
NORTH YORKSHIRE LOCAL ACCESS FORUM

AGENDA

Meeting: Local Access Forum

**Venue: Grand Meeting Room,
County Hall, Northallerton DL7 8AD
(see location plan overleaf)**

Date: 10 September 2014 at 2.00 pm

Recording is allowed at County Council, committee and sub-committee meetings which are open to the public, subject to:- (i) the recording being conducted under the direction of the Chairman of the meeting; and (ii) compliance with the Council's protocol on audio/visual recording and photography at meetings, a copy of which is available to download below. Anyone wishing to record must contact, prior to the start of the meeting, the Officer whose details are at the foot of the first page of the Agenda. Any recording must be clearly visible to anyone at the meeting and be non-disruptive. <http://democracy.northyorks.gov.uk/>

Business

1. Election of Chairman
2. Election of Vice Chairman
3. Apologies for absence
4. Minutes of the meeting held on 4 June 2014. (Pages 1 to 6)
5. Matters Arising
6. Public Questions or Statements

Members of the public may ask questions or make statements at this meeting if they have given notice to Jane Wilkinson of Democratic Services (*contact details below*) by midday on Thursday 4 September 2014, three working days before the day of the meeting. Each speaker should limit themselves to 3 minutes on any item. Members of the public who have given notice will be invited to speak:-

- at this point in the meeting if their questions/statements relate to matters which

are not otherwise on the Agenda (subject to an overall time limit of 30 minutes);

- when the relevant Agenda item is being considered if they wish to speak on a matter which is on the Agenda for this meeting.

- 7. Review of Waste & Countryside Services** – Oral Report of Ian Fielding NYCC Assistant Director Waste & Countryside Services.
- 8. ‘Access for Young People’** – Presentation by Steve Graham NYCC Education Development Adviser
- 9. Upgrade of the A1 & Agricola Bridge** Report of NYCC Countryside Access Officer.
(Pages 7 to 9)
- 10. North Yorkshire Local Access Forum Annual Report 2013/14** – Report of the Definitive Map Team Leader.
(To Follow)
- 11. Definitive Map Team Update** – Report of the Definitive Map Team Leader.
(To Follow)
- 12. Anti-Social Behaviour, Crime & Policing Act 2014: Reform of Anti-Social Behaviour Powers – Guidance** – Report of David Gibson NY Forum Members.
(Pages 10 to 14)
- 13. Dog Walking Advice – Development Guide** – Report of the Definitive Map Team Leader
(To Follow)
- 14. Woodhall Bridge** – Report of the NYCC Countryside Access Officer.
(To Follow)
- 15. Update on Potash Mine** – Oral report of Forum Member Les Atkinson.
- 16. Crow Restriction on Angram Moor**– Report of the NYCC Countryside Access Officer
(Pages 15 to 21)
- 17. District Council Review – Summer 2014** – Report of LAF Member Rachel Connolly
(Pages 22 to 23)
- 18. Forward Plan** – Report of the NYCC Definitive Map Team Leader.
(To Follow)
- 19. Date of Next Meeting: Wednesday 19 November 2014 at 10.00am.**
- 20. Other business which the Chairman agrees should be considered as a matter of special urgency because of special circumstances.**

Jane Wilkinson
Secretary to North Yorkshire Local Access Forum

County Hall
Northallerton

Date 2 September 2014

NOTES

(a) INTERESTS

The Local Access Forums (England) Regulations 2007 state:-

- (7) “A member of a Local Access Forum who is directly or indirectly interested in any matter brought up for consideration at a meeting of the Forum shall disclose the nature of his interest to the meeting”.

Those members of the Local Access Forum who are County Councillors are also bound by the North Yorkshire County Council Members' Code of Conduct, as they serve on the Forum as County Councillors. County Councillors must, therefore, declare any interest they may have in any matter considered at a meeting and, if that interest is financial, must declare it and leave the meeting during consideration of that item.

(b) Emergency Procedures for Meetings

Fire

The fire evacuation alarm is a continuous Klaxon. On hearing this you should leave the building by the nearest safe fire exit. From the **Grand Meeting Room** this is the main entrance stairway. If the main stairway is unsafe use either of the staircases at the end of the corridor. Once outside the building please proceed to the fire assembly point outside the main entrance

Persons should not re-enter the building until authorised to do so by the Fire and Rescue Service or the Emergency Co-ordinator.

An intermittent alarm indicates an emergency in nearby building. It is not necessary to evacuate the building but you should be ready for instructions from the Fire Warden.

If you discover a fire, you should sound the alarm and then dial 9-999 asking the Fire Brigade to come to the main County Hall Building, Northallerton. You should then ring County Hall Reception on 6100 to inform them where the fire is.

There are alarm points at each end of the Meeting Room corridor – and at the main stairway.

Accident or Illness

First Aid treatment can be obtained by telephoning Extension 7575.

