

## North Yorkshire Local Access Forum

Minutes of the meeting held in The Council Chamber, County Hall, Northallerton on 4 June 2014, commencing at 10.00am.

### **Present:-**

David Barraclough, Keith Bartlem, Doug Cartwright, Rachel Connolly, Chris Clark, Edward Dennison, County Councillor John Fort BEM, Tom Halstead, County Councillor Robert Heseltine, County Councillor David Jeffels, Tony Martin, Paul Sherwood and John Taylor.

Officers:- Penny Noake, Iain Burgess and Brian Mullins (Countryside Services), Jane Wilkinson (Legal & Democratic Services) and Doug Huzzard Highways.

One Member of the public

Apologies for absence were received from Les Atkinson, George Bateman David Gibson, Roma Haigh and Ian Fielding.

### **43. Election of Chairman**

The Forum was informed that waste and countryside services at the County Council were to be reviewed. A report would be considered at the next meeting. In view of the impending review, apologies submitted that day and in order not to disadvantage new Members it was proposed and seconded that the decision to appoint a permanent chairman be deferred and that a chairman be appointed to chair the meeting that day.

#### **Resolved -**

That John Taylor is elected to serve as Chairman of the North Yorkshire Local Access Forum for the purposes of this meeting only.

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**John Taylor in the Chair**

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The Chairman welcomed new Members to their first meeting and asked all those present to introduce themselves.

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

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### **44. Election of Vice Chair**

#### **Resolved -**

That Rachel Connolly is elected to serve as Vice Chairman of the North Yorkshire Local Access Forum for the purposes of this meeting only.

#### **45. Minutes**

##### **Resolved –**

That the Minutes of the meeting held on 12 February 2014, be agreed as a correct record and be signed by the Chairman.

#### **46. Matters Arising**

RT Workshop

It was agreed that on the rising of the September meeting, Rachel Connolly, Tom Halstead, David Barraclough, Chris Clark, Paul Sherwood and Tony Martin would attend a workshop with Penny Noake.

#### **47. Public Questions or Statements**

##### **County Councillor Heather Moorhouse (Great Ayton) – Maintenance of Kirby Bank Trod – “The Pannierman Way” and Maintenance Responsibility for Springs/Watercourses on Public Highways.**

County Councillor Heather Moorhouse addressed to the meeting to complain about the damage caused by recreational motor vehicles using the historic unsurfaced unclassified road known as Kirby Bank Trod. She also referred to another unsurfaced unclassified road in her division which she said was now unusable because of damage caused by recreational motor vehicles. She was aware that the National Park had previously considered the introduction of restrictions. Her efforts to resolve matters had revealed that communications between the County Council and National Park had reached an impasse and she sought clarification about which party was responsible for carrying out repairs.

Also following a recent incident where a spring/watercourse had suddenly appeared on a public highway, County Councillor Moorhouse asked which organisation was responsible for carrying out repairs as the County Council's local area highway office and Yorkshire Water had both refuted her requests.

Doug Huzzard, NYCC Highway Asset Manager responded to County Councillor Heather Moorhouse. He advised that in matters relating to public rights of way the County Council's relationship with National Parks had until recently been determined by a local agency agreement. Both agreements had recently expired. Consequently both National Parks retained the right and ability to undertake maintenance on the public rights of way network. However responsibility for Definitive Map Modification Orders now rested with the County Council. In addition by virtue of the Natural Environment & Rural Communities Act 2006 (NERC ACT) National Parks together with highway authorities had the power to facilitate management activity on unsurfaced, unclassified routes. The two routes referred to by County Councillor Moorhouse were both ancient 'Trods' stone pathways. In respect of the Kirby route English Heritage had registered the land as an ancient monument. English Heritage contended that the width of the Trod extended to 5m either side of the ancient stones which meant that the route of the unsurfaced, unclassified road fell within the footprint of the ancient monument. An appropriate management measure therefore could be the removal of vehicular rights from the route thus making it a restricted by-way. In respect of the route known as Seggimire Lane ancient stones had been pulled up and thrown into a ditch. Refurbishments costs were significant and the County Council was seeking a permanent prohibition of vehicular rights from the route.

In response to questions from Members, Doug Huzzard replied that he was not qualified to say if English Heritage was able to prescribe that the width of a route could exceed its physical appearance on the ground. He confirmed that English Heritage had not consulted the County Council in its capacity as highways authority before registering the Kirby route as an ancient monument. Doug Huzzard emphasised that the action described above arose from the illegal activity of a few thoughtless drivers. He stressed that at no time had the County Council ever attempted to remove on mass vehicular rights from unsurfaced unclassified roads.

With regard to springs and watercourses, if these were adjacent to a public highway and causing a safety issue then responsibility for carrying out repair works rested with the highway authority.

#### **48. Impact of 2026 Cut-Off Date on Unsurfaced Unclassified Roads**

The Forum received an oral report from Doug Huzzard, NYCC Highway Asset Manager. The report was in response to a request made at a previous meeting.

Doug Huzzard read out the response of DEFRA to the question posed by the County Council namely that all rights of way not recorded on the Definitive Map but included on the List of Streets would be immune from the 2026 cut-off date as they were 'highways of any other description'.

The Forum was advised that DEFRA did not support this view. The advice of DEFRA was that footpath, bridleway and restricted by-way rights would all be lost unless protected by registration on the definitive map and statement prior to the 2026 cut-off date.

The Forum was advised that the County Council did not intend to take any action in respect of affected routes until measures contained in the Deregulation Bill were confirmed and enacted. In North Yorkshire Definitive Map Modification Orders affecting approximately 800km of public rights of way routes were needed in order to protect existing rights that were not currently recorded on the Definitive Map and Statement.

