

North Yorkshire Local Access Forum

Minutes of the meeting held in The Council Chamber, County Hall, Northallerton on 20 November 2013, commencing at 10.00am.

Present:-

John Taylor in the Chair

David Barraclough, George Bateman, Rachel Connolly, Edward Dennison, County Councillor John Fort, David Gibson, Roma Haigh, Tom Halstead, County Councillor Robert Heseltine and Tony Martin.

Officers:- Ian Fielding, Aidan Rayner, Penny Noake and Brian Mullins (Countryside Services), Mark Hugill (NYCC Highways) and Jane Wilkinson (Legal & Democratic Services).

Philip Robinson – Natural England.

Apologies for absence were received from County Councillor David Jeffels, Leo Crone and Les Atkinson.

Copies of all documents considered are in the Minute Book

22. Minutes

Resolved –

That the Minutes of the meeting held on 21 August 2013, be agreed as a correct record and be signed by the Chairman.

23. Matters Arising

Forward Plan

Agenda items for the February meeting to include:-

- Response to consultation - Phase 2 of High Speed 2.
- Volunteers
- NRSWA Street Register

24. Public Questions or Statements

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

25. Yorkshire & Humberside Regional Access Forum

The Forum received for information the draft Minutes of the meeting of the Yorkshire & Humberside Regional Access Forum held on 3 September 2013.

Members referred to the item on fencing applications on common land and said they were aware of a similar application having been submitted earlier in the year in North Yorkshire in the Clapham area which had not been referred to the Forum as recommended by the CAP reform guidance. Members requested a report on fencing

applications received by the County Council and the procedure it used to process them at the next meeting.

Members expressed similar concerns to those of the Yorkshire Dales LAF regarding the lack of consultation on planning matters. It was highlighted that sometime ago individual members of the Forum had been assigned to act as a contact between the Forum and district planning authorities. Members agreed that the Forum's involvement should be limited to major applications only and Roma Haigh agreed to be the contact for Ryedale District Council. Aidan Rayner suggested that following recruitment and appointment of new Members in 2014 the Forum should perhaps consider agreeing formal parameters for consultation by district councils on planning applications.

A report on fencing applications is added to the agenda of the next meeting.

Resolved –

That the Minutes be noted.

26. Yorkshire Dales Local Access Forum

The Forum received for information the draft minutes of the meeting of the Yorkshire Dales Local Access Forum held on 15 October 2013.

Noted.

27. Natural England

The Forum received a presentation from Philip Robinson of Natural England.

The presentation covered the relationship between Natural England and local access forums, the reorganisation of Natural England and its return to a localised team structure.

The following points were raised during discussion:-

- That future agenda include a standing item on 'Huddle'
- Permissive Access – new agri-environment schemes still under development
- Members agreed to respond to the consultation on the Common Agricultural Policy

The Chairman asked Members to forward to him their comments on the Common Agricultural Policy to enable him to draft a response which he stressed would make only very general points about access.

The Chairman and Members thanked Philip Robinson for his attendance and the information he had provided which would be fed into the Forum's work programme.

The Chairman to write a letter in response to the consultation on the Common Agricultural Policy.

28. Record of Actions

Considered –

The report of the Chairman listing the actions completed by him on behalf of the Forum following the previous meeting.

Noted.

29. Unsurfaced Unclassified Road – Deadmans Hill

Considered –

The oral report of Doug Huzzard, NYCC Highway Asset Manager summarising maintenance work undertaken on Deadman's Hill. Photographs of the route taken before and after works were completed were shown at the meeting.

The works comprised of a drainage channel, constructed to divert water from the surface of the route into an adjacent gully. It was reported that the works had proved successful and that affected sections of the route were now showing signs of improvement and recovery. The County Council was now looking to install barriers to reduce the rate of run-off. The route was monitored on a monthly basis and a vehicle logger was in place. Historically motor vehicle use on the route was split approximately 50/50 between agricultural and recreational use. The County Council was currently considering a range of options regarding the future management and maintenance of the route. In the interim an 18 month temporary traffic regulation order would remain in place whilst maintenance works were on-going.

In response to questions Members were advised that the temporary traffic regulation order would expire in November 2014 and that the repair works cost less than £5,000. On-going annual maintenance costs were estimated as being approximately £2,000 however the County Council was hoping to reduce this figure with the help of volunteer groups. Whatever option was eventually chosen the determining factor would be that was sustainable.

Members noted that across the UUR network there were approximately 20 routes that were a cause of concern. Members were advised that traffic regulation orders would only be used if maintenance works were planned. At present in North Yorkshire there were a number of traffic regulation orders in force on UUR routes and the County Council was in the process of devising a work programme for each of them. It was envisaged that these temporary TRO's would in time be made permanent as a means of reducing third party claims.

With regard to the three month pilot of the management and service delivery strategy in the east of the County the Forum was advised that PROW Volunteers had completed a survey of the routes. Twelve routes had been identified as providing a means of access to residential properties and would be added to the annual highway inspection programme. However a number of other routes were dead-ends. The County Council's preference would be to stop them up as opposed to seeking to extend the network.