NORTH YORKSHIRE LOCAL ACCESS FORUM
CONTACT DETAILS

Interest Group	Representative	Telephone	Fax	E-mail
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Other	J Taylor	(Home) 01904 744253 (Mob) 07977 059202		john@cjtaylor.net
	Vacancy			
Secretary	J Wilkinson Legal & Democratic Services	01609 533218	01609 780447	Jane.1.wilkinson@northyorks.gov.uk

Leslie Atkinson, Fulmar Cottage, Stoupe Brow, Ravenscar, Scarborough, North Yorkshire YO13 ONH

David Barraclough 24 Gower Road, Richmond, North Yorkshire DL10 4TZ

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George Bateman, 14 Beechfield, South Otterington, Northallerton, North Yorkshire, DL7 9JJ

Doug Cartwright, Old School, Aldbrough St John, Richmond, North Yorkshire, DL11 7SU

Chris Clark, 2 Church Hill, Grindale, Bridlington, YO16 4YE

Rachel Connolly, The Court House, Aldbrough St John, Richmond, North Yorks, DL11 7UJ

Edward Dennison, Crow Tree Farm, Thornton-le-Beans, Northallerton, North Yorkshire, DL11 7UJ.

John Fort BEM, Horse Pasture Craggs, Dacre, Summerbridge, Harrogate, HG3 4ES.

Christopher David Gibson, Kepp House, Barnoldswick Lane, Burton In Lonsdale, Carnforth, North Yorkshire, LA6 3LZ.

Roma Haigh, Maddy House Farm, Castleton, North Yorkshire, YO21 2HP

Tom Halstead, 1 Derwent Drive, Wheldrake, York, YO19 6AL.

Robert Heseltine, The Ginnel Place, Newmarket Street, Skipton, BD23 2JB.

David Jeffels, Orchard Cottage, 19 Hall Garth Lane, West Ayton, Scarborough, YO13 9JA

Anthony John Martin, Studley, Pellentine, Follifoot, Harrogate, North Yorkshire, HG3 1EB

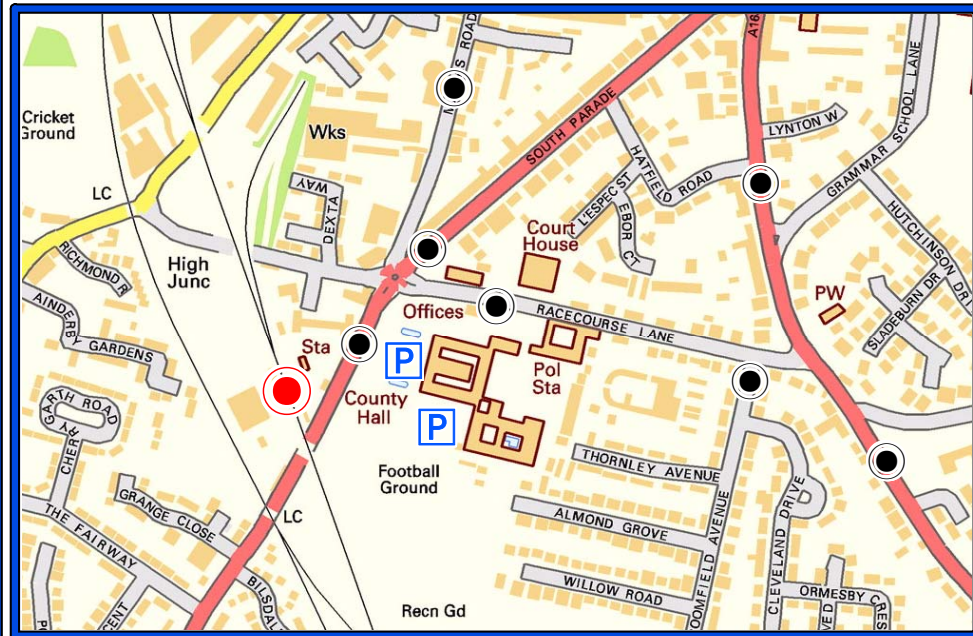
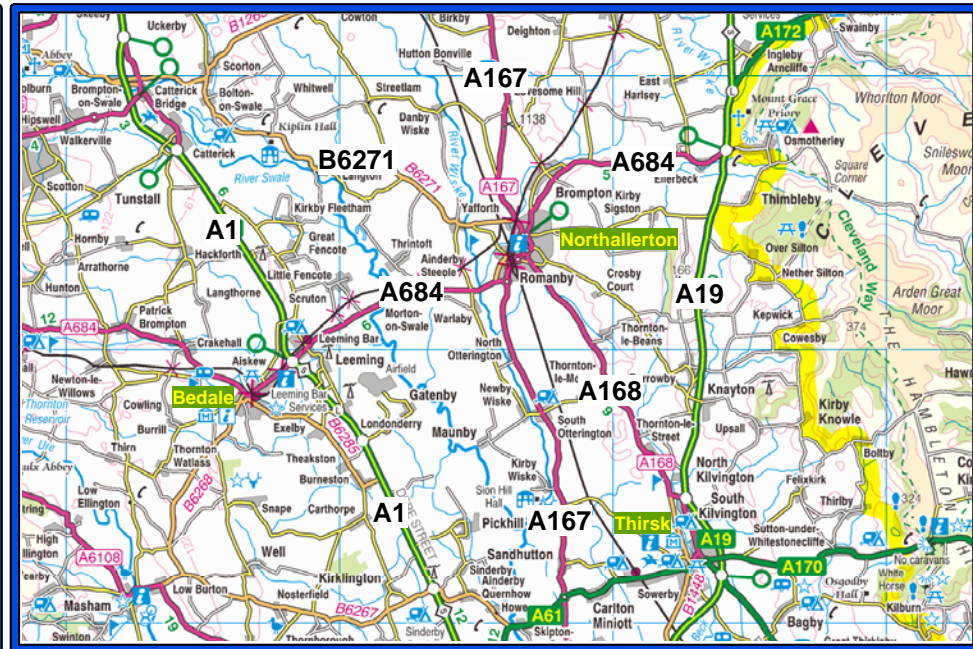
Brian Mullins, NYCC Waste & Countryside Service, County Hall, Northallerton, North Yorkshire, DL7 8AD.

