
NORTH YORKSHIRE LOCAL ACCESS FORUM

AGENDA

Meeting: Local Access Forum

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

Date: Wednesday 25 July 2018 at 10.00 am

Recording is allowed at County Council, committee and sub-committee meetings which are open to the public, please give due regard to the Council's protocol on audio/visual recording and photography at public meetings, a copy of which is available to download below. Anyone wishing to record is asked to contact, prior to the start of the meeting, the Officer whose details are at the foot of the first page of the Agenda. We ask that any recording is clearly visible to anyone at the meeting and that it is non-disruptive.

<http://democracy.northyorks.gov.uk>

Business

1. Apologies for absence
2. Minutes of the meeting held on 11 April 2018 (To follow)
3. Matters Arising from the minutes
4. Public Questions or Statements

Members of the public may ask questions or make statements at this meeting if they have given notice to Kate Arscott of Democratic Services (*contact details on page 1*) by midday on Monday 23 July 2018, 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.

If you are exercising your right to speak at this meeting, but do not wish to be recorded, please inform the Chairman who will ask anyone who may be taking a recording to cease while you speak.

5. Pathways to Health – Case Study

(Pages 6 to 21)

Purpose: To update the Forum on the progress of Pathways to Health programme
Attending: Ian Kelly, Countryside Access Manager, North Yorkshire County Council

6. 2026

Purpose: Standing item 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

7. Restoring the Record – Report of Richard Smith

(Pages 22 to 26)

Purpose: To share information produced to help in work associated with claims to the Rights of Way network

8. Consultation on the proposed scope and application of Natural England’s SSSI byelaw-making powers – Report of the Secretary and Mike Bartholomew

(Pages 27 to 47)

Purpose: To consider a response to the Natural England consultation and to consider a discussion paper on LAFs and Sites of Special Scientific Interest

9. District Council and LAF Project Updates – Report of the Secretary

(To follow)

Purpose: An opportunity for LAF members to update the Forum on District Council liaison and other LAF representative project activity since the last meeting

10. Secretary’s Update Report – Report of the Secretary

(To follow)

Purpose: To receive an update on developments since the last meeting

11. Forward Plan – Report of the Secretary

(Pages 48 to 50)

Purpose: To consider and prioritise items of business for future meetings

12. Dates of Next Meetings

Wednesday 17 October 2018

Wednesday 16 January 2019

Wednesday 10 April 2019

13. Other business which the Chair agrees should be considered as a matter of special urgency because of special circumstances

Kate Arscott
Secretary to North Yorkshire Local Access Forum
County Hall
Northallerton
19 July 2018

NOTES

(a) **Interests**

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

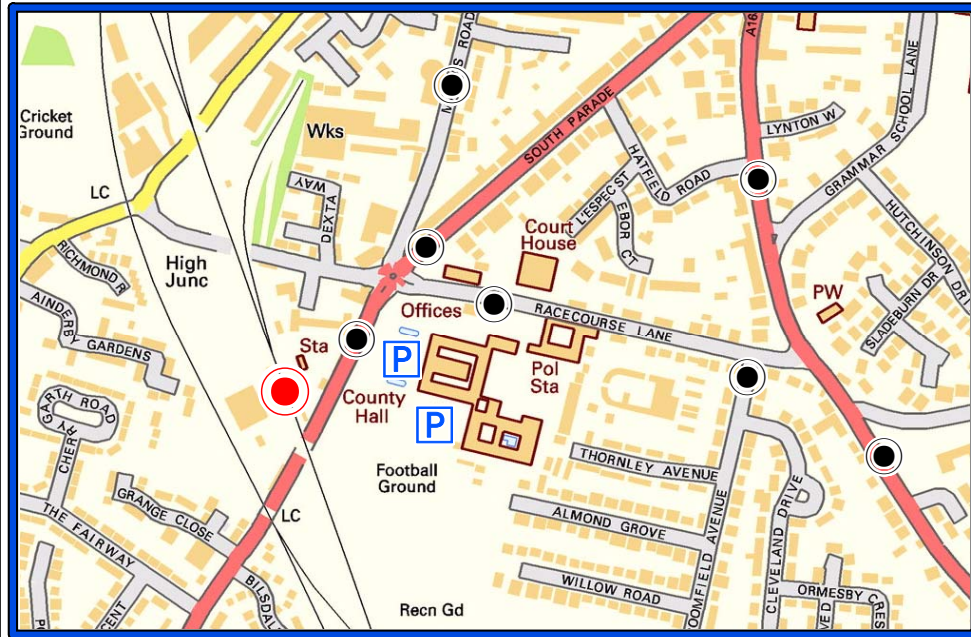
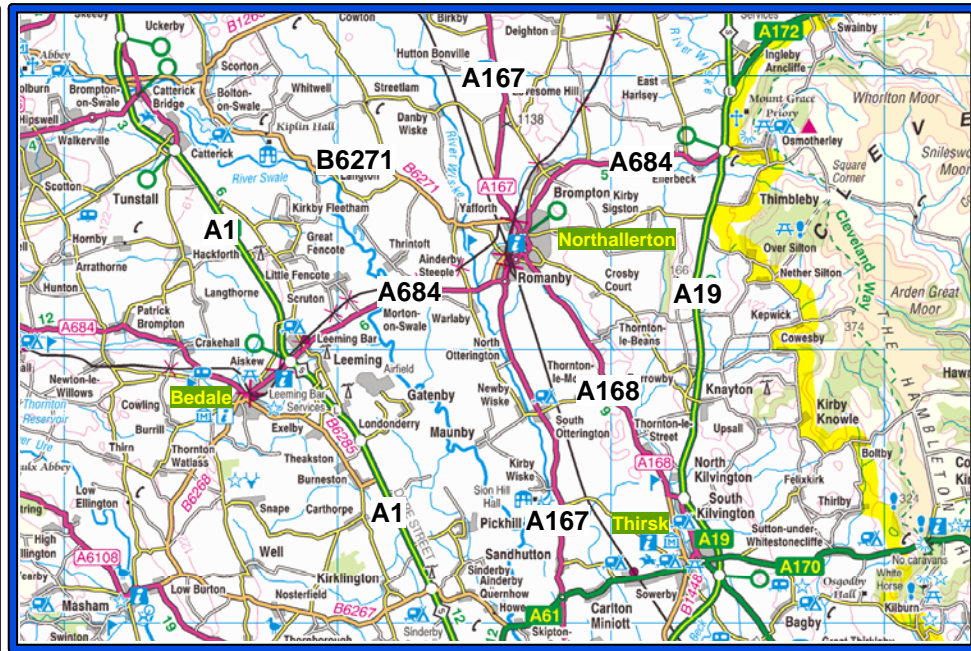
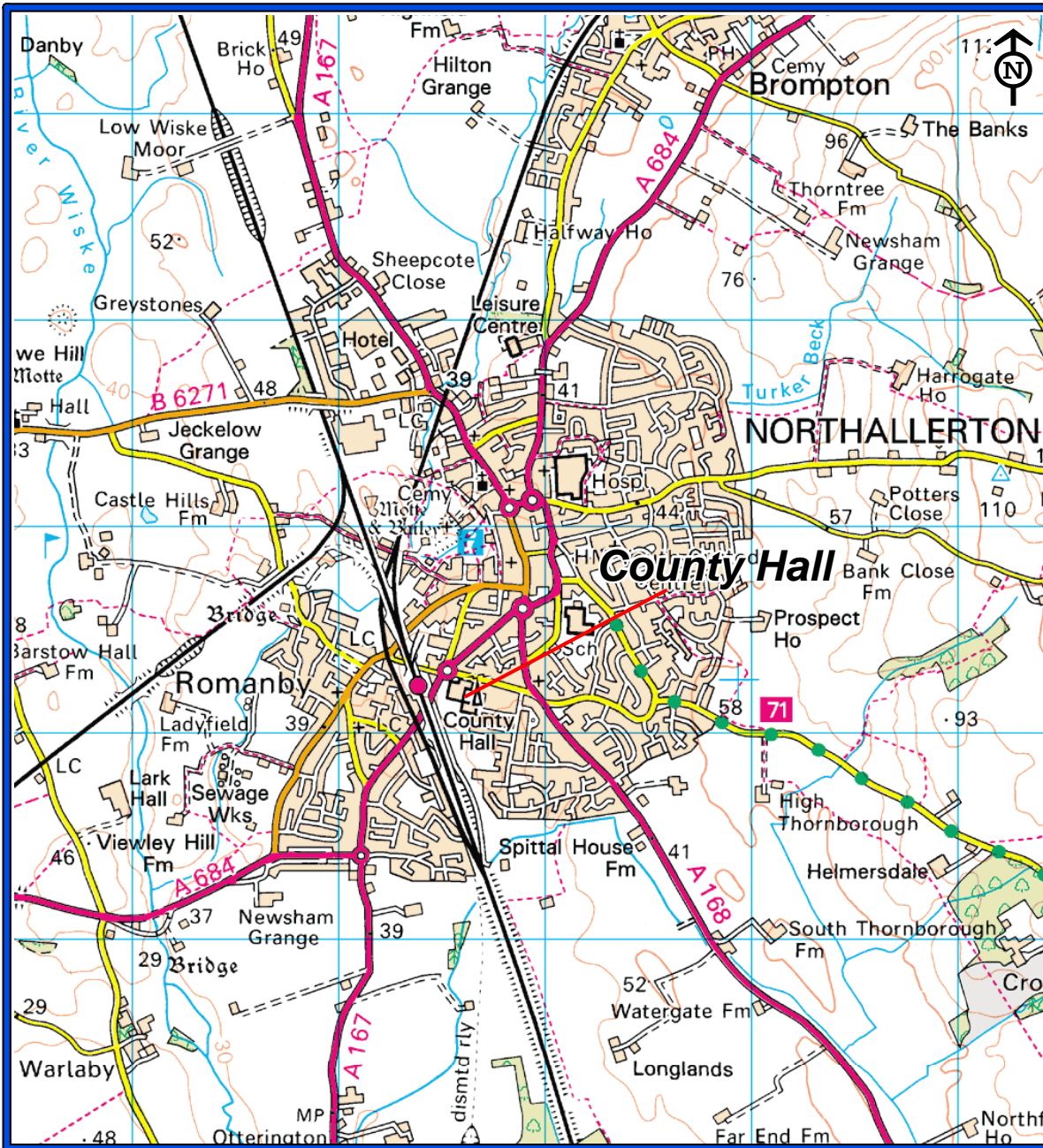
- (7) “A member of a Local Access Forum who is directly or indirectly interested in any matter brought up for consideration at a meeting of the Forum shall disclose the nature of his interest to the meeting”.