Forum Members expressed concern that if the DEFRA view prevailed, the County Council would be unable to carry out in the time available, the enormous volume of work needed to protect existing rights. It was highlighted that the rights at risk of being lost pertained to walkers and equestrians.

#### **NOTED**

#### **49. National Street Gazetteer**

The Forum received an oral report from Doug Huzzard, NYCC Highways Asset Manager on compilation and maintenance of Local and National Street Gazetteers.

Members were advised that previously the North Yorkshire Local Street Gazetteer had excluded the public rights of way network but this was now slowly being added and when completed the local gazetteer for North Yorkshire would be the largest in the country.

In response to questions from Members the Forum was advised that current guidance did not stipulate that the List of Streets, Definitive Map and Statement and Local Street Gazetteer should all be combined into one document. Legislation suggested that in time public rights of way data would become a sub-set of the Local Street Gazetteer which would be the primary source of data.

## **NOTED**

### **50. A684 Bedale Aiskew and Leeming Bar Bypass**

Considered -

The report of Brian Mullins, NYCC Countryside Access Officer informing Members of the latest position of the A684 Bedale, Aiskew and Leeming Bar Bypass project. The report also included details of surfacing materials required under planning permission.

Members were advised that the public rights of way network would not be directly affected by the proposed scheme.

It was highlighted that previously non-motorised users had requested the inclusion of a pegasus crossing at Leases Lane which had subsequently been agreed.

#### **Resolved -**

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

### **51. Upgrade of the A1**

Considered -

The report of Brian Mullins, NYCC Countryside Access Officer updating the Forum on progress with outstanding issues in respect of access by non-motorised users from Dishforth to Leeming and the latest position regarding the A1 upgrade between Leeming and Barton.

A Member contended that there were still major problems for non-motorised users on the southern section and proposed that the Forum write a letter to the highways agency seeking improvements. Members debated whether to write immediately as suggested or to wait until after publication of the two Highway Agency reports referred to in paragraph 3.3 of the report. Members concluded that on balance it would be better to wait to see if the exemptions in the said reports included the specific problems on the southern section referred to earlier in the meeting. If not, Members agreed that at this point the Forum should then challenge the Highway Authority.

Brian Mullins agreed to circulate to Forum Members a copy of the Designers Response and Exemption Report and Completion of Construction Stage Non-Motorised Users Audit report when available.

The Chairman commended the work done by Brian Mullins which he said had led to a noticeable improvement in communications and co-operation between the Highways Agency and various user groups.

#### **Resolved -**

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

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

Considered -

The report of Iain Burgess, NYCC Senior Ranger detailing maintenance activities undertaken on the public rights of way network in North Yorkshire during 2013/14.

A slideshow of photographs of completed projects that included countryside management works, community projects and volunteer activity was shown at the meeting.

In response to questions an explanation of the prioritisation system including the timescales involved was given. It was agreed that following the meeting for information purposes Members would be provided with a copy of the priority matrix.

The Chairman highlighted the content of a letter sent by the County Council to all parish councils informing them that as from 1 April 2015 with the exception of a small number of exemptions the cutting of roadside grass verges would cease. The Forum was advised that the County Council was in the process of drawing up maps of affected areas and that one option was for Parish Councils to take on responsibility for verge-cutting and pre-cept to cover the costs involved.

Members asked if the exemptions would include local access roads. On local access roads the usual practice was that the grass verge was the right of way used non-motorised users and if this was not cut it would unusable. Members called for all routes specific to non-motorised users to be continued to be maintained and agreed to write to the NYCC Corporate Director – Business & Environmental Services to seek clarification of the proposed exemptions.

### **Resolved -**

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

That the Chairman on behalf of the North Yorkshire Local Access Forum write to the NYCC Corporate Director – Business & Environmental Services requesting:-

- that the grass verges on all routes specific to non-motorised users continue to cut by the County Council and
- full details of exemptions to grass verge-cutting by the County Council

## **53. Forward Plan**

Considered -

A report setting out possible future agenda items. Members were requested to forward any requests they had for future agenda items to the Secretary.

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

10 September 2014

- Review of North Yorkshire Waste & Countryside Services (Ian Fielding NYCC Assistant Director Waste Management to attend)
- RT Routes – workshop on the rising of the meeting.
- Agricola Bridge – A1 Upgrade

27 May 2015

- North Yorkshire Local Access Forum Annual Report

It was suggested and agreed that a training/induction session for new members be arranged. Following a discussion it was agreed that the training/induction session be made available to all Forum members not just new recruits. It was further agreed that a number of alternative dates for the training session be offered in order to accommodate Members availability. New members said they would find it helpful to meet other Members informally. It was agreed that the time of the next meeting be changed from the morning to the afternoon and that a training session be held on the morning of the same day followed by lunch and the formal meeting in the afternoon.

The Chairman invited any new member interested in joining 'Huddle' to contact him after the meeting and he would make appropriate arrangements.

**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.

**54. Future Meeting Dates**

The Secretary invited the Forum to agree future meeting dates for the meetings in February and May 2015.

As agreed in the previous item the start time of the September meeting was revised. The September meeting to commence at 2.00pm instead of 10.00am to allow a training session to take place on the morning of the same day.

**Resolved -**

That the next meeting of the Local Access Forum be held on 10 September 2014 commencing at 2.00pm.

That the following future meeting dates be agreed:-

- 11 February 2015 at 10.00 am County Hall, Northallerton
- 27 May 2015 at 10.00 am County Hall, Northallerton

The meeting concluded at 1.00pm.

JW