

North Yorkshire Local Access Forum

Minutes of the meeting held in Meeting Room 3, County Hall, Northallerton on 12 February 2013, commencing at 10.00 am.

Present:-

John Taylor in the Chair.

David Barraclough, Rachel Connolly, Leo Crone, Edward Dennison, County Councillor John Fort, David Gibson, John Gibson, Roma Haigh, Tom Halstead, County Councillors Robert Heseltine, and David Jeffels, Tony Martin and Pat Whelan.

Officers:- Aidan Rayner and Penny Noake (NYCC Waste and Countryside Services) Doug Huzzard (NYCC Highways) and Jane Wilkinson (Legal and Democratic Services).

Apologies for absence were received from Alan Littlewood.

In attendance one member of the public.

Copies of all documents considered are in the Minute Book

185. Minutes

Resolved –

That the Minutes of the meeting held on 21 November 2012, be agreed as a correct record and be signed by the Chairman subject to the inclusion of David Gibson being added to the list of those present at the meeting.

186. Matters Arising

There were none.

187. Public Questions or Statements

The clerk indicated that Mr Michael Bartholomew, Chairman of the Green Lanes Alliance had given notice of his intention to speak at the meeting. The Green Lanes Alliance Group was campaigning to exclude recreational motor vehicles from so called "green lanes".

Mr Bartholomew addressed the meeting. He tabled a sketch map of a track between Middlesmoor in Nidderdale and Arkleside in Coverdale via Scar House. Part of the route was known as Deadman's Hill. Mr Bartholomew said he was concerned about the future management of the route. Part of the route (Deadman's Hill) was subject to a Temporary Traffic Regulation Order (TTRO) that prohibited the use of mechanically propelled vehicles. The TTRO was due to expire in August 2013. It was his strongly held view that motor vehicles should be excluded from the whole of the route and not just part. The route was out of repair and in any event was not capable of sustaining regular use by motor vehicles.

Mr Bartholomew argued that the use of motor vehicles in a protected landscape was wrong. He referred Members to the reverse of the sketch map he had tabled which

listed the conditions that had to be met if a TRO was to be made. He contended that all six reasons listed had been met with regard to the route in question. Mr Bartholomew urged the Forum to recommend to the County Council that a permanent TRO was made on the whole of the route with effect from August 2013 when the current temporary TRO was due to expire.

In response Doug Huzzard said that the documented position of the County Council was that the Temporary TRO was necessary in order to undertake various maintenance works which included drainage and 'surface' improvement works. Those works were scheduled for completion, subject to weather conditions over the course of the next few months and would overlap the current and next financial year. The route would then be re-opened to motor vehicles and the volume of traffic closely monitored. Only then would a decision about the future management of the route be taken.

Leo Crone asked whether the County Council had considered a seasonal ban to prohibit motor vehicles from using the route during the winter. He said that the presence of a nearby commercial operator, who used convoys of vehicles on the route made it highly unlikely that it would be capable of sustaining anticipated vehicle numbers. He also suggested the use of a weight limit as another means of mitigating damage.

After some debate the majority of Forum Members supported the County Council's approach.

The Forum was advised that post August 2013 vehicle loggers would be used to monitor number of vehicles using the route. PRoW Volunteers would also carry out routine inspections and alert the County Council to any accelerated damage.

It was pointed out that the section of the route known as Moor Lane was also in poor condition and Members sought confirmation of the status of the entire route. The Forum was advised that the northern section which included Deadman's Hill was an Unsurfaced, Unclassified Road whilst the southern section effectively Moor Lane to Middlesmoor was a Bridleway. With regard to the southern section a Definitive Map Modification Order had been lodged to have it upgraded to a Byway Open To All Traffic.

Tom Halstead said the route should be managed holistically and that he was sceptical it could be made sustainable. He supported a total ban of all motor vehicles on the route and asked that this be recorded in the Minutes.