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.

NORTH YORKSHIRE LOCAL ACCESS FORUM

Membership

1	BARRACLOUGH, David
2	BARTHOLOMEW, Michael
3	BATEMAN, George
4	CARTWRIGHT, Doug (Vice-Chair)
5	CONNOLLY, Rachel
6	DENNISON, Edward
7	HAIGH, Roma (Chair)
8	HESELTINE, Robert (County Councillor)
9	JEFFELS, David (County Councillor)
10	MOUNTY, Barrie
11	RAPER, Sue
12	SHERWOOD, Paul
13	SMITH, Richard
14	Vacancy
15	Vacancy
16	Vacancy
17	Vacancy



Visitor Parking
at County Hall



Northallerton National
Rail Station



Bus Stops

County Hall

Northallerton
North Yorkshire
DL7 8AD

Tel : 0845 8 72 73 74



North
Yorkshire County Council



Pathways to Health - Case Study

Client:	North Yorkshire County Council
Project:	Discoveries on your Doorstep
Date:	3 rd November 2017

Overview:

Magpie had been commissioned to deliver an intervention to target the general public in Scarborough and Selby to encourage more people to engage with walking in the local area. There are three core aims: 1) to positively change people's perceptions of walking, 2) to get more people out walking in the local area, and 3) to increase engagement with the Pathways to Health walking scheme that has been developed in both areas.

At the heart of this project is a vision for enabling 'stronger communities' by empowering our target audiences to get behind their local health messages, make campaigns their own and take ownership of them – helping us to promote Pathways to Health through a peer-to-peer approach facilitated by an external communications agency with experience of delivering projects this way.

The project has been in partnership with 6 communities, split between Scarborough and Selby, identified because of a need for positive health interventions and proximity to the walking trails. These are:

Scarborough:

- Barrowcliff / Northstead
- Castle
- Eastfield
- Falsgrave / Mere

Selby

- Selby (town) North – Flaxley Road estate
- Selby (town) South – Abbots Road estate

Insight findings:

In order to create a campaign that will communicate effectively with the communities, ensuring messages are relevant and allowing communities to take ownership of them, we started with an initial stage of insight and our 'community creative sessions'. These allowed us to get to know each community better, understanding current attitudes and motivations, and will inform our creative brief going forward.

On carrying out our insight we found that the most prevalent barriers that prevented people from walking were;



We identified that most people were quite put off by the reference to 'exercise' and health, but were keen to get involved in activities that involved walking or exercising as a by-product:



Based on our findings, the Discoveries on your Doorstep trails were launched.

Campaign activity

The Scarborough and Selby Trails are a collection of walks with things to see and activities to do along the way and they are there for everyone in Scarborough and Selby, whatever the age, ability or interests.

The themed trails, based at locations around Selby and Scarborough, are designed to encourage people to get outside and experience the history, nature and culture that Scarborough has to offer.

The free, downloadable trails mean people can discover everything from the home of the artistic Sitwells to the Easter Island statues that sit on Jonno's Field to some of the tallest trees in Britain.

The website also includes children's explorer packs, with fun, free and fascinating things to see and do, plus advice on setting up your own walking group and the information on the benefits of getting out and about. Details of Scarborough and Selby Trails events can also be found on the Trail Facebook pages.

In recent weeks, the Trails have been launched with a green makeover of rows of houses in Victoria Street (Scarborough), which with the help of residents were filled with green balloons, banners, posters and doormats. The Trails team also visited Scarborough's Seafest and spoke to everyone from avid walkers to intrepid young explorers.

In the next week the project will be launched on a school level with an exciting launch event in partnership with Selby Community Primary School, where children will get to walk the green 'red carpet' and discover more about the exciting activities on offer on the trails.

As well as the themed trails, residents are encouraged, with the support of the project, to organise their own walks and spread the word about what else the area has to offer.

To help us do this we are identifying community hubs that can help spread the word of the campaign in each area;





Local resident and nature enthusiast Martin Dove has arranged a series of free butterfly walks at Rowan Fields in Crossgates. The first took place on 4 August when he was joined by a group of nature lovers, and some gorgeous August sunshine. Armed with their identification guides, they spotted nine species of butterfly. The walks continued weekly throughout August.

Quotes:

County Councillor Don Mackenzie, Executive Member for Public Rights of Way, said:

“This initiative helps us to make the most of the area’s public rights of way to showcase its natural assets, combining beautiful scenery and architecture with places of historical and cultural interest. It’s an invitation to local people to discover more about the treasures on their doorstep.”

County Councillor Caroline Dickinson, Executive Member for Public Health, added:

“We want to encourage local people to enjoy more exercise by using existing trails around the town and discovering hidden gems by using the downloadable trail maps.

“Many adults are inactive for more than seven hours a day, which increases to ten hours a day for people aged 65 and over. This can increase the risk of developing many illnesses. The Scarborough Trails are a simple way to enjoy walking and having fun while benefiting your health and wellbeing at the same time.”

COULD YOU BE A HERO OF THE OUTDOORS?

Collect discovery points along these pathways when you are the first to see:



A canal lock
5
points



A level crossing
5
points



A stained glass window
10
points



A weeping willow
3
points



A wooden stile
10
points



A swan
2
points



Check in to the **SelbyTrails** to share your score



Visit www.northyorks.gov.uk/SelbyTrails to download trail maps with fun, free and fascinating things to do along the way.



Visit our page to learn how you can earn discovery points and hear about even more family friendly activities to do outdoors.
#SelbyTrails

Route colour	Distance	Estimated time	Surface type	Barriers	Caplins
Yellow	1.2 Miles	20 to 45 minutes	Tarmac/Asphalt surface	None	None
Purple	3.2 Miles	1 to 1.5 hours	Tarmac/Asphalt surface	None	None
Green	5.2 Miles	1 to 2 hours	Part hard surface path or unsealed	None	None
Gold	5.6 Miles	2 to 3 hours	Part hard surface path or unsealed	None	None
Blue	6.8 Miles	2 to 3 hours	Part hard surface path or unsealed	None	None
Red	7.0 Miles	2 to 3 hours	Part hard surface path or unsealed	None	None
Black	6.1 Miles	1 to 2 hours	Part hard surface path or unsealed	None	None

The gold walk is a straight route, so you'll need to turn back at the end and back to the start to do a loop. There are also gold waypoints every half mile to help you measure the distance you have done.

Always follow the countryside code. Do not drink alcohol, and follow the signs. There are dog control zones, public toilets and animals and take your litter home. Please do not litter. Please do not drink alcohol. Please do not drink alcohol.

16 08 2017

Pathways to Health

Pathways to Health

THE SELBY TRAILS

DISCOVERIES ON YOUR DOORSTEP

What are the Selby Trails?

The Selby Trails are a collection of walks around Selby with things to see and activities to do along the way. Give our trails a go, they are a great way to get outdoors and experience Selby alone or with your friends, family and neighbours.



You are here at the start of our trails.

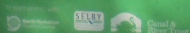
DISCOVERIES ON YOUR DOORSTEP

After the walk visit the places on the map to see what you can discover.

WALK YOUR WAY HAPPY

Walking is a great way to travel, it's healthy and being outdoors on your own or in a group is good for your mental health and general wellbeing. It's also a great way to get outdoors.

FEEL GOOD FACT!



Check it out!

Find out more about the things you can see and do in Selby. Visit our website for more information on the things you can see and do in Selby.

Visit our website for more information on the things you can see and do in Selby.