Paul Sherwood, Wits End, South Kilvington, Thirsk, North Yorkshire, YO7 2NF

John Taylor, The White House, Marsh Lane, Bolton Percy, YO23 7BA

Penny Noake, NYCC, Waste & Countryside Service, County Hall, Northallerton, North Yorkshire, DL7 8AD.

Jane Wilkinson, North Yorkshire County Council Legal & Democratic Services, County Hall, Northallerton, North Yorkshire, DL7 8AD.



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North
Yorkshire County Council

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.

John Taylor in the Chair

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

Copies of all documents considered are in the Minute Book

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

NORTH YORKSHIRE LOCAL ACCESS FORUM**10 SEPTEMBER 2014****UPGRADE OF THE A1 AND AGRICOLA BRIDGE****1.0 PURPOSE OF REPORT**

- 1.1 This report is an update on the progress associated with the outstanding issues in respect of Non-Motorised Users access from Dishforth to Leeming and the latest position regarding the A1 upgrade between Leeming and Barton including Agricola Bridge.

2.0 BACKGROUND

- 2.1 Following concerns raised by North Yorkshire County Council regarding a number of outstanding issues within the Non-Motorised Users Safety Audit, the Highways Agency is now responding to this matter.
- 2.2 Since the Public Inquiry in February 2014, regarding the A1 upgrade between Scotch Corner and Barton, the Inspector's Report and the Secretary of State's decision letter have been published in June 2014.
- 2.3 During the consultation process, to safeguard and improve the exiting public rights under Agricola Bridge, the Highways Agency was approached to respond to this matter.

3.0 ACTIONS

- 3.1.1 At the writing of this report the Highways Agency has not published the Completion of Construction Stage Non-Motorised Users Audit or the Designers' Response and Exemption Report. However, several outstanding issues have been successful resolved and further concerns will be addressed in the near future.
- 3.1.2 NYCC has approached the Highways Agency to ascertain when the Completion of Construction Stage Non-Motorised Users Audit and the Designers' Response and Exemption Report will be published. Following the publication of these two Highways Agency reports, North Yorkshire Council as the Highway Authority will have the opportunity to comment on the recommendations, responses and exemptions contained within these documents.
- 3.1.3 Further decisions between NYCC and the Highways Agency will continue to progress the remaining outstanding issues associated with Non-Motorised Users.

3.2.1 The Inspector's Report for the Scotch Corner to Barton Public Inquiry can be found at the following link: -

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/318503/scotch-corner-barton-inspectors.pdf

3.2.2 The Secretary of State's decision letter following the Scotch Corner to Barton Public Inquiry can be found at the following link: -

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/318548/scotch-corner-barton-decision.pdf

3.2.3 The Secretary of State's decision was to make orders as drafted with several minor modifications to correct drafting errors.

3.2.4 An additional order has been made and confirmed regarding an alternative route affecting Catterick Lane – Tunstall Road, Catterick. The details can be found at the following link: -

<http://www.highways.gov.uk/publications/a1-leeming-to-barton-improvement-made-orders-catterick-lane-tunstall-road-published-on-26-june-2014/>

3.3.1 In July 2014, an initial meeting between PRow staff and a representative of the Highways Agency occurred to discuss several issues regarding the exiting public rights around Agricola Bridge between Catterick and Brompton on Swale.

