to add.

Question 8

Members of the YDAF went through each of the bullet points, suggested they should be numbered, and made the following comments:

**Comment [D7]:** Improved wording

**Bullet 1**

Members felt the drafting of a construction checklist should also include maintenance and that there should be a code of conduct for contractors doing work on new or existing rights of way.

**Bullet 2**

Members felt that the illumination of routes was only important in urban areas and that light pollution should be prevented in rural areas.

**Bullet 5**

Members agreed that maintenance should not be limited to high priority routes as maintenance would still, legally, be required on routes identified as lower priority.

**Comment [D8]:** I think this was mentioned certainly it was meant.

**Bullet 6**

Members agreed that a definition of ‘sustainable’ was required but did not feel it was appropriate for them to define it.

**Bullet 7**

Members thought that the second option, to create a new bullet point to read ‘seek to identify where the PROW network may be contributing to significant environmental problems and work with partners to make improvements’ was the preferred option.

**Bullet 8**

Members felt that bullet 8 should refer to all PROW and not just those used for health purposes. However, members did appreciate that ‘walking for health’ should start as near to home as possible to start with and then progress further away.

**Bullet 9**

Members agreed with the suggestion to strengthen P15 to make allowance for the potential impacts of climate change and suggested adding ‘seek to have rollback agreements where erosion will occur and where it may not be possible to control it by normal methods’.

**Bullet 11**

Members agreed that objective 6 should be strengthened but did not think the word ‘townscape’ was suitable.

**Bullet 13**

Members suggested altering P18 by adding ‘environment’ after ‘natural’ and then deleting P19.

**DG and RB to write and send the response to the North Yorkshire County Council ROWIP consultation.**

**9. Defra Consultation – Improvements to the Policy and Legal Framework for Public Rights of Way**

DG gave an introduction to the Defra consultation. It was agreed that members would go through each of the questions and that a response would be compiled by DG and RB and submitted to Defra before the deadline of 6 August.

There was discussion around each question and the agreed response was as follows:

#### Question 1

Members agreed that there should be a brief, post cut-off period during which applications that pass the basic evidential test can be registered. It was noted, however, that the basic evidential test has not been defined.

#### Question 2

Members agreed that during this period, local authorities should be able to register rights of way by self application, including any self applications made in the past, subject to the same tests and transparency as for any other applications.

#### Question 3

Members suggested that *Ratione tenure* routes and urban ginnels should be included in the regulations.

#### Question 4

Members went through each of paragraphs 5.1-5.12 individually and agreed to all the statements.

#### Question 5

Members agreed that more could be made of electronic communications.

#### Question 6

Members did not think that any particular issues had been missed within these proposals. They did, however, think that the consultation responses should result in a new piece of legislation being produced.

#### Question 7

Members agreed to the principle of the mechanism set out in paragraph 6.2 and annex B but felt that the mechanism needed to be investigated.

#### Question 8

Members thought there could be a residual risk that it would be in local authorities' interests to decline to make an order in the first place.

#### Question 9

Members thought the alternative mechanism set out in paragraph 6.3 could work effectively.

#### Question 10

Members didn't have any suggestions for ensuring that cases **that** go to the Secretary of State only once.

Comment [D9]: delete

#### Question 11

Members agreed that applicants and affected owners should be able to seek a magistrate's court order requiring the authority to carry out a given task in a given timescale, but not **necessarily** to determine an outstanding definitive map modification order application.

Comment [D10]: delete. I think this is what was agreed

Question 12

Members did not think that this an appropriate way to resolve undetermined definitive map modification order applications.

Question 13

Members suggested increasing resources, i.e. staff and budgets, as an alternative mechanism to resolve undetermined definitive map modification order applications.

Comment [D11]: Lets spell it out!

Question 14

Members suggested a legal order with a combined map showing the current route and suggested route agreed by all the parties together with details of the procedures to be followed after the final determination of the application, as well as the provision of the correct procedures to follow as process to follow to enable an appropriate diversion to be agreed and put into effect before the way is recorded and brought into use.