Route colour	Distance	Estimated time	Surface type	Features	Comments
Yellow	1.2 miles	25-30 mins	Asphalt	None	None
Purple	1.5 miles	30-35 mins	Asphalt	None	None
Green	2.0 miles	40-45 mins	Asphalt	None	None
Blue	2.5 miles	50-55 mins	Asphalt	None	None
Red	3.0 miles	60-65 mins	Asphalt	None	None
Orange	3.5 miles	70-75 mins	Asphalt	None	None
Brown	4.0 miles	80-85 mins	Asphalt	None	None
Pink	4.5 miles	90-95 mins	Asphalt	None	None
Grey	5.0 miles	100-105 mins	Asphalt	None	None
White	5.5 miles	110-115 mins	Asphalt	None	None

Always follow the appropriate road rules. The city of Selby is a pedestrian friendly city and we encourage you to walk safely and responsibly.

16 08 2017



Happy Valentines day

14.02.17

Miss a li
Underline
Miss a line
Start

Golden Time

AM PM

We and shake

Wa and shake

Trip out

Handwriting

Play time

Story

Lunch time

Science

Collecting

Reading

Story

Games PE skill we are learning: dribbling

Gymnastics PE skills we are learning: spinning, turning and somersault

ChildLine

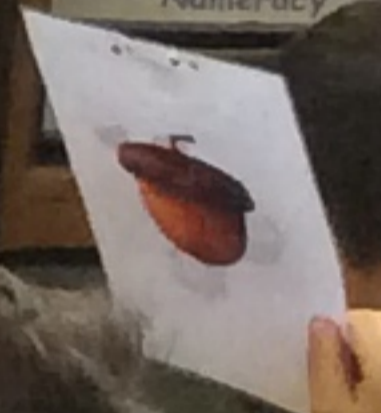
Miss Henderson

Miss Henderson

RE

Literacy

Numeracy



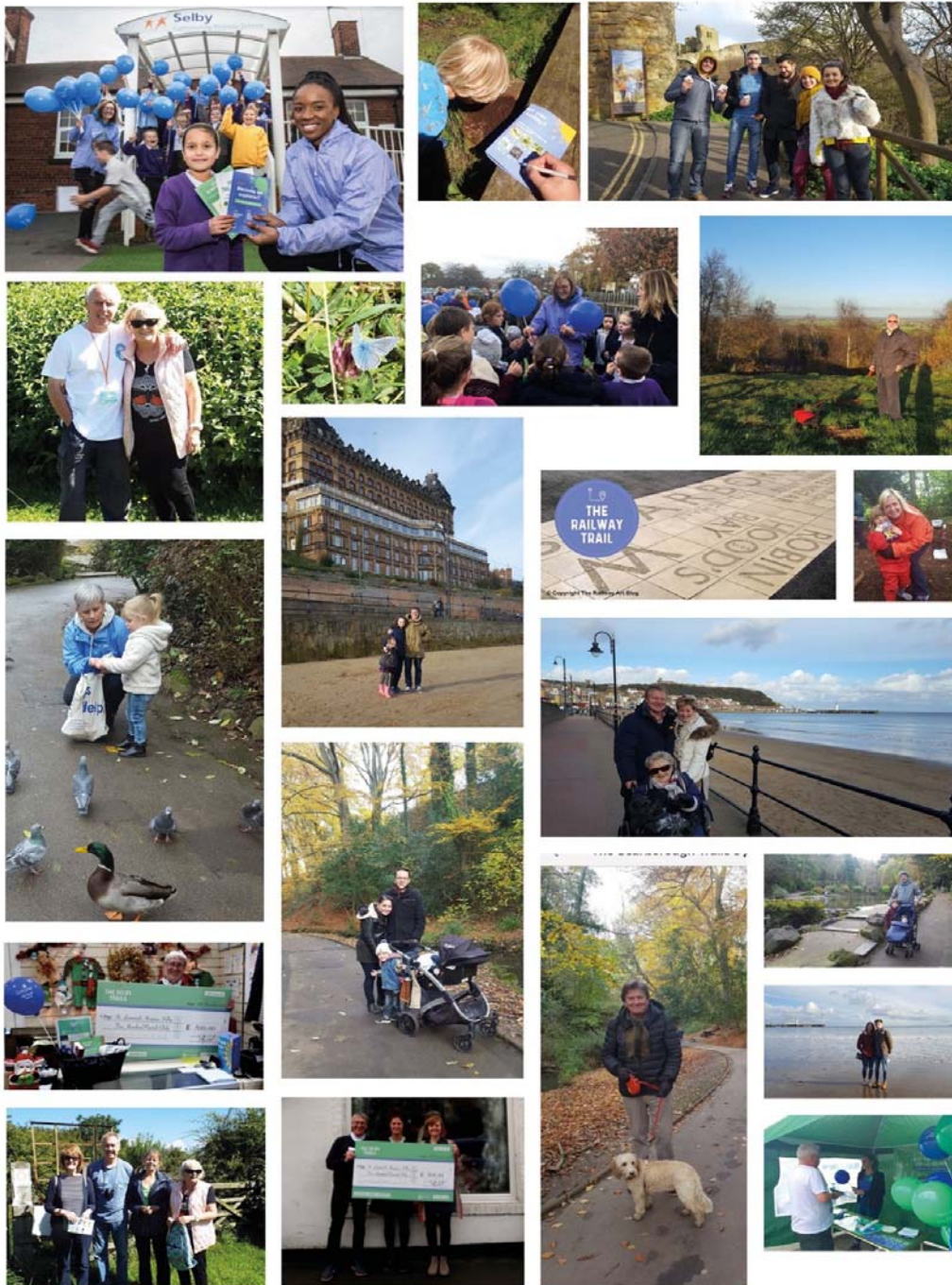
St Mary's Catholic Primary School

St Mary's Catholic Primary School

DISCOVERIES ON YOUR DOORSTEP

North Yorkshire County Council 'Discoveries on your Doorstep'

ADEPT Presidents Awards 2018 – Category 3



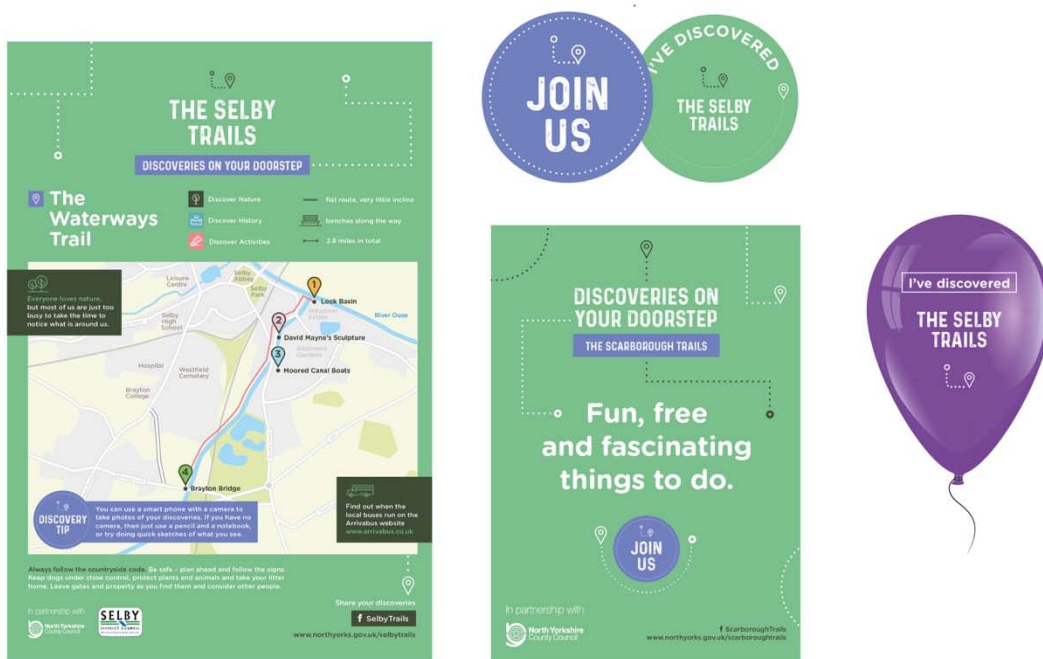
- The extent to which the council’s work was an innovative response to a significant concern

Obesity is widespread in North Yorkshire with over 60% of adults, over 21% of four to five year olds and over 30% of ten to eleven year olds being overweight or obese. The resulting health problems associated with obesity, including type 2 diabetes, heart disease and cancer, are estimated to cost the NHS £9.7 billion by 2050, with wider costs to society estimated to reach £49.9 billion per year.

The ‘Discoveries on Your Doorstep’ trails were created by Countryside Access Services (CAS), in partnership with Public Health and Stronger Communities, to address inactivity, obesity, and poor mental health in two areas of deprivation (Scarborough and Selby). An important driver for this project was innovatively using Public rights of way (PRoWs) as community health assets.

The Scarborough and Selby Trails encourage people of all ages and abilities to get outside and experience their local history, nature and culture. Residents are empowered to organise their own walks and spread the word about what the area has to offer.

The bespoke website and Facebook pages include children’s explorer packs, advice and information on setting up your own walking group and the benefits of getting out and about.