3.3.2 This was a successful meeting identifying the following five issues that need to be considered and addressed: -

- The increased width of Agricola Bridge and the effect on the existing route alignment of the Public Bridleway
- Width of the route
- Existing open drains and future drainage
- Clearance – existing and future
- Surface finish – skid awareness for horses

3.3.3 A provisional design has been produced and these details are being checked and considered by the Highways Agency. The Highways Agency has been provided a copy of the details of the Public Bridleway to ensure that the route alignment is not affected by the increase in width of Agricola Bridge.

3.3.4 Further discussions between PRow staff and the Highways Agency will occur in the future to progress this matter further.

4.0 RECOMMENDATION

4.1 It is recommended that members receive this report for information.

Contact:

Brian Mullins
Countryside Access Officer for Hambleton and Richmondshire
01609 533758

NORTH YORKSHIRE LOCAL ACCESS FORUM**10 SEPTEMBER 2014****ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014:
REFORM OF ANTI-SOCIAL BEHAVIOUR POWERS - GUIDANCE**

Public Spaces Protection Orders (PSPO) are included in sections 59 -75 of the Act. The guidance is available at

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/332839/StatutoryGuidanceFrontline.pdf page 46 onwards. The Act is not yet in force and will be brought into force by one or more commencement orders.

The PSPO is designed to stop individuals or groups committing anti-social behaviour in a public space. These can be blanket restrictions or requirements or can be targeted against certain behaviours by individuals or certain groups at certain times. When making an order councils are required to consider the victim.

Behaviour being restricted has to:

- be having, or be likely to have, a detrimental effect on the quality of life of those in the locality;
- be persistent or continuing nature; and
- be unreasonable.

The aim is to make public spaces more welcoming and restrictions or requirements can include closure or be targeted at specific people, at certain times or in certain circumstances. Dogs, noise and alcohol are specifically mentioned. It is suggested in the guidance that the district council, the relevant authority, should consider discussing proposals affecting certain types of land e.g. common land, open access land, town and village greens and proposals affecting public rights of way with the LAF.

Public Spaces Protection Orders may be used to restrict anti-social behaviour, thus offering more flexibility than gating orders. Importantly, there is a consultation requirement when a public right of way is affected such that users must be notified, included those who regularly use the right of way to travel to work as well as those who live nearby. Interested persons must be told how they can make representations. It will be up to the Council how best to consult which may include digital communication or public meetings or meetings with a LAF.

Public rights of way are not defined so would seem to cover ginnels and UURs on the List of Streets and Definitive Map but it is a matter of argument whether it would cover other ginnels or ways that are assumed to be public.

District councils will take the lead in England. The Council must consult the Police and should consult the owner or occupier of land and the County Council, where they are the highway authority.

Parish/Town Councils will not be able to implement orders. However, the guidance stresses that given that the PSPO can be used to restrict access to a public right of way, common land, access land and town/village greens partnership working is essential. The maximum duration of a PSPO is three years but they can last for shorter periods of time where appropriate. Short-term PSPOs could be used where it is not certain that restrictions will have the desired effect, for instance, when closing a public right of way, councils may wish to make an initial PSPO for 12 months and then review the decision at that point.

RECOMMENDATION

Although District Councils may consult LAFs on the matters referred to above they do not have to. I would recommend that we set up a system with the legal departments of the seven district councils to ensure that the LAF is notified of all applications relating to rights of way or access. These can then be circulated to members for comment and final advice to be drawn up by the chair, unless there is a convenient meeting at which they can be discussed.

Based on previous experience with Gating Orders (which they replace) in North Yorkshire I would expect there to be very few applications but we need to have a procedure in place should any be put forward.

The full guidance on the act can be found at page 46 of the government guidance:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/332839/StatutoryGuidanceFrontline.pdf

C David Gibson
With thanks to Mohammed Dhalech for the original paper
August 2014

REFORM OF ANTI-SOCIAL BEHAVIOUR POWERS

This is a summary of the guidance. The full document is available at https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/332839/StatutoryGuidanceFrontline.pdf page 46 onwards

Putting victims first: In deciding to place restrictions on a particular public space, councils should consider the knock on effects of that decision. Introducing a blanket ban on a particular activity may simply displace the behaviour and create victims elsewhere.

Where can it apply?

The council can make a PSPO on any public space within its own area. The definition of public space is wide and includes any place to which the public or any section of the public has access, on payment or otherwise, as of right or by virtue of express or implied permission, for example a shopping centre.

Working with partners:

Before making a PSPO, the council must consult with the local police. This should be done formally through the chief officer of police and the Police and Crime Commissioner, but details could be agreed by working level leads. This is an opportunity for the police and council to share information about the area and the problems being caused as well as discuss the practicalities of enforcement. In addition, the owner or occupier of the land should be consulted. This should include the County Council (if the PSPO application is not being led by them) where they are the Highway Authority.

The council must also consult whatever community representatives they think appropriate. This could relate to a specific group, for instance the residents association, or an individual or group of individuals, for instance, regular users of a park or specific activities such as busking or other types of street entertainment. Before the PSPO is made, the council also has to publish the draft order in accordance with regulations published by the Secretary of State.