Comment [D12]: Insert. This my recollection do you agree?

Question 15

Members stressed the importance of accuracy, comprehensibility and a universal system when considering any data management systems for recording public rights of way.

Comment [D13]: Delete

Comment [D14]: Add

Question 16

Members were unsure of what key outcomes needed to be achieved in terms of data management systems.

Question 17

Members agreed that the proposals identified in Part 2 should be applied to the policy and legislation governing public path orders.

Question 18

Members thought that more use could be made of electronic communications for public path orders.

Question 19

Members agreed that enabling local authorities to recover their costs in full when pursuing public path orders requested by landowners or managers was essential but did not agree that it would incentivise them.

Question 20

Members were unsure if local authorities would be incentivised sufficiently to enable retention of a right to appeal to the Secretary of State without the risk of local authorities shifting the burden and cost of order making onto the Secretary of State.

Question 21

Members agreed that the proposed arrangements should apply to all public path orders and not just to land used for agriculture, forestry or the keeping of horses.

Question 22

Members agreed that national standards should be set for each stage of the public path order process but felt that costs should be agreed at a local level.



### Question 23

Members agreed that landowners should have the option to outsource some of the physical work once the public path order is made to have more control over the costs. However, members felt that if this was not done to the correct standard within the correct timescale, the highway authority should carry out the work with the full cost being borne by the landowner.

Comment [D15]: amended

### Question 24

Members thought that this might have an impact on other aspects of rights of way work in that extra money coming in would boost the budget and allow more work to be done but it might have the opposite effect of the budget being reduced by this additional income.

Comment [D16]: My recollection

### Question 25

Members did not think that there were any other alternative mechanisms, to full cost recovery for public path orders, that should be considered.

### Question 26

Members felt that by working with the local planning authority, a wider adherence to existing guidance might be achieved.

### Question 27

Members agreed that option C “to create a new integrated process that would require the local planning authority to consider and decide upon the development proposals and any changes to rights of way as a single package” was the best option to minimise the cost and delay to developers while safeguarding the public interest on public rights of way.

### Question 28

Members didn't think there were any other options that should be considered to minimise the cost and delay to developers while safeguarding the public interest on public rights of way.

### Question 29

Members agreed that enabling a single application form to be submitted through the Planning Portal would improve the process.

**DG and RB to compile and send the response to the Defra consultation on improvements to the policy and legal framework for public rights of way to Defra.**

## **10 Secretary's report**

RB presented a report of items for Members' consideration and information. These were:

- Authority Meeting Dates and Venues.
  - RB asked members to note that the next meeting of the Full Authority will be on 25 September and not 25 October.
- Cumbria Countryside Access Partnership.
- Meeting of the Yorkshire and Humberside Regional LAF on 21 September at Leeds.
- North Yorkshire County Council, unsurfaced, unclassified roads in North Yorkshire policy consultation.

- LAFs as Statutory Consultees – letter to Richard Benyon.
- National Conference for LAFs.
- The Olympic Torch.
- Yorkshire Dales Access Forum Annual Report 2011/12.
  - Members agreed to the Annual Report for 2011/12 with the addition of a caption to the Farmoor Bridge photograph.
- Northern Upland Chain Local Nature Partnership.
- Paths for Communities.

**11. Update on members activities**

DG – Was invited to attend the Dales Tourism meeting to represent Phil Woodyer and couldn't attend. DG asked if anyone would like to attend these meeting in Phil's absence. RB said she would circulate some information.

DG has also been asked to sit on the Yorkshire Dales Management Plan steering group looking at Access and Recreation. DG asked if anyone else other members would prefer to sit on that group. All agreed that DG should attend the meetings to represent the YDAF.

PWh – Attended the meeting of the North Yorkshire LAF as a member.

The meeting closed at 4.50pm