Facebook Engagement

22:06 63%
 The Selby Trails
 HOME ABOUT PHOTOS VIDEOS COI
 Like Comment Share
 The Selby Trails
 2 March at 16:49
 Great picture of Selby Horseshoe courtesy of John Warburton!

 11 shares
 Like Comment Share
 64
 8

22:09 80%
 minsterfm.com

 St Leonard's Hospice
 The Selby Trails's post
 Like Comment Share

The Scarborough Trails
 19 January
 Remember you can download all our trail maps, kids explorer packs and Wellness Week resources straight from this page, or from the North Yorkshire County Council website. So if you're planning a walk this weekend, we have everything you need!

 11 shares
 Like Comment Share
 64

The Selby Trails
 5 December
 Our trail of the week is the Abbey Trail! Take a trip to one of Selby's most notable buildings and see if you can spot Selby's other fascinating historical features.
<http://bit.ly/2xyC80>

 2 shares
 Like Comment Share
 53

The Scarborough Trails
 19 January
 Next week is Wellness Week! Get active with your colleagues, family and friends to improve your health and wellbeing and send us a picture of your activities!

 18 shares
 Like Comment Share
 109
 Rachel Louise Leadley
 Laura Farrell
 Like Reply

The Selby Trails
 19 January
 Our trail maps are all available to download from this page or from: www.northyorks.gov.uk/selby-trails - discover your doorstep so it couldn't be easier to get out and discover the nature around you!

 8 shares
 Like Comment Share
 33
 Sanya Train
 Jon Tisdale
 Lucy Sheridan
 Michelle Sheridan
 Swift William
 Sarah
 Katy Arnold
 Jade Lmb
 Baz McDowell
 Emmahow
 Susan Underwood
 Susan Underwood
 Ck for walks - am not a fan of trail running
 Baz McDowell
 Emmahow
 Susan ah yeah! forgot x
 Write a reply...
 Ivan Dean
 Julie Down
 Alison Copsey
 This looks good Kath Powell
 Like Reply
 The Selby Trails
 The Scarborough Trails
 Comments Done
 1
 Judith Mason
 Fran Rutherford have you seen these? They look good x
 Like Reply
 Write a comment...

The Scarborough Trails
 19 January
 Our trail maps are all available to download from this page or from: www.northyorks.gov.uk/selby-trails - discover your doorstep so it couldn't be easier to get out and discover the nature around you!

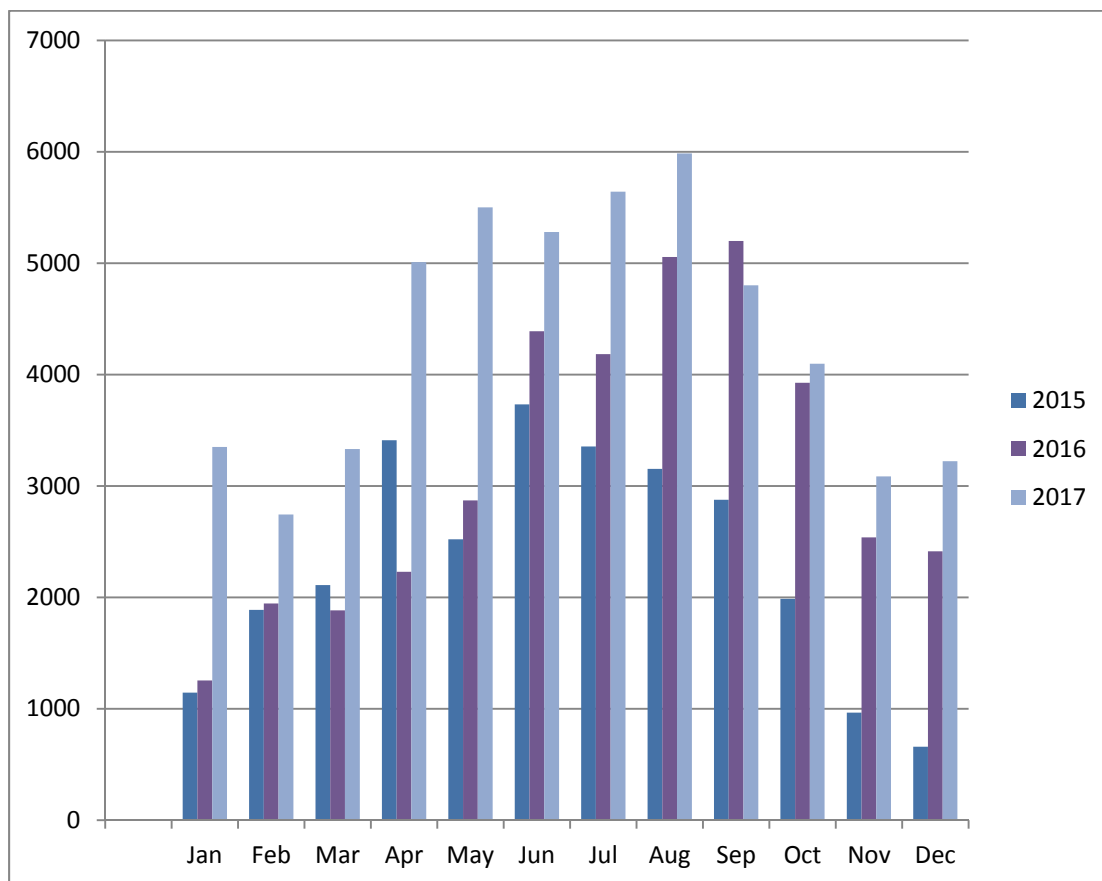
 13 shares
 Like Comment Share
 65
 Niki Moore
 Michael Moore
 Margaret Temm
 Kenneth Pearson
 Lynn Graham
 Simon Graham
 Cindy Peron
 Andy Pottin
 Tracy Adams
 Kelly Chamberlain
 Simon Oxtley
 Tracy Oxtley
 Tracy Oxtley
 What are you downloading them so we can start going on nice Sunday walks?
 Write a reply...
 Karen Swift
 Glenda Owen
 Mal Piskur
 Burton Riggs is very muddy at the moment, almost impossible to walk without slipping.
 David Michael Jefferson
 Wendy not sure if this will be of interest if you're coming up in Feb
 Wendy Leasley
 Thank you David, I've just had a quick look and will get on the laptop to read it properly
 Sylvia Avery
 Oh - our favourite walk near town (Dun. Walk 6). So peaceful - you just think that you are in a wood away from such a busy place like Scarborough - and then at the end of it. You cross the road - to the blue crush for a cup of tea and the sea view. What more can you ask for - I bet it's the same for you Lanette Langford x
 Lanette Langford
 There are some wonderful places to walk around here x
 Sylvia Avery
 That's what we need with the dogs. We also have the mums. It's a big lake and it takes about an hour to walk round them x
 The Scarborough Trails
 This is great to hear Sylvia and Lanette! Next time you're on a walk, we'd love it if you'd share your pictures with us! Happy walking! :)
 Like Reply

- **The quality of the outcomes obtained from the project, for instance in improved or more efficient services**

Improving PRoW infrastructure and promoting the trails to communities resulted in:

- provision of physical activity across all ages of the population and quality access to open spaces;
- provision of supported social action, community engagement (98 community groups) and walking activities (17 trails) with the aim of improving mental health; (over 700 questionnaires completed to date);
- community cohesion (10 community champions) and active engagement through a social media campaign (1,154 'likes' on Facebook, 3,368 unique website visits);
- increased awareness and easier access to knowledge about the surrounding areas.

Since project launch in summer 2016, 'people counters' on the Selby Canal show a significant improvement in the number of walkers.



- **Links between environmental sustainability and other policy areas, particularly public health**

Key strategic priorities have been identified in North Yorkshire and this project links to several plans, including the Plan for Economic Growth, Health and Wellbeing Strategy and the Healthy Weight, Healthy Lives Strategy.

- Evidence of buy-in to the project or its goals from members of the local community or external organisations.

Our vision was to enable ‘stronger communities’ through a peer-to-peer approach. The ‘insight’ stage gave us an understanding of :-

the barriers to walking;



the motivators for walking:-



- Based on our findings, ‘Discoveries on your Doorstep’ was launched.

Local influencers and community groups acted as community champions, giving time or promotional space to the campaign :-

Weaponness Valley Community Group

initial co-creation, promotion of trails, creation of their own trail

Andrew Clay, Woodend

introduced us to six cultural landmarks, creating and promoting the Sitwell Trail

Martin Dove, local nature enthusiast

delivered 'butterfly walks', which were featured on local radio.

Town Team

initial co-creation, introductions to networks/businesses, Halloween Trail development with local businesses, promotion of the trails on Scarborough's Future Facebook page

Welcome to Yorkshire

initial co-creation, gifting of promotional space at Seafest, promotion of the trails through discoveryorkshirecoast.com

Community Activity



A strong brand identity is recognised by 44% of the public in Selby and 30% in Scarborough.

<https://www.facebook.com/ScarboroughTrails>,

<https://www.facebook.com/SelbyTrails>

Finding the Records - Basic Importance

This list gives the "historical" records that could be useful when researching "lost routes". They are arranged roughly in order of importance - if evidence is found within the first ones, then that evidence will usually carry more weight in the claim.