The Chairman sought clarification of the County Council's strategy with regard to the future protection of UUR routes that were currently recorded on the List of Streets but not on the Definitive Map and the loss of vehicular rights by virtue of the 2026 cut-off date. Aidan Rayner confirmed that the DEFRA position was that all vehicular rights would be lost unless the route was on the Definitive Map by 2026. Doug Huzzard contended that this interpretation was not accepted by NYCC highways. He maintained that a route once a highway would always be a highway unless altered by a legal event and that he had no particular concerns about the 2026 cut-off date.

The Chairman was concerned that the County Council appeared to be ignoring the impact of the 2026 cut-off date. Doug Huzzard said that RT routes not recorded on the Definitive Map had already lost vehicular rights as a result of NERC. The Chairman asked in the light of the passive stance being adopted by the County Council who was responsible for getting RT routes on the definitive map. Members noted that RT routes were privately maintained but that some were already listed on the Definitive Map arising from when the Definitive Map was created.

Forum Members commended the works carried out on Deadmans Hill and called for a further report at the next meeting to clarify the position surrounding the 2026 cut-off date.

That advice is sought from NYCC legal services and a report on the impact of the 2026 cut-off date on UUR routes not recorded on the Definitive Map be referred to the next meeting.

30. Upgrade of the A1

Considered –

The covering report of Aidan Rayner, PROW Team Leader updating Members on North Yorkshire County Council's involvement with the Highways Agency scheme to upgrade sections of the A1 and its impact on non-motorised users (NMUs).

The meeting was attended by Mark Hugill (NYCC Highways) and Brian Mullins (NYCC PROW).

In respect of the proposal to demolish Manor House Overbridge, Rachel Connolly said she had received feedback from users that they would like a physical barrier erected along the stretch of the south bound carriageway to separate NMU's from the vehicles travelling in the opposite direction. Mark Hugill said that the British Horse Society needed to raise the issue with the Highways Agency. It was his understanding that the Highways Agency had consulted with both the Ramblers Association and the British Horse Society and had reached a consensus. He acknowledged however that the large numbers of people/groups involved meant that communication was complex and difficult. Rachel Connolly agreed to forward her concerns to the Chairman. Mark Hugill said that all responses should be sent to the following address:-

A1LeemingtoBarton@highways.gsi.gov.uk

Forum Members were extremely disappointed and concerned to learn that the County Council had taken over future route maintenance on the Dishforth to Leeming section of the A1 despite elements of NMU provision not being completed. The Forum debated at length the action it should take. Members were advised that the County Council was engaged in delicate negotiations with the Highways Agency over NMU provision and County Council Officers undertook to use their best endeavours to seek the best outcome possible. NYCC Officers pointed out that some elements of provision requested by Members at the meeting that day on the northern section were however not within the remit of the scheme. County Council Officers said they had made a note of the requests and that they would add them to the list of outstanding works but they could not guarantee they would be completed. Forum Members were frustrated by what they considered to be a failure by the Highways Authority of its statutory duty to consult with the Forum and reluctantly agreed to defer taking any further action until the outcome of negotiations between the County Council and the Highways Authority was known. Officers from the County Council

agreed to contact the Highways Agency immediately after the meeting and emphasise the urgency of situation and demand immediate progress and to provide the Forum with feedback.

Brian Mullins and Mark Hugill to brief Forum Members on the outcome of their discussions with the Highways Agency regarding implementation of NMU provision on the Dishforth to Leeming section of the A1.

31. Definitive Map Modification Order and Public Path Order Applications

Considered –

The report of Penny Noake, Definitive Map Team Leader updating Members on progress made processing Definitive Map Modification Order and Public Path Order applications since February 2013. Appended to the report were schedules containing details of the cases referred to in the report.

Members were advised of the dates of several imminent public inquiries and of changes introduced in the Growth and Infrastructure Act 2013 to Section 31 of the Highways Act that extended the relevant period from 10 years to 20 years.

Members were informed of the intention to review the Definitive Map for North Yorkshire on a district basis with the aim of producing a new digital map for the whole of the county. The new map would consolidate information currently held in a number of different formats.

Finally Members were advised that the administration fee charged for public path orders was to be reviewed so as to bring it in line with the fees of other local authorities. A member commented that a higher fee could lead to an increase in the number unofficial diversions and that this needed to be closely monitored.

A member enquired about progress by volunteers to record RT routes in the county. In response, Penny Noake said that the priority for the team was to reduce the backlog of applications currently waiting to be processed. She added that the County Council continued to receive new applications and now had responsibility for applications previously dealt with by the Yorkshire Dales National Park and would next year take over responsibility for applications within the boundaries of the North York Moors National Park. Because of this work on RT had taken a back seat.

The Chairman suggested that the list of RT routes was circulated to user groups to survey and research and who could then submit applications if needed. Members suggested that it would be useful to hold a workshop on RT routes which Penny Noake agreed to attend to provide Members with advice on how best to progress RT route applications.

That Penny Noake organise and attend a workshop to which Forum members and other interested parties be invited to attend on RT Routes.

32. Draft Deregulation Bill

Considered –

The report of Penny Noake, Definitive Map Team Leader summarising the proposed provisions of the Draft Deregulation Bill.

Members commended Penny Noake on the quality of the briefing note which they found both interesting and helpful.

NOTED.

33. Forward Plan

A report setting out possible future agenda items.

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

- Standing item on Huddle.

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- Fencing applications.
- Impact of 2026 cut-off date on UUR routes in North Yorkshire not recorded on the Definitive Map.

Resolved –

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

The meeting concluded at 1.30 pm.

JW/ALJ