The Chairman said it was clearly an emotive subject and that the Forum would watch with interest what happened during the summer. The Forum's Principles supported the retention of the highest level of rights on all routes and in view of the discussion that day perhaps there was a need for them to be reviewed.

In response to questions, Doug Huzzard advised on the question of whether or not the County Council would seek an extension of the TTRO, in the first instance that no it would not but he also confirmed that in the event of the County Council making such a request that it would in all probability be declined by the Secretary of State.

Members requested an update report be added to the Forum's future work programme. After some discussion it was agreed that it would be appropriate for the report to be referred to the November meeting as this would allow the Forum to be presented with the results of vehicle monitoring.

The Chairman thanked Mr Bartholmew for bringing the matter to the attention of the Forum and invited him to attend the November meeting.

Resolved –

That an update report on the management of the route between Middlesmoor in Nidderdale and Arkleside, Coverdale in particular Deadman's Hill be referred to the November meeting of the Forum.

188. Record of Actions

Considered –

The report of the Chairman listing actions completed by him on behalf of the Forum following the meeting of the Forum held in November 2012.

The Chairman announced that he had received an invite to attend the Highway Agency's public exhibition at Catterick on 15/17 February on the A1 Leeming–Barton Improvement. The Chairman said that he planned to attend and hoped that other Members of the Forum would be able to do so as well. It was agreed that any comments Members may have after attending the exhibition were forwarded to the Chairman who would then draft a formal response.

NOTED

189. Unsurfaced, Unclassified Roads

Considered –

The report of Doug Huzzard, NYCC Highways Asset Manager informing the Forum of the response to consultation on the County Council's proposals for a "Policy on the Use and Management of routes currently recorded as Unsurfaced Unclassified Roads in North Yorkshire".

Also included in the report was an amended management and maintenance proposal involving the PRoW service and a transfer of maintenance and management arrangements for urban PRoW.

The meeting was attended by Doug Huzzard who said that there were approximately a thousand UUR routes in North Yorkshire making it the biggest UUR network in the UK. Approximately 350 of those routes were registered on either the List of Streets or the Definitive Map. He described the proposals for future maintenance and management of routes and explained why Area 3 had been chosen to pilot the process.

For clarification Members were advised that it was a statutory requirement for the County Council to produce a List of Streets which were highways maintainable at public expense. However the legislation was not prescriptive about its content which meant there was significant variation between different highway authorities. What was clear was that the List of Streets did not define the status of any route it included.

Leo Crone referred to the proposed sub-categories for UURs in paragraph 5.1 of the report and said that as a motorised user himself and on behalf of motorised user groups suggested that as a means of avoiding unnecessary confrontation between user groups vehicle rights on routes within sub-categories "e,f,g & h" be suspended until evidence to the contrary was produced as these routes were of little or no

interest to motorised users. This suggestion also had the benefit of enabling the County Council to focus its maintenance liability on frequently used routes.

Doug Huzzard replied saying that in order to carry out his suggestion a separate legal application for each route would have to be instigated that would be the subject of consultation. This would be both time consuming and expensive. The Chairman pointed out that the County Council already had a substantial backlog of DMMOs applications waiting to be processed.

Members debated at length the suggestion put forward by Leo Crone. During the debate conflicting views were expressed. Members finally agreed to await the outcome of monitoring of the pilot in Area 3 before making a final decision.

Resolved –

That a further report be referred to the November meeting.

190. Access to Open Access Land

Considered –

The progress report of Aidan Rayner, Public Rights of Way Team Leader briefing the Forum on issues surrounding the accessibility of Open Access land within North Yorkshire.

The report quoted a total figure of 1.5Ha of land that was difficult to access. It was pointed out that this figure was incorrect. Whilst this was acknowledged Aidan Rayner said that the scale of the problem in North Yorkshire remained small. The land in question comprised of mainly small parcels and fell broadly into two distinct types namely:-

- Moorland where access was not completely “land-locked” and
- The Wolds where parcels of land in the bottom of the valleys were “landlocked”

The Forum supported the proposal that a small work programme be undertaken in 2013/14 to assess feasibility and take forward access improvements to priority areas of Open Access Land.