10 stars

1. Inclosure Records - for routes set out in the Award
2. Stopping Up and Extinguishment Orders - where the path is set out as a replacement highway.
3. Quarter Session Records - if the order relates to the path in question.

5 stars

1. Turnpike Records - for former turnpike routes.
2. Inclosure Records - for other routes.
3. Tithe Records.
4. River and Drainage Authority Records.
5. Railway and Canal Records.
6. Main Road Orders.
7. Quarter Session Records - for other routes referred to in the order
8. Ordnance Survey Boundary Records - up to this level of importance
9. Inland Revenue Valuation (Finance Act 1910) - for white roads and for deductions on a route that can be defined.
10. Handover Maps
11. Stopping Up and Extinguishment Orders - (a) where the path is shown but is not the subject of the order; (b) where the path is shown in retention of cables, mains and pipes order.

4 stars

1. Highway Board Records and Maps.
2. Ordnance Survey Object Names Books - up to this level of importance

3 stars

1. Turnpike Records - for routes linking to former turnpike routes.
2. Ordnance Survey First Edition Maps, Area Books - where area books provide land use information.
3. Inland Revenue Valuation (Finance Act 1910) - for routes where a deduction for footpath or bridleway was allowed but the route is not certain from IR documentation
4. Sales Documents and County Farm Valuation

2 stars

1. Turnpike Records - where maps are not very detailed.
2. Early County and Area Maps
3. Parish, Estate and Manorial Maps
4. Ordnance Survey Published Maps - if a suitable comparison or argument can be drawn
5. Ministry of Agriculture and Fisheries Farm Survey Records

1 star

1. Ordnance Survey Published Maps - if simply shown as a physical feature
2. Ordnance Survey First Edition Maps, Area Books - otherwise.

Restoring The Record - Some Useful Resources

On Line Mapping Services

Bradford

<https://maps.bradford.gov.uk/LocalViewext/Sites/CROWPublic/#>

http://www.bradford.gov.uk/bmdc/the_environment/countryside_and_rights_of_way/mapofpaths.htm

Calderdale

http://map.calderdale.gov.uk/connect/?mapcfg=Transport_Network

Kirklees

<http://map.kirklees.gov.uk/publicrightsofway/>

Leeds

<https://cms.esriuk.com/leedscs/Sites/LCCPROW/#>

North Yorkshire

<http://www.northyorks.gov.uk/article/29023/Rights-of-way---maps>

http://maps.northyorks.gov.uk/connect/?mapcfg=Out_and_About

Wakefield

<http://www.wakefield.gov.uk/residents/roads-and-transport/rights-of-way/rights-of-way-map>

Other Useful websites

<http://maps.nls.uk>

<http://labs.nationalarchives.gov.uk/maps/valuation.html>

<http://data.gov.uk/dataset/land-registry-inspire-service-metadata>

<https://www.gov.uk/search-property-information-land-registry>

<http://www.restoringtherecord.org.uk/>

<http://highwayhunter.uk>

<http://www.cassinimaps.co.uk/>

<http://www.tracksintime.wyjs.org.uk>

<http://cassinimaps.co.uk>

<http://www.magic.gov.uk/>

Some Historical Information

West Yorkshire Tithe Map Project

<http://www.tracksintime.wyjs.org.uk/tracks-in-time-bradford.htm>

This is really helpful and easy to use.

Ordnance Survey Old Maps

<https://www.old-maps.co.uk/#/>

These maps have a restricted viewing level which makes the 6 inch maps difficult to examine in detail. But you can get a reasonable idea on topography from the larger scale maps.

Restoring The Record - Some Useful Resources

British History Online

<http://www.british-history.ac.uk/os-1-to-10560/yorkshire/201>

1850s 6 inch series are better as you can zoom in further. But fewer maps.

Other Local Information

Commons Registers

<http://www.commonsreregistration.org.uk/resources.html>

Has list of commons applied for and the decision letters - reasons for rejecting claims and ownership etc.

Site info compiled by Steve Byrne.

stbyr@hotmail.com

Name given to me by another Restoring the Record person who says he has been helpful in the past.

Genuki, Yorkshire Maps

http://freepages.genealogy.rootsweb.ancestry.com/~genmaps/genfiles/COU_Pages/ENG_pages/yks.htm

A selection of old maps - often not what you're looking for, but occasionally something interesting.

London Gazette

<https://www.thegazette.co.uk/all-notice>

Recently LG have changed the search tool. It is now a bit clunky but if you know the approximate date still good.

Link to additions and deletions of paths WRCC definitive Map Area 3 29th July 1958, page 9210 - 9213

<https://www.thegazette.co.uk/London/issue/41460/page/4737>

Link to additions and deletions of paths WRCC definitive Map Area 3, 1st October 1965, page 4737 - 4749

<https://www.thegazette.co.uk/London/issue/43779/supplement/9210>

Nineteen Century Newspapers

<http://infotrac.galegroup.com/galenet/brad?cause=http%3A%2F%2Ffind.galegroup.com%2Fbncn%2Fstart.do%3FprodId%3DBNCN%26userGroupName%3Dbrad%26finalAuth%3Dtrue&cont=&sev=temp&type=session&sserv=no>

You can access this for free with a Bradford Library card number. All sorts of interesting things - Early Inclosure notices advertising roads and ways to be set out, Local Board highways reported & court cases etc.

Gale Newspapers, Nineteen Century Newspapers

<http://www.britishnewspaperarchive.co.uk/?gclid={SI:gclid}&gclid=CIWsq8q55MYCFS7KtAodmTENRQ&dclid=COv6vMq55MYCFdEQGwod65QLEA>

Same facility as above but they expect you to pay for it.

Google Books advanced search UK

https://books.google.co.uk/advanced_book_search?hl=en

Books that give early topographical accounts and general info, local land owners etc. Always use this to get a feel for an area you don't know.

Restoring The Record - Some Useful Resources

Another Useful Book Yorkshire Enclosure Awards - Barbara English

Links to Archives

The National Archives

<http://discovery.nationalarchives.gov.uk/results/r?q=Wilsden>

Sometimes records not kept in Yorkshire so helpful to check this as well as local archives.

West Yorkshire Archives

<http://www.wyjs.org.uk/archives-online-catalogue.asp>

Yorkshire Archaeological Society

<http://www.yas.org.uk/content/archives/archivesusing.html>

Has collections lodged by private estates - deeds and maps you will not find elsewhere.
At present in the process of moving their collection to Leeds University Library, so not accessible till later this year.

Some National Organisations



The National Archives Valuation Map Finder - provides TNA document reference numbers and the OS County Series map numbers



National Library of Scotland 25inch 1st edition OS map scans (partial coverage)



HM Land Registry INSPIRE datasets - use to identify if old roads are unregistered, and otherwise to locate landowners



HM Land Registry - use to purchase Land Registers and (sometimes) Plans



Use to get a map suitable for use in a modification order application



MAGIC site - use to identify common land, access land, and village greens

Two final Tips :-

Look in or at :-

- The library local to the "lost route"]
 - Old postcards and photographs of the area.]
 - Local newspaper articles of that area.]
- Any one (or more) of these three may point you in a useful direction*

	Description	Leeds	Bradford	North Yorkshire
10	Inclosure	Enquiry Needed (NB Book)	Enquiry Needed (NB Book)	Enquiry needed - originals Wakefield (NB Book)
10	Stopping Up	Borough Records at Morley Others at Wakefield	Council Records/Quarter Sessions	Those before 1974 held at Wakefield: After 1974 at NY Archives
10	Quarter Sessions	Borough Records at Morley Others at Wakefield	Bradford 1903-1971 Others Wakefield	Quarter sessions for West Riding at Wakefield
5	Turnpike	Little survives - enquire	Little survives - enquire	Little survives (mainly Old North Riding): Enquire
5	Inclosure	Enquiry needed (NB Book)	Enquiry needed (NB Book)	Enquiry needed (NB Book)
5	Tithe Records	Try "Tracks in Time" first	Tithe maps Bradford and Leeds Records Bradford	Some held at NY Archive: On line catalogue should identify these
5	River + Drainage	Wakefield	Drainage Bradford: Waterways Wakefield	On line catalogue for summaries
5	Railway and Canals	Wakefield	Bradford Canal Company Records Bradford Railways Bradford then Wakefield	On line catalogue for railway and canal records
5	Main Road Orders	Council and Morley	Council and Wakefield + Highway Boards	After 1974 NYCC records: Before 74 may be Wakefield
5	Quarter Session	As above	As above	As above
5	OS Boundary Records	OS archive + Leeds Library	OS Archive + Bradford Local Studies	OS archive
5	Inland Revenue Valuation	Wakefield	Wakefield	1910 Finance Act valuation books NY Archive
5	Handover Maps	As QS - try Morley	Bradford then Wakefield	NY Archive for North Riding only
5	Stopping Up	As QS	As QS	As above
4	Highway Board	Morley	Bradford	If held relate to Old North Riding
4	OS Object Name Books	OS	OS	OS
3	Turnpike	See above	As Above	As Above
3	OS first edition maps	OS and Leeds library	OS Archive + Bradford Local Studies	OS Archive
3	Inland Revenue Valuation	Wakefield	Wakefield	V books NY Archive; no supplementary records or maps
3	Sales and Valuations	Morley then Wakefield for Land agent records	Bradford then Wakefield for Deed and Land Registers	Some records for individual properties NY Archive: WR register of deeds Wakefield
2	Turnpike	As above	As Above	As Above
2	Early County/Area maps	Morley	Bradford for list of maps kept	Few early maps held; See on line catalogue
2	Parish/State/Manoral maps	Morley	Bradford for list of maps kept	NY Archive; Details in guide number 3
2	OS published maps	Leeds Library	Bradford Local Studies	NY Archive including 1850s 6 inch to mile maps
2	Agriculture and Fisheries	National Archives	National Archives	National Archives
1	OS Published maps	Leeds Library	Bradford Local Studies	NY Archive
1	OS first edition maps	Leeds Library	Bradford Local Studies	NY Archive but no OS area books held.
	Further Comments		Bradford Township Maps (at Bradford) may be earlier than Inclosure and Tithe maps	Important for parishes that used to be in West Riding until 1974 but now in North Yorkshire
	On Line	www.wyjs.org.uk/archives-leeds	www.wyjs.org.uk/archives-bradford	www.northyorks.gov.uk/archives
	Telephone	Tel: +44 (0)113 393 9788	Telephone: +44 (0)113 393 9785	Telephone: 01609 777585
	Email	Email: leeds@wyjs.org.uk	Email: bradford@wyjs.org.uk	Email: archives@northyorks.gov.uk
		Wakefield Archives		
		Tel: 01924 305980		
		Email wakefield@wyjs.org.uk		