Land requiring special consideration

Before a council makes a PSPO, it should consider whether the land falls into any of the following categories:

- **Registered common land:** There are around 550,000 hectares of registered common land in England and Wales. Common land is mapped as open access land under the Countryside and Rights of Way (CROW) Act 2000 with a right of public access on foot. Some commons, particularly those in urban districts, also have additional access rights and these may include rights for equestrian use.
- **Registered town or village green:** Town and village greens developed under customary law as areas of land where local people indulged in lawful sports and pastimes. These might include organised or ad-hoc games, picnics, fetes and similar activities, such as dog walking.
- **Open access land:** Open access land covers mountain, moor, heath and down and registered common land, and also some voluntarily dedicated land, for example the Forestry Commission's or Natural Resources Wales' freehold estate. Open access land provides a right of open-air recreation on foot although the landowner can voluntarily extend the right to other forms of access, such as for cycling or horse-riding.

Defra considers the model set out in 'A Common Purpose' to be good practice in consulting directly affected persons (including commoners) and the public about any type of potential change in the management of a common.

If land is a registered green, it receives considerable statutory protection under the 'Victorian Statutes'. In terms of open access land, there are various national limitations on what activities are included within the access rights. It is possible for local restrictions on CROW rights to be put in place to meet wider land use needs, and this system is normally administered by Natural England.

Where an authority is considering an order on one of these types of land, the council **should consider** discussing this with relevant forums and user groups (**e.g. Local Access Forums**, Ramblers or the British Horse Society) depending on the type of provision that is contemplated in the order. It could also be appropriate to hold a local public meeting when considering whether to make an order for an area of such land to ensure all affected persons are given the opportunity to raise concerns.

What to include in a PSPO?

The PSPO can be drafted from scratch based on the individual issues being faced in a particular public space. A single PSPO can also include multiple restrictions and requirements in one order. It can prohibit certain activities, such as the drinking of alcohol, as well as placing requirements on individuals carrying out certain activities, for instance making sure that people walking their dogs keep them on a lead. However, activities are not limited to those covered by the orders being replaced and so the new PSPO can be used more flexibly to deal with local issues.

When deciding what to include in an order, the council should consider its scope. The PSPO is designed to make public spaces more welcoming to the majority of law abiding people and communities and not simply restrict access. Restrictions or requirements can be targeted at specific people, designed to apply only at certain times or apply only in certain circumstances.

Putting victims first:

Although it may not be viable in each case, discussing potential restrictions and requirements prior to issuing an order with those living or working nearby may help to ensure that the final PSPO better meets the needs of the local community and is less likely to be challenged.

In establishing which restrictions or requirements should be included, the council should ensure that the measures are necessary to prevent the detrimental effect on those in the locality or reduce the likelihood of the detrimental effect continuing, occurring or recurring.

When the final set of measures is agreed on, the PSPO should be published in accordance with regulations made by the Secretary of State and must:

- identify the activities having the detrimental effect;
- explain the potential sanctions available on breach; and
- specify the period for which the PSPO has effect.

Restricting alcohol: A PSPO can be used to restrict the consumption of alcohol in a public space where the test has been met. However, as with the Designated Public Place Order which it replaces, there are a number of limitations on using the power for this end.

Restricting access:

In the past, Gating Orders have been used to close access to certain public rights of way where the behaviour of some has been anti-social. The PSPO can also be used to restrict access to a public right of way. However, when deciding on this approach, the council must consider a number of things.

- Can they restrict access? A number of rights of way may not be restricted due to their strategic value.
- What impact will the restriction have? For instance, is it a primary means of access between two places and is there a reasonably convenient alternative route?
- Are there any alternatives? Previously gating was the only option, but it may be possible under a PSPO to restrict the activities causing the anti-social behaviour rather than access in its totality.

There are also further consultation requirements where access is to be restricted to a public right of way. This includes notifying potentially affected persons of the possible restrictions. This could include people who regularly use the right of way in their day to day travel as well as those who live nearby. Interested persons should be informed about how they can view a copy of the proposed order, and be given details of how they can make representations and by when. The council should then consider these representations.

It will be up to the council to decide how best to identify and consult with interested persons. In the past newspapers have been used. However in the digital age, other channels such as websites and social media may be more effective. Where issues are more localised, councils may prefer to deal with individual households. Alternatively, where appropriate, **councils may** decide to hold public meetings and discuss issues with regional or national bodies (such as the **Local Access Forum**) to gather views.

Duration of a PSPO: The maximum duration of a PSPO is three years but they can last for shorter periods of time where appropriate. Short-term PSPOs could be used where it is not certain that restrictions will have the desired effect, for instance, when closing a public right of way, councils may wish to make an initial PSPO for 12 months and then review the decision at that point.

