

North Yorkshire Local Access Forum

Minutes of the meeting held at The Cairn Hotel, Harrogate on 11 October 2017, commencing at 10 am

Present

Roma Haigh, David Barraclough, Michael Bartholomew, George Bateman, Doug Cartwright, Rachel Connolly, County Councillor Robert Heseltine, Barrie Mounty, Sue Raper and Paul Sherwood

Officers: Rebecca Gibson, Ian Kelly and Tim Simpson (Business and Environmental Services) and Kate Arscott (Legal and Democratic Services, Secretary to the Local Access Forum)

192 Apologies for absence

Apologies for absence were received from Tom Halstead, County Councillor David Jeffels and Richard Smith.

193 Minutes of the meeting held on 12 July 2017

Resolved – That the minutes of the meeting held on 12 July 2017 be agreed as a correct record and be signed by the Chair.

194 Matters Arising from the minutes

In relation to minute 187 (District Council Updates) Rachel Connolly reported that there was no decision as yet with regard to the suggestion regarding a river crossing in association with Ripon Quarry

Sue Raper reported that action had now been taken in response to the incident involving a horserider which she had brought to Members' attention by email.

195 Consultation – A59 Kex Gill Realignment

Rebecca Gibson, Senior Transport Planning Officer, North Yorkshire County Council, attended the meeting to present the consultation and respond to members' questions about the consultation on proposals for the realignment of the A59 at Kex Gill between Skipton and Harrogate.

She understood that the Local Access Forum's interest was particularly focused on the impact of the proposals on the Rights of Way network in the area, and she confirmed that she had been working with the Rights of Way, Planning and Environment teams in this regard and to ensure that local knowledge was used in addition to the consultants' investigations.

Since the last report to the Forum in April 2017, an options assessment report had been prepared for the Department of Transport in June setting out 16 options sitting within eight main corridors. The current public consultation was being taken forward on three of these corridors, forming the 'consultation corridor', to the north of the valley.

Over 300 people had attended the engagement events as part of the public consultation, and over 250 responses to the consultation had been received to date. Over 90% of responses supported some sort of intervention to improve resilience. Issues had been raised regarding environmental issues, including the need to replace the bridleway, which was well used.

Rebecca Gibson indicated that options for the replacement bridleway would be the subject of further consultation, once the preferred route was identified by the Executive. The aim would be to get the best solution for as many people as possible. She offered to report back to the LAF by email, or through a nominated LAF member, which would give the LAF the ability to feed into the project on an ongoing basis.

It was confirmed that the current timetable envisaged a start on site in the spring of 2019, with the project expected to take about a year to complete, subject to funding from the County Council and Department of Transport.

The following issues were covered in the discussion:

- Members noted that there had not been an impact assessment in relation to existing NMUs. It was clarified that this would be part of the full planning application.
- Members asked whether the cost of alternative NMU provision was included in the scheme and it was confirmed that this was included in the initial cost estimates.
- Members asked what would happen to the old road once the realignment had taken place. It was confirmed that this would be returned as far as possible to its previous state before the road was built. Members were reminded that safety and the resilience of the network were the key reasons for proposing the realignment. These risks would remain if the route was not closed.
- Members were reassured that there would be space on the northern side of the valley to reroute the bridleway, even given the space requirements of the new route. They remained concerned however that the new route would be less pleasant for users. It was acknowledged that there was a difficult balance to be struck.
- Members also raised concerns about UURs in the area connecting to the current road alignment. It was confirmed that the team were aware of this and were looking to maintain access as far as possible
- The Forum recognised that the A59 is a major Trans-Pennine route and the economic impact for the County and especially for the Craven District of the project, reflected in the almost wholly positive response to the consultation to date.

Resolved – (a) That Rebecca Gibson be thanked for a very useful report.

(b) That Rachel Connolly lead on behalf of the Local Access Forum in drafting a formal response to the consultation to be agreed by email circulation via the Secretary and submitted by the deadline of 31 October 2017.