North Yorkshire Local Access Forum

25 July 2018

**Consultation on the proposed scope and application of Natural England's SSSI
byelaw-making powers**

Report of the Secretary

1.0 Purpose of the Report

- 1.1 To advise members of the current consultation by Natural England and to invite the Forum to consider its response to the consultation.

2.0 Background

- 2.1 Natural England is currently consulting on the proposed scope and application of its byelaw-making powers in relation to the protection of Sites of Special Scientific Interest (SSSIs). The consultation can be viewed here:

<https://consult.defra.gov.uk/natural-england/byelaws-for-sssis/>

3.0 Responding to the consultation

- 3.1 The deadline for responses to the consultation is 5.00pm on Wednesday 22 August 2018.
- 3.2 It is suggested that the Secretary produces a draft response based on any comments made at the meeting, and circulates it for agreement by email prior to submission to Natural England to meet the deadline.

4.0 Local Access Forums and Sites of Special Scientific Interest

- 4.1 In light of the consultation by Natural England, and to alert Forum members to the issue of SSSIs, Mike Bartholomew has also produced the attached report for discussion, focussing on Blubberhouses Moor.

5.0 Recommendations

- 5.1 That the Local Access Forum considers the content of any response it wishes to submit to the England Coast Path consultation.
- 5.2 That the Local Access Forum considers the attached paper LAFs and Sites of Special Scientific Interest.

BARRY KHAN
Assistant Chief Executive (Legal and Democratic Services)
County Hall
NORTHALLERTON

Report author: Kate Arscott, Secretary to North Yorkshire Local Access Forum

Background Documents: None



A consultation on the proposed scope and application of Natural England's SSSI byelaw-making powers

Issued: June 2018

1. Introduction

- 1.1 [Natural England](#) is the government's adviser for the natural environment in England, helping to protect England's nature and landscapes for people to enjoy and for the services they provide. It is an executive non-departmental public body sponsored by the Department for Environment, Food & Rural Affairs ('Defra').
- 1.2 This consultation paper concerns Natural England's proposed approach to considering the use of its existing byelaw-making powers provided by Section 28R of the 1981 Wildlife and Countryside Act (as amended by the Countryside and Rights of Way Act 2000).
- 1.3 These byelaw-making powers are to be used specifically for the protection of Sites of Special Scientific Interest ('SSSIs') in England. Sites of Special Scientific Interest (SSSIs) are notified by Natural England as part of its statutory functions and are specially protected by law in order to conserve their wildlife or geology.
- 1.4 The ongoing protection and conservation of SSSIs, as core areas of ecological networks and resilient landscapes and seas, is central to furthering the ambitions set out in Government's [25 Year Environment Plan](#), [England's Biodiversity Strategy](#) ('biodiversity 2020') and Natural England's [Conservation Strategy](#).

2. What's the purpose of this consultation?

- 2.1 Natural England is inviting views on its proposed approach to considering the use of its SSSI byelaw-making powers.
- 2.2 As part of its ongoing work to deliver better and proportionate regulation to benefit the natural environment and to further support our collaborative approach of working with stakeholders to secure better environmental outcomes, Natural England is seeking to improve its capability to exercise its

existing SSSI byelaw-making powers, where this might be considered an appropriate and necessary action.

- 2.3 Enabling the consideration of SSSI byelaws as a conservation measure will maximize the flexibility Natural England has to protect the special wildlife of these special and important places, working in partnership with their owners, occupiers and managers.
- 2.4 In discharging its duty to take reasonable steps, consistent with the proper exercise of its functions, to further the conservation and enhancement of SSSIs¹, Natural England considers that SSSI byelaws can, in certain circumstances, be a valuable and more proportionate tool which can be used flexibly to help to protect the special wildlife and geological features of SSSIs from inadvertent damage or deterioration.
- 2.5 Natural England believes that SSSI byelaws have the potential to support and back up the positive voluntary work of many landowners, site managers and local partnerships to protect and conserve SSSIs. They can help to promote the sustainable use and enjoyment of ecologically sensitive SSSIs by the general public.
- 2.6 Government's [SSSI Code of Guidance](#) (2003) first advocated the use of SSSI byelaws as a legitimate tool for site protection. This guidance also committed to a prior external consultation with stakeholders over a model set of SSSI byelaws.
- 2.7 To help us develop an approach to making use of SSSI byelaws where appropriate, Natural England is inviting views on three aspects of its proposed approach to exercising its byelaw-making powers, specifically,
 - A set of proposed Operational Principles which would guide Natural England's approach to considering when and how it may recommend to the Secretary of State that a SSSI byelaw is made
 - A set of Model SSSI byelaws which would provide a standard format and content for any individual SSSI byelaws
 - A call for views as to how, should a SSSI byelaw be made, Natural England can help people become aware of it and comply with it in order to ensure the byelaw is effective and helps to protect the SSSI.
- 2.8 Please read this document in conjunction with these three accompanying documents.
- 2.9 You can find out how and when to comment in section 9 below.

3. Background to SSSI Byelaws

- 3.1 Byelaws are locally-made laws established to tackle local issues. They are commonplace in our towns and cities, the seaside and other public open spaces and are widely applied by the local authorities and the wide range of public

¹ Section 28G of the 1981 Wildlife and Countryside Act (as amended)

bodies empowered to make them. They are primarily made to deter, and where necessary to regulate, undesirable public behaviour.

- 3.2 Natural England has a long-standing statutory power to make byelaws for the protection of its nature reserves. This discretionary power is given in section 20 of the 1949 National Parks and Access to the Countryside Act ('the 1949 Act'). In 2000, the 1981 Wildlife and Countryside Act was amended by the Countryside and Rights of Way Act. One of the amendments was the introduction of section 28R, which extended these existing byelaw-making powers for the protection of SSSIs in England.
- 3.3 At that time, Defra considered these new powers to make SSSI byelaws to be an important and valuable tool which Natural England can use flexibly to address problems arising from damaging activities. Defra recommended that a set of Model SSSI Byelaws for use in these circumstances should first be developed and subject to wide consultation.
- 3.4 The Secretary of State expects Natural England to seek the views of those with an interest in the land before making any SSSI byelaws.
- 3.5 Where owners and occupiers of the land affected by a SSSI byelaw express strong opposition, the Secretary of State expects Natural England to examine their concerns sensitively, and to proceed only where there are no other practicable solutions that would protect the special interest of that site.
- 3.6 The Secretary of State also has the power to hold an inquiry, if appropriate, to hear any objections to a SSSI byelaw.

What can SSSI byelaws be used for?