Officers said they were unable to state with any certainty the number of parcels of land that were affected. Defra had initially attempted to collect this data on a national basis but this work had now stalled and was unlikely to be progressed in the immediate future.

Members welcomed the commencement of the work outlined in the report and requested that an update report be added to the Forum’s future work programme

Resolved –

That a progress report on Access To Open Access Land be referred to the November meeting.

191. Public Path Order and Definitive Map Modification Order Applications Update

Considered –

The report of the Definitive Map Team Leader, briefing Members on progress processing Definitive Map Modification Order and Public Path Order applications since February 2012. Attached to the report were a number of schedules containing details of the applications referred to in the report.

The report was presented by Penny Noake who said that in total 36 applications had been fully completed. Output levels had been affected as a result of the departure of two members of staff. A replacement to one of the vacancies had been appointed and was due to start work on 11 March 2013. With regard to the other vacancy, the dissolution of the agency agreement with the Yorkshire Dales National Park meant that a member of their staff would transfer to the County Council under TUPE regulations. The number of new applications had fallen to 22 and Members commented that the anticipated increase in DMMO activity expected to arise following introduction of the 2026 cut-off date in the CROW Act was not evident.

A detailed explanation of use of linestyles arising from the Folkton bridleway application was given to Members. As a result of advice issued by the Secretary of State Members were assured that steps had been taken to ensure that all future applications would comply with the Regulations.

Members sought clarification of the status of the application for Moor Lane, Middlesmoor the subject of discussion earlier in the meeting. Members were advised that the route was a bridleway and an application for the route to be a BOAT had been received before the cut-off date imposed by the NERC Act. An Order had been made and was at confirmation stage.

In response to enquiries from Members the Forum was advised that work recording RT routes was on-going but that as it was not a priority progress had been slow.

Resolved –

That the content of the report and the information provided at the meeting be noted.

192. Forward Plan

Considered –

A report setting out possible future agenda items.

The following items were added to the agenda of future meetings:-

5 June 2013

Review of the Forum's Principles

20 November 2013

Access To Open Access Land

Deadmans Hill

Unsurfaced, Unclassified Roads

It was pointed that changes to the Environmental Stewardship Scheme meant that grant monies previously awarded to landowners to establish permissive routes had now been withdrawn. The Public Rights of Way Team Leader suggested that Philip Robinson from Natural England be invited to attend the June meeting to explain the background to these changes. Members supported his suggestion.

Rachel Connolly reported that Richmondshire District Council had recently published its Core Strategy document. The Core Strategy had been the subject of public

consultation. Unfortunately the district council was not legally obliged to consult the Forum even though Local Access Forums had statutory powers that enabled them to provide Section 94(4) bodies that included local authorities with advice. Rachel Connolly was disappointed that the Forum had missed the opportunity to comment on the Core Strategy. In order to prevent similar occurrences in the future she suggested that the Forum renew its relationship with local Section 94(4) bodies. She also sought the support of the Forum to write to Richmondshire District Council to offer site specific comments on its Core Strategy.

The Chairman invited Rachel Connolly to send him her comments on Richmondshire District Council's Core Strategy document which he would incorporate into a letter and send on behalf of the Forum.

A discussion took place in respect of Local Access Forum Members' involvement in the "Huddle".

Resolved –

That the content of the Forward Plan be noted and approved and the suggestions made during the meeting and recorded in the Minutes are added.

193. Date of Next Meeting

Resolved –

That the next meeting date of the Forum is 5 June 2013 commencing at 10.00 am at County Hall, Northallerton.

The meeting concluded at 12.50 pm.

JW/ALJ