(c) That Rachel Connolly represent the Forum in ongoing liaison with the project team in relation to the A59 realignment project

196 Countryside Access Service Review Update

Ian Kelly, Countryside Access Manager, North Yorkshire County Council, attended the meeting to present the update report and respond to members' questions. The report summarised progress since the previous report in November 2016.

The new route categorisation model had been agreed in July 2017 following a public consultation which the LAF had contributed to. The service was now working to implement the new model within its CAMS IT system, following confirmation that this system would be retained. This would allow for better interaction with customers.

Three major new procedures had been implemented, with a much quicker route to enforcement. A 75-80% success rate with just a letter was reported with regard to ploughing and cropping.

The following issues were covered in the discussion:

- Members felt that the service was moving in the right direction.
- Members particularly welcomed the decision on the IT system to be used for the future as delays in this regard had been a source of frustration for staff and the public alike.
- Some concern was expressed about the lack of timely feedback to members of the public who have reported issues. Members were informed that a discussion was taking place this very day about the 'customer journey', including meeting expectations with regard to feedback. It was suggested that people would like to receive an acknowledgement, an estimated timescale and confirmation once action had been completed.

Resolved – That the progress report be noted.

197 Data on work Completed by Volunteers

Members considered a report providing data on the work carried out by the Lower Wharfedale Ramblers on behalf of North Yorkshire County Council. Members had also been provided with some example reports which had been presented to the Local Liaison Groups to support these groups in their role.

Ian Kelly, Countryside Access Manager, was in attendance for this item and confirmed that the Service was willing to explore working with all volunteer groups who wished to offer their services, and potentially resources.

Members discussed the appropriate level of data that they would find helpful to support them in their advisory role and the following issues were discussed:

- Members found the information in the Local Liaison Group reports, which had been circulated as background information, interesting and useful
- It was agreed that it was not appropriate to duplicate effort by asking officers to report at this level of detail to the Local Access Forum
- The Local Access Forum's role was to focus on strategic advice in the main, rather than individual issues
- A suggestion that the service consider widening the representation on the Local Liaison Groups

It was agreed that George Bateman would provide a regular feedback report to the LAF on information reported to the Local Liaison Groups. This would enable the LAF to be informed of progress as useful context to help it in performing its own role.

Resolved – That George Bateman provides a regular feedback report to the LAF on information from the Local Liaison Groups.

198 2026

This item was a standing item on the agenda, to enable the LAF to discuss any new information regarding the 2026 cut-off date for the recording of public rights of way within the Definitive Map and Statement.

Members expressed disappointment about the backlog in progressing Definitive Map Modification Orders (DMMOs) and noted that a review of the team's operation was taking place.

199 Public Questions or Statements

There was one public question or statement registered by Diana Mallinson, speaking about Blubberhouses unsealed unclassified roads (UURs). A copy of the statement had been put around the table. Diana Mallinson read out the following statement:

“This statement is about the network of UURs crossing moorland, woodland and moorland fringe pasture, and connecting to the A59, the Blubberhouses-Otley road and minor roads to the southwest, within the Nidderdale Area of Outstanding Natural Beauty. The network totals over 27 kilometres, most of which is across the moorland, which is part of a large SSSI, designated because it contains important habitats for rare plants and nationally important breeding populations of moorland birds.

Some of the routes do not exist on the ground. Some of those which do exist are unsurfaced and the majority of the others are sections of surfaced shooting, forestry or farm access tracks, maintained by landowners and occupiers, not by the County Council.

In 2005, the County Council made a zonal TRO covering all these routes and the moorland they cross, prohibiting all motor vehicles except for access. This TRO was recommended by a working group which included representatives from recreational motor vehicle user groups (TRF and LARA), because of motor vehicle damage to the unsealed and unsurfaced routes and to areas of moorland where the routes do not exist on the ground (“the worst damaged moor in the country” according to a 2004 report by English Nature).

The zonal TRO lasted until 2010, although the TRO signs remain to this day. Anecdotal reports and YDGLA photos indicate that the damaged tracks and moorland have improved during the zonal TRO and afterwards. The County Council made a temporary TRO, to prevent damage, in May 2016 which expires on 11 November 2017.