- 3.7 Section 28R of the 1981 Wildlife and Countryside Act (as amended) provides that Natural England may make byelaws for the protection of a site of special scientific interest. It applies subsections (2) and (3) of section 20, and sections 106 and 107, of the 1949 Act (reading references there to 'nature reserves' as references to 'sites of special scientific interest'). This means that a SSSI byelaw;
 - a. may provide for prohibiting or restricting the entry into, or movement within SSSIs of persons, vehicles, boats and animals;
 - b. may prohibit or restrict the killing, taking, molesting or disturbance of living creatures of any description in a SSSI, the taking, destruction or disturbance of eggs of any such creature, the taking of, or interference with, vegetation of any description in a SSSI, or the doing of anything therein which will interfere with the soil or damage any object in the SSSI;
 - c. may prohibit or restrict the shooting of birds of any description within such area surrounding or adjoining a SSSI (whether the area be of land or of sea) as appears to Natural England requisite for the protection of the [SSSI];

- d. may contain provisions prohibiting the depositing of rubbish and the leaving of litter in a SSSI;
- e. may prohibit or restrict, or provide for prohibiting or restricting, the lighting of fires in a SSSI, or the doing of anything likely to cause a fire in a SSSI;
- f. may provide for the issue, on such terms and subject to such conditions as may be specified in the byelaws, of permits authorising entry into a SSSI or the doing of anything therein which would otherwise be unlawful, whether under the byelaws or otherwise;
- g. may be made so as to relate either to the whole or to any part of the SSSI or, in the case of byelaws made under paragraph (c) of this subsection, of any such surrounding or adjoining area as is mentioned in that paragraph, and may make different provisions for different parts thereof.

What can SSSI byelaws not be used for?

- 3.8 Byelaws should not be used to interfere with the exercise by any person of a right vested by virtue of ownership, lease or occupation of the land. Nor should they interfere with the use of public rights of way or with the activities of statutory undertakers.
- 3.9 To minimise any regulatory burden and avoid unnecessary regulatory duplication, Natural England also proposes that SSSI byelaws will not apply to those already in possession of a consent, assent, permission or licence given by Natural England or given by another statutory authority following prior consultation with Natural England.

How many SSSI byelaws has Natural England already made?

- 3.10 There are no SSSI byelaws currently in force. There are currently no live proposals to recommend to the Secretary of State that a SSSI byelaw is made. Any future proposals will be advertised on GOV.UK.
- 3.12 A number of National Nature Reserve Byelaws previously made by Natural England or its predecessor bodies are currently in force.

4. An overview of the proposed SSSI byelaw-making process

- 4.1 A case for any SSSI byelaw would be generated by a Natural England local Area Team in response to issues that may be undermining the protection of specific SSSIs. The team would be required to identify the persistent or continuing activity that is undermining or hindering the achievement of the site's conservation objectives and provide evidence that some or all of the special nature conservation features were or could be adversely affected by that activity.

- 4.2 In addition, the team would need to demonstrate that other informal or formal measures to address the issue have either been exhausted or are not feasible, and show that a thorough informal consultation with local stakeholders has been undertaken, with comments and concerns taken on board. The team will also have considered, and planned for, the prospect of enforcing the byelaw should it be approved.
- 4.3 At various stages of this process, this case would be subject to internal review and require the support of the Area Team Manager and the appropriate Chief Operating Officer. A draft proposal would also be submitted to Defra for their provisional approval.
- 4.4 Should Defra's provisional approval be given, Natural England's Board would be asked to further consider the proposal and make a formal recommendation to the Secretary of State for the Environment, Food & Rural Affairs that a SSSI byelaw is made. The decision to approve the making of a SSSI byelaw then rests with the Secretary of State.
- 4.5 Should a proposal to make a SSSI byelaw be approved by the Secretary of State, Natural England would make that byelaw by following the formal statutory procedures laid out in sections 235-238 of the 1972 Local Government Act and which is applicable to all byelaw-making bodies. These procedures include advertising the proposed byelaws, placing them on deposit and inviting representations from interested parties.
- 4.6 Following the statutory consultation period, the Secretary of State must formally confirm any SSSI byelaw that is made.
- 4.7 Once confirmed, SSSI byelaws may be amended by Natural England, though not without further ministerial approval. Where a SSSI byelaw is no longer considered necessary, it would be revoked.

5. Why does NE want to improve its ability to use byelaws to protect SSSIs?

- 5.1 Natural England considers that SSSI byelaws can, in certain circumstances, be a valuable and proportionate tool which can be used flexibly to help protect the special wildlife and geological features of SSSIs from inadvertent damage or deterioration.
- 5.2 Byelaws are a formal measure that are most suited to regulate ongoing activities and modify public behaviour in situations where a SSSI is being significantly affected by activities which are being carried out repeatedly or by a large number of people.
- 5.3 On some SSSIs, activities persistently undertaken by the general public are currently a reason for their unfavourable condition or pose a threat to their currently favourable state (see Natural England's IPENS Public Access and Disturbance [Theme Plan](#)). Such activities can include the use of off-road vehicles, lighting of fires, collection of fossils or geological specimens, the

undertaking of recreational activities, foraging for wild plants and the digging for bait. These activities typically take place without the permission of the SSSI land owner.

- 5.4 The Theme Plan advocated that the use of SSSI byelaws could, in certain circumstances, help to facilitate more sustainable public use and enjoyment of sensitive Protected Sites at levels which are more compatible with their special nature conservation qualities.
- 5.5 Natural England believes that SSSI byelaws can potentially help to deter damaging activity occurring in the first place, reducing the risk of further regulatory action being required after damage has been done. They can be a catalyst for local engagement with local managers and local communities, resolving issues of shared concern on protected sites and increasing the confidence of SSSI managers to implement the necessary conservation management of their sites.
- 5.6 Whilst it wishes to improve its capability to consider its byelaw-making powers, Natural England expects that the making of SSSI byelaws will be limited.

How would Natural England enforce SSSI byelaws?

- 5.8 Helping people to comply with a SSSI byelaw would be the primary aim. This would be carried out by Natural England working in conjunction with local landowners, partners, stakeholders and the Police depending on local circumstances.
- 5.9 We would encourage compliance in a variety of different ways suited to local circumstances. We anticipate this might initially include the on-site provision of informal advice, guidance and signage that can draw attention to the presence of the byelaws, the reasons for it and what can or cannot be done. These may be the only actions required. In some circumstances, the provision of more formal advice in the form of letters, written cautions or, as a last resort, prosecutions (civil sanctions are not currently available) may be necessary, additional steps.
- 5.10 The byelaw regime of section 28R of the 1981 Act allows for Natural England to issue permits that can authorise the holder to carry out activities that would otherwise be in breach of a byelaw. Where it is considered practical and appropriate, Natural England will consider the use of byelaw permits that can help with compliance and allow some activities to continue but at a more sustainable level.
- 5.11 Natural England is considering additional practical measures that can help people comply with any SSSI byelaws made in future to ensure the special features of England's SSSIs are protected.

6. The Consultation

Natural England is inviting views on the following;

The proposed Operational Principles

These ten guiding principles aim to inform the consideration of when and how NE would recommend to the Secretary of State that a SSSI byelaw is necessary. These principles would be published on GOV.UK.

These proposed principles aim to take into account Natural England's general purpose set out in the Natural Environment and Rural Communities Act 2006, and follow Natural England's published [Compliance and Enforcement Position](#). The development of these proposed principles have been informed by the approaches published by other byelaw-making public bodies to ensure there is consistency of approach.

Question 1.

Do you agree with these proposed Operational Principles in Annex 1? If not, please tell us how these could be improved, and why.

The proposed Model SSSI Byelaws

The proposed SSSI byelaws are based on, and adapted from, Defra's Model Byelaws for Local Nature Reserves (which remain unaffected by this consultation and would continue to be used by local authorities for this purpose).

It is envisaged that this list of model SSSI byelaws would provide a basic framework for any SSSI byelaws that may be proposed by Natural England in future. They are designed to cover a full and wide range of activities that might foreseeably take place on SSSI land so as to cater for the full range of situations that might arise.

Specific byelaws would be selected from this list of Model byelaws to target the specific activities and issue(s) affecting the site for which a SSSI byelaw might be required.

Question 2.

Do you agree with the scope of the Model SSSI Byelaws in Annex 2? If not, please tell us how these could be improved, and why.

Encouraging compliance with a SSSI byelaw

In the event of a SSSI byelaw coming into force in future, Natural England, working in conjunction with a site's stakeholders, will seek to promote compliance with it.

As a minimum, Natural England will publish details about the byelaw on GOV.UK, publish spatial information about the land subject to a SSSI byelaw on MAGIC and place signage on the site subject to the byelaw (in agreement with land owners,

occupiers and managers and using our powers to erect notices and signs on SSSI land provided by section 28S of the 1981 Wildlife and Countryside Act).

Natural England will also place a formal notice in a local newspaper and any other relevant local community publications or newsletters. All land owners, occupiers and managers would be informed directly by letter, as will the relevant Parish Councils and other local community groups known to us.

In addition to these traditional methods, Natural England is however keen to consider new or innovative approaches to making sure site users are aware of and can comply with a SSSI byelaw.

As part of this consultation, we are therefore inviting the submission of ideas and advice that can help to shape our future approach to helping people comply with any SSSI byelaws that may be made in the future.

Question 3.

What additional practical measures do you think Natural England could develop or consider that could help people comply with any byelaws designed to ensure the special features of England's SSSIs are protected?

7. Cost of measures (significant additional costs or burden)

- 7.1 The future exercising of Natural England's existing byelaw-making powers on SSSIs will incur no additional costs on business or public bodies. No impact-assessments would be considered necessary.

8. Equalities

- 8.1 As a public body, Natural England shares the public sector equality duty under the Equality Act 2010 which came into force across Great Britain on 5 April 2011. While developing these proposals we have had regard to the public sector equality duty. When publishing information about any SSSI byelaws which may be made in future, we will place notices in local newspapers and local community publications to help inform sectors of the local public without computer access.