At any point before expiry, the council can extend a PSPO by up to three years if they consider that it is necessary to prevent the original behaviour from occurring or recurring. They should also consult with the local police and any other community representatives they think appropriate.

Changing the terms: The new PSPO can cover a number of different restrictions and requirements so there should be little need to have overlapping orders in a particular public space. However, if a new issue arises in an area where a PSPO is in force, the council can vary the terms of the order at any time. This can change the size of the restricted area or the specific requirements or restrictions. For instance, a PSPO may exist to ensure dogs are kept on their leads in a park but, after 12 months, groups start to congregate in the park drinking alcohol which is having a detrimental effect on those living nearby. As a result, the council could vary the PSPO to deal with both issues.

As well as varying the PSPO, a council can also seek to discharge it at any time. For instance when the problem has ceased to exist or the land ceases to be classified as a public space.

C David Gibson
August 2014

NORTH YORKSHIRE LOCAL ACCESS FORUM**10 SEPTEMBER 2014****CROW RESTRICTION ON ANGRAM MOOR****1.0 PURPOSE OF REPORT**

- 1.1 This report is to bring to the attention of the LAF the consultation by Natural England to review the current direction on Angram Moor under the Countryside and Rights of Way Act 2000

2.0 BACKGROUND

- 2.1 Natural England review all the Statutory Direction(s) on areas of Open Access land under Section 24 of the Countryside and Rights of Way Act 2000.
- 2.2 North Yorkshire County Council, as the relevant authority must consult with the Local Access Forum on these matters.
- 2.3 The details of this review of Angram Moor are attached as **Appendix 1** for your information and consideration.

3.0 ACTIONS

- 3.1 The LAF is required to discuss this matter and decide whether or not to make any response to this consultation.

4.0 RECOMMENDATION

- 4.1 It is recommended that members receive this report for information and if a response is required then submit it directly to Christine Pope before Friday 12th September 2014 at Christine.pope@naturalengland.org.uk

Contact:

Brian Mullins
Countryside Access Officer for Hambleton and Richmondshire
01609 533758

Countryside and Rights of Way (CROW) Act 2000**REVIEW OF STATUTORY DIRECTION(S)****SUMMARY FOR PUBLIC CONSULTATION**

Prepared by Natural England

1. INFORMATION ABOUT THE PUBLIC CONSULTATION

Access Authority: North Yorkshire
Relevant Authority: Natural England
Local Access Forum: North Yorkshire

Natural England is about to review the following direction:

Land Parcel Name:	Direction Reference:
Angram Moor	2004120083

This is in line with the relevant authority's statutory duties (see Annex 1).

Your view on the current direction is sought to assist Natural England in deciding whether the restriction is still necessary for its original purpose; and if so, whether the extent and nature of the restriction is still appropriate for the original purpose.

The relevant authority may decide that no change is necessary in which case a Consultation Outcome Report will be published on the Open Access Website¹

If the relevant authority decides to vary or revoke the direction, a further round of public consultation may be necessary (see Annex 1) in which case a second Consultation Summary Report will be published.

2. SUMMARY OF EXISTING DIRECTION(S)

Land Parcel Name:	Direction Ref.	Dates and reason for restriction on existing direction:	Reason for Exclusion
Angram Moor	2004120083	Dogs to be kept on a lead each year 1/08/05-10/12/2015	CROW s24 Land Management: Disturbance to Game.

Natural England made this long term direction on 1st February 2010

¹ <http://www.naturalengland.org.uk/ourwork/enjoying/places/openaccess/consultation.aspx>

A short summary is provided below giving the background to the direction.

The original application, which asked for a dog exclusion, was received in December 2004. As with other applications received at the time covering similar issues, we felt that the evidence for a year round exclusion/restriction (particularly for disturbance in the winter period) was not conclusive. Following detailed discussions with the applicant, local authority, Moorland Association and BASC the final decision was to keep dogs on leads during the breeding period from 1st August to 10th December each year (from August 2005 to December 2009). *(NB This restriction is in addition to the national 'dogs on lead' restriction from 1st March to 31st July (CROW Schedule 2).*

In 2009/10 the directions above were reviewed and the end date varied to 10/12/2015. This change brought the restrictions into line with current guidance which sets direction periods for a maximum of six years (unless they are for fire prevention purposes).

The applicant has confirmed that the area is still managed as a grouse moor, that shooting is carried out regularly between August and December and that the restriction is still required.

3. SUBMITTING COMMENTS ON THE REVIEW

If you wish to comment on the review of these directions then please you must do so **before Friday 12th September** directly to Christine Pope at Christine.pope@naturalengland.org.uk.

A map accompanies this notice and is attached. It can also be seen on the open access consultation page on Natural England's website www.naturalengland.org.uk/openaccess.