YDGLA asks that the LAF ask the County Council to:

1. apply for an extension of the current temporary TRO for a further 18 months
2. during this period, to investigate these routes and consider making a permanent TRO to prevent the use which led to the zonal TRO in 2005 recurring (in line with Appendix A of Management of UURs, item 11 on today’s agenda).”

At this point in the meeting, a member challenged whether the Forum had the legal authority to consider any matter relating to UURs. The Secretary was asked to confirm the legal position outside of the meeting and to provide a report clarifying the role and remit of the Forum at the next meeting. In the interim, LAF members agreed to continue with the agenda item, noting that any decisions would not be taken forward if it was subsequently confirmed that the matter lay outside the Forum’s remit.

There were divergent views from Members in relation to whether or not to support the request. A number of members expressed that view that this Forum was not the most appropriate body to make a recommendation to the County Council on this matter, due to: a lack of knowledge of the specific details of this case; concern that the LAF was better placed to focus on the principles to be applied rather than taking up individual specific cases; and recognition that there were naturally conflicting views among the LAF membership given the wide range of interest groups that members represent. It was therefore felt unlikely that the LAF would be able to reach a consensus view on the request.

It was noted that the YDGLA could raise the matter directly with the County Council.

Resolved – That a report be provided for the next meeting of the Local Access Forum setting out the legal position with regard to the role and remit of the Forum.

200 Deadman’s Hill

The Forum considered a report on the legal position and options in relation to Deadman’s Hill, in response to the request made at the meeting in July. The report provided had originally been prepared by the Yorkshire Dales National Park Authority in 2011. Officers had confirmed that it was still valid and that the only amendments to the report would be that a permit approach, one of the options listed in the report, would no longer be supported. It was also confirmed that further repairs had been completed this year.

Tim Simpson, Senior Project Engineer, Area 6, attended the meeting to answer Members’ questions, as the officer responsible for overseeing the most recent repairs. He reported that these had been carried out by a contractor in February 2017 at a cost of around £26,000 and had a 5 year warranty. They had held up to weather conditions so far and he could confirm, following a full inspection the previous day, that there were no concerns. The route had been re-opened about three weeks ago, although the restriction signs had yet to be removed.

The following issues were covered in the discussion:

- The team was thanked for the successful engineering repair work
- A query was raised about the status of one part of the route and it was suggested that this be raised separately outside the meeting
- Reference back to the discussion under the previous agenda item querying the remit of the LAF in regard to such matters.

Resolved – That the report and the repair work be noted.

201 Management of Unsurfaced Unclassified Roads in North Yorkshire

The Forum considered the County Council’s statement of current practice for the Management of Unsurfaced Unclassified Roads.

The following issues were covered in discussion:

- A query as to why the LAF was not included in the list of stakeholders for consultation
- There was endorsement from some members for the approach set out in the statement
- A member expressed the view that they would prefer the Highway Authority to exercise its powers and carry out consultation earlier in the process
- As with the previous 2 agenda items, it was noted that there was a divergence of views among LAF members on this matter, and members were reminded of the role of the LAF to maximise access

Resolved – That the Forum notes the statement of current practice for the Management of Unsurfaced Unclassified Roads.

202 Selby Pool of Sites Consultation

The Forum considered a report advising them that Selby District Council was currently consulting on a pool of sites as the next stage of consultation on its Local Development Plan.

Barrie Mounty reported that he and Tom Halstead had been invited to a presentation associated with the consultation. It was agreed that Barrie Mounty, as the relevant District Council liaison representative, would work with the Secretary to prepare a formal response to the consultation by the deadline of 27 November. LAF members were asked to provide any comments by email.

Resolved – That the relevant District Council liaison representative and the Secretary prepare a draft formal response to the consultation, and circulate it by email for members' comments prior to submission on behalf of the Forum.

203 District Council Updates

The Forum considered a report of the Secretary providing an update on liaison with District Councils, including responses to a number of planning applications in Hambleton and Richmondshire. Rachel Connolly reported that Hambleton District Council had welcomed the LAF's recommendations on access, but unfortunately the application for Easingwold had been granted on appeal.