9. How and when to respond

- 9.1 Please send your consultation response by email to Natural England at byelaws@naturalengland.org.uk (or by post to Natural England, Suite D, Unex House, Bourges Boulevard, Peterborough PE1 1NG FAO Mina Patel) no later than **Wednesday 22 August 2018**.

10. Using and sharing your consultation response(s)

- 10.1 In line with Natural England's [Access to Information Statement](#), at the end of the consultation period, copies of the responses and/or the information contained in them may be subject to publication or release to the public on request and/or on our website. 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. If we receive a request for release of the information under the Freedom of Information Act 2000 or the Environmental Information Regulations 2004 we will take full account of your explanation, but 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.
- 10.2 Responses received by that date will be analysed and taken into account by Natural England in finalising their proposals. The final proposals will be published on <https://www.gov.uk/government/organisations/natural-england>. We will also summarise all responses and place this summary on our website. This summary will include a list of names of organisations that responded but not the names, addresses or other contact details of individual respondents.

Thank you for reading this consultation and for taking the time to help us with this work.

OPERATIONAL PRINCIPLES - DRAFT FOR CONSULTATION

Key principles that Natural England will follow when considering the use of its byelaw-making powers for SSSIs¹

1. We will recommend the use of SSSI byelaws to help protect SSSIs where it is necessary to achieve a SSSI's Conservation Objectives and to help deliver our [Conservation Strategy](#).
2. Our approach to using SSSI byelaws will closely follow the principles set out in our [Regulation Standard](#) and our [Compliance and Enforcement Position](#). We will use SSSI byelaws in a proportionate and targeted way that is consistent with good regulatory practice
3. We will only propose a SSSI byelaw where activities which are, or may be, damaging to a SSSI are likely or known to be persistent and continuing in nature and are being carried out either repeatedly or by a large number of people.
4. We will only propose a SSSI byelaw when other measures have either failed or are likely to fail and there are no other practical or appropriate regulatory measures. We will first support voluntary and informal action by land managers, local communities and other stakeholders to protect and conserve their SSSIs before we will consider the use of byelaws.
5. Before proposing to make a SSSI byelaw, we will always carry out an early and thorough consultation with relevant landowners, land occupiers, local communities and other stakeholders.
6. We will listen to and take account of any local needs and concerns relating to a SSSI byelaw proposal in an open and sensitive manner and will seek the support of local stakeholders before recommending a SSSI byelaw is made.
7. We will not duplicate any existing byelaws and will work closely with other local byelaw-making bodies before using our own powers.
8. We will always be mindful of Natural England's general purpose and full range of statutory duties when using SSSI byelaws to ensure we achieve an appropriate balance between the legitimate use and enjoyment of sites for access and recreation and their protection as SSSIs.
9. We will not use SSSI byelaws to interfere with the exercise by any person of a right vested by virtue of ownership, lease or occupation of the land, the lawful use of public rights or way and open access land, or with the activities of statutory undertakers.
10. We will always publish any SSSI byelaws that are made and keep them under regular review.

¹ These principles, and the accompanying model SSSI byelaws, will also apply should Natural England wish to exercise the byelaw-making powers given to it by [regulation 32 of the Conservation of Habitats and Species Regulations 2017](#) in relation to terrestrial European Sites

DRAFT MODEL SSSI BYELAWS FOR CONSULTATION

Note: footnotes and brackets [] and { } are drafting aides and should be removed from the final version.



Byelaws for the Protection of [name] Site of Special Scientific Interest

WHEREAS Natural England in exercise of the powers conferred upon it by section 28R of the Wildlife and Countryside Act 1981, sections 20 and 106 of the National Parks and Access to the Countryside Act and section 236 of the Local Government Act 1972 hereby make the following byelaws for the protection of the Site of Special Scientific Interest known as [name] in the Parish[es] or community Parish[es] of [name] in the County of [name].

1. In these byelaws

1.1. "The Site" shall mean the pieces or parcels of land containing [] hectares or thereabouts and notified to the Secretary of State as being of special scientific interest pursuant to section 28 (1) of the Wildlife and Countryside Act 1981 on [date] and confirmed on [date]

and the Site is for the purposes of identification shown as nearly as may be on the map annexed to these byelaws and edged in red. *[Further text will be needed if the byelaws apply to part-only of the site or to adjoining areas]*

1.2. "Firearm" shall have the same meaning as in section 57 of the Firearms Act 1968.

1.3. "Animal" shall mean any mammal, bird, reptile, amphibian, fish or invertebrate.

1.4. "Plant" shall mean any tree, shrub, grass, fern, herb, moss, liverwort, hornwort, lichen, fungus or algae, or part thereof

1.5. "Dog" shall exclude police dogs, registered guide or assistance dogs and any dog that is working on the land with the consent of the person in control of the land

1.6. "Features of special scientific interest" shall mean the flora, fauna, or geological or physiographical features by reason of which the site is of special scientific interest

[Delete 1.2 – 1.6 above if not applicable to selected byelaws]

2. Within the Site the following acts are hereby **prohibited** except insofar as they;

(a) may be authorised by a permit issued by Natural England in accordance with Byelaw 4,

(b) may be authorised by effect of Byelaw 5, or,

(c) are necessary to the proper execution of his duty by an officer of Natural England or by any

person, or servant of any person, employed or authorised by Natural England.

[Select the appropriate byelaw(s) from Models 2.1 – 2.47 below to address the underlying problem/threats to the site(s) – delete all those not applicable]

Restriction of Access

- 2.1. Entering at any time those parts of the Site hatched [*colour*] on the attached map; or where notice to keep out has been posted by order of Natural England.
- 2.2. Entering any part of the Site during the period beginning on the [] day of [] and ending on the [] day of [] in any year.¹

Damage to or disturbance of things in the Site

- 2.3. Spreading or using any net, or setting or using any lamp or other instrument, or any snare, rod, hook or lure, for the capture, taking, injury or destruction of any living Animal or feature of special scientific interest [**specify features**]
- 2.4. Taking, molesting or intentionally disturbing, injuring or killing any living Animal or feature of special scientific interest [**specify features**].
- 2.5. Taking or intentionally disturbing or destroying the eggs, larvae, pupae or other immature stages, or the place used for shelter, reproduction or protection of any living Animal or feature of special scientific interest [**specify features**]
- 2.6. Intentionally removing or displacing any Plant, turf, water or mineral including peat, shingle, hard rock, sand and gravel, topsoil, subsoil, chalk, lime, limestone pavement, geological specimens or fossils, shells and spoil (**specify where possible**)
- 2.7. Climbing or ascending any tree or climbing or placing a ladder or steps against any tree.
- 2.8. Digging for, or taking of, lugworm, ragworm or any other form of fishing bait [from within those parts of the Site hatched in [*colour*] on the attached map].

Bringing animals into the Site

- 2.9. Intentionally bringing, or permitting to be brought, into the Site any living Animal, or the egg of any living Animal, or any Plant, or any seed or other part of any Plant, in such circumstances that it is likely that such Animal or Plant will reproduce or propagate itself, or such egg will hatch, or such seed will germinate.
- 2.10. Bringing into, or permitting to remain within, the Site any Dog.²
- 2.11. Permitting any Dog to disturb or worry any Animal.³

¹NOTE TO STAFF It is also possible to insert a byelaw allowing access only at certain times of day or states of the tide.

² NOTE TO STAFF If a Dog Control Order (now Public Space Protection Order) has not been made, this byelaw may be selected. Byelaws may also exclude dogs from the site, or part of it.

- 2.12. Allowing any Dog under your control to leave the width of any public right of ways within the Site⁴.
- 2.13. Failing to remove from the Site faeces deposited by any Dog under your control.⁵
- 2.14. Failing to keep a Dog either on a short lead (of no more than 2 metres in length) or under close control⁶, or failing to put and then keep any Dog either on a short lead (of no more than 2 metres in length) or under close control when directed to do so by either a notice exhibited by order of Natural England or a person duly authorized by Natural England
- 2.15. Entering the Site with any horse or pony, or riding any horse or pony within the Site
- 2.16. Bringing into, or permitting to remain within, the Site any animal (other than a dog) unless that animal is kept under proper control and is prevented from worrying or disturbing any other animal.
- 2.17. Turning out any animal to feed or graze, and providing any animal with any supplementary feed.

Areas of water

- 2.18. Committing any act which pollutes or is likely to cause pollution of any water.
- 2.19. Bathing, paddling or wading in any water.
- 2.20. Angling.
- 2.21. Water skiing, power-boating, jet-skiing or use of any motorized water-based craft.
- 2.22. Sailing model boats.
- 2.23. Propelling (by any means whatever) any boat or other water-based craft on an area or stretch of water other than a public waterway.
- 2.24. Mooring or leaving or launching any boat, including those with a residential use, or other water-based craft (elsewhere than on a launching or mooring site), and the upgrading, maintenance or repair of such boats or craft whilst within a mooring.
- 2.25. Obstructing any flow of any drain or watercourse, artificial