Using and sharing your consultation responses

In line with Natural England's [Access to Information Statement](#), any comments you make, and any information you send in support of them, will help us to determine the application and / or determine if the restriction is still necessary in relation to the review or reassessment of a current direction.

We may wish to pass such comments or information to others in connection with our duties and powers under the open access legislation. This may mean for example passing information, including your name and contact details, to the Secretary of State or their appointees, the Planning Inspectorate or to the relevant access authority(s).

We do not plan to publish individual comments in full, but we may publish extracts from them when we report on our consultation(s).

There may also be circumstances in which we will be required to disclose your response to third parties, either as part of the statutory process for consideration of representations and objections about our decision, or in order to comply with our wider obligations under the Freedom of Information Act 2000 and the Environmental Information Regulations 2004.

If you do not want your response - including your name, contact details and any other personal information – to be publicly available, please explain clearly why you regard the information you have provided as confidential. However, we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not be regarded as binding on Natural England.

Annex 1

In accordance with statutory guidance, the relevant authority has a duty to:

- review directions of a long-term character no later than their fifth anniversary; and
- revoke or vary directions where necessary.

Under CROW section 27(3) the relevant authority must review, at least every five years, any direction it has given that restricts access indefinitely; for part of every year; for part of each of six or more consecutive calendar years; or for a specified period of more than five years.

During the review the relevant authority must, having regard to the interest of the public in having access to the land, consider whether the restriction is still necessary for its original purpose; and if so, whether the extent and nature of the restriction is still appropriate for the original purpose.

Before reviewing a long-term direction the relevant authority must consult:

- the local access forum;
- the applicant or his successor in title, where reasonably practicable – for directions under section 24 or 25 made on application; or
- the relevant advisory body – for a direction made under section 26.

The authority must also publish a notice on a website (and send a copy to statutory consultees) that must explain that the authority proposes to review the direction in question; where documents relating to the review may be inspected and copies obtained; and that representations in writing with regard to the review may be made by any person to the authority by a date specified in the notice.

Once consultation is complete the relevant authority should have regard to any representations it receives before making a decision.

If following the consultation, the Relevant Authority decides to:

- leave the original direction unchanged, the relevant authority should record the date that the decision was made and should schedule a subsequent review where necessary.

If following the consultation, the Relevant Authority decides to:

- vary a direction in any way (type, extent or date), the relevant authority must give a new direction under the same section that was used to give the original direction. If the new direction is long-term, it must be reviewed within five years of the date it is given;

- revoke a direction, the relevant authority must give a new direction under the same section to revoke it. There is no requirement to review the new direction.

Before varying or revoking a direction the relevant authority must: consult the original applicant or his successor in title, where reasonably practicable – for directions given under section 24 or 25 on an application; or consult the relevant advisory body – for directions given under section 26. In either case, follow the consultation procedures set out in the Relevant Authority Guidance but only if it proposes to give a new direction that would restrict access indefinitely or for more than six months continuously.



CROW Open Access: Initial Consultation Notice

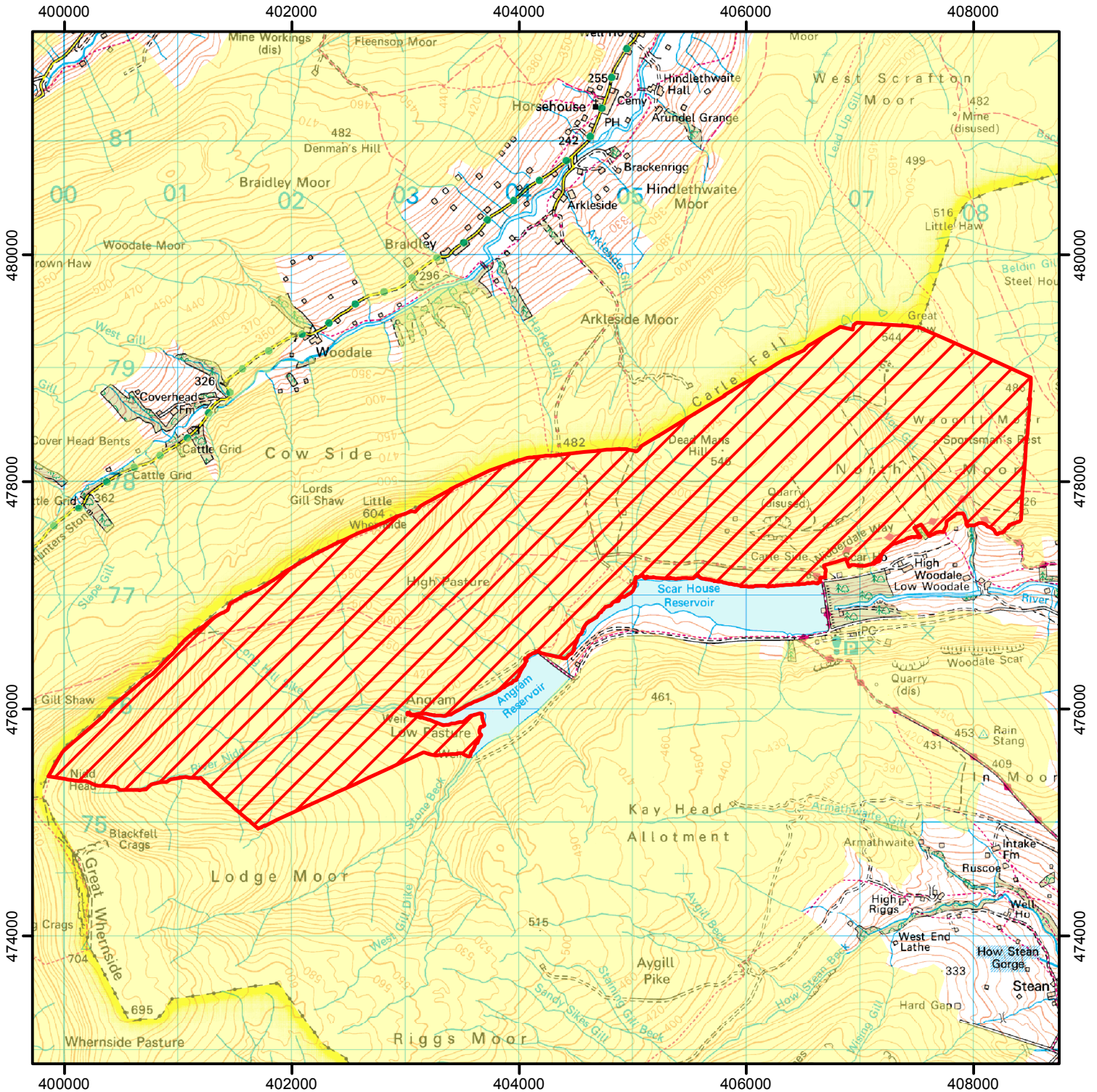
(Please see accompanying notice)