It was noted that the information at paragraph 2.4 on page 101 of the agenda provided the correct up to date position on the Richmondshire District Council Development Plan, and not the information in paragraph 2.4 of the Secretary's Update Report on page 120 of the agenda.

Members noted a report on HS2 from Tom Halstead. It was proposed to include HS2 on the agenda for the April 2018 meeting, which would be held in Selby.

Resolved – (a) That the updates on liaison with District Councils be noted.

(b) That Rachel Connolly circulates draft comments on a planning application in Stokesley for LAF members' comments prior to submitting them to Hambleton District Council.

(c) That HS2 be included on the forward plan for the April 2018 meeting in Selby.

204 LAF Project Updates

The Forum considered a report of the Secretary providing an update from LAF representatives on specific projects and partnerships, and providing information about other projects and initiatives that may be of interest to the LAF.

The updates covered the following topics:

- Teesdale Way Partnership
- Yorkshire Wolds Way Partnership
- Regional Access Forum
- Greenspace Mapping Project
- Select Committee Report on the Future of Public Parks

The Chair reported that the long serving chair of the Regional Access Forum, Jerry Pearlman, had resigned. He had also offered to give a presentation on Public Rights of Way Law at a future meeting. Members were asked to let Roma Haigh know if they were interested in attending with her when this is arranged.

It was noted that the Regional Forum had set up a working party on HS2.

Roma Haigh agreed to follow up on the Parks report response from the National Federation of Parks and Green Spaces as appropriate

Resolved – (a) That the updates be noted and members be thanked for their activity on behalf of the Forum.

(b) That members notify the Chair if they wish to attend the presentation on PROW law.

205 Secretary's Update Report

Members noted a report from the Secretary updating the meeting on activity since the last meeting. The report covered the following items:

- Consultation responses – since the last meeting the Forum had responded to consultations on the Craven and Harrogate Local Plans. A decision had been taken by the Chair that no response was required to further consultation on the Joint Minerals and Waste Plan.
- An update on the current position regarding the status of Local Development Plans for each District Council area. It was noted that the correct current position for Richmondshire District Council was as set out in the District Council Update report on page 101 of the agenda.
- Webpage – the Secretary was working towards a target for completion of the end of 2017
- Natural England – it was noted that the regional contact had retired and a replacement had not yet been notified
- Annual report – the draft annual report was circulated for approval

Resolved – (a) That the report be noted.

(b) That the relevant District Council liaison representative be authorised to work with the Chair and the Secretary of the Forum to prepare a draft response on behalf of the LAF to any Local Development Plan consultations with a closing date before the next meeting of the LAF on 17 January 2018. This would then be circulated for consultation by the Secretary and a formal LAF response submitted by the Secretary to meet the deadline for each consultation.

(c) That members provide any comments on the draft annual report to the Secretary by 31 October, prior to publication and submission to Natural England.

206 Forward Plan

The Forum considered a report of the Secretary inviting members to consider items of business for future meetings. It was noted that the meeting on 11 April 2018 would be held at Selby Civic Centre.

Resolved – That the issues identified during the meeting and recorded in the minutes be incorporated into the Forum's Forward Plan.

207 Dates of Next Meetings

The next meetings of the Local Access Forum will be held at 10am on

Wednesday 17 January 2018	Wednesday 11 April 2018
Wednesday 25 July 2018	Wednesday 17 October 2018
Wednesday 16 January 2019	Wednesday 10 April 2019

208 Any Other Business

Rachel Connolly reported that she had attended a number of meetings in connection with the A1 project. It was disappointing to report that compromises were having to be made which were not always good for NMUs. In particular she had concerns about surfaces being appropriate for horse riders. Some significant jobs remained outstanding. A commuted sum for snagging was being passed from Highways England to North Yorkshire County Council. The Chair thanked Rachel on behalf of the Forum for her continued efforts.

Rachel Connolly also made the Forum aware of dualling proposals for the A66. A meeting was due to be held in Darlington on 18 October. Paul Sherwood agree to attend the meeting and to seek further engagement in the project on behalf of the LAF as its nominated representative.

Resolved – That Paul Sherwood represent the LAF in relation to the A66 dualling project.

The meeting concluded at 12.35pm.

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