(This does not affect Public Rights of Way)

Consultation Start Date: 5 August 2014

End Date: 12 September 2014

Case Number: 2004120083

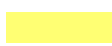


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Restricted Open Access Land



Open Access Land



For more information call the Open Access Contact Centre on 0845 100 3298
or visit our website at www.naturalengland.org.uk/openaccess

NORTH YORKSHIRE LOCAL ACCESS FORUM**10 SEPTEMBER 2014****DISTRICT COUNCIL REVIEW – SUMMER 2014**

In the past District Councils operated within their Core Policies and Local Development Frameworks based on government Planning Policy Guidelines and Strategies. However, the changes created by the National Planning Policy Framework 2012 and the Localism Act 2011 have meant the rewriting of previous management plans, and are now being presented as Local Plans (with Core Strategies for housing allocations, etc.) with compulsory Sustainability Appraisal. LAF scrutiny of draft plans is vital in order to ensure that access opportunities are included as Good Practice into strategic management and early design, in order to fulfil the LAF remit to proactively advise sec 94(4) bodies.

Craven: Contact Tony Martin: Draft Local Plan for Action will be ready for consultation in September 2014. Opportunity for input awaited

Hambleton: Contact Rachel Connolly. Local Development Framework completed 2007 prior to LAF involvement, and is undergoing partial review in the light of the new govt. planning policy. Current arrangement consists of a face to face quarterly review of design stage pre-applications, and projects. A recent short Q and A session with planning/policy team clarified LAF aspirations and emphasised the importance of ‘think access’ potential, which is improving but not always reflected in leisure projects. However, feedback from Hambleton is that LAF engagement ‘has made a difference’ for which their management must be congratulated.

Harrogate: Contact Tony Martin. Local Plan 2014 rejected by Inspector on examination recently. Major developments are referred to Tony at application stage, and he is confident that they are access-aware.

Richmond: Contact David Barraclough: Local Plan in 2014 was completed without the input LAF had provided, but ‘Delivering Development Plans’ will be the next stage and available for input in summer 2015. Currently all applications are forwarded on a weekly basis for scrutiny. A meeting has been held with the Planning and Leisure Managers. Past performance not very access robust. Currently advising on the Scotch Corner Designer Outlet proposals.

Ryedale: Contact Roma Haigh. Local Plan completed 2012 with input via Rachel Connolly. Roma had face to face meetings in spring 2014. Ryedale feedback is that they have found LAF input helpful and look forward to further constructive advice.

Scarborough: Contact Roma Haigh: major input to draft Local Plan completed August 2014 on behalf of Roma, which now awaits final Local Plan, then submission to the Inspector for examination. Face to face meetings have been held with planning officers. Feedback on LAF effectiveness requested and awaited.

Selby: Contact John Taylor: Local Plan presented 2014 (outcome of approval not known) – no changes to draft deemed necessary by John. Currently no regular liaison regarding development applications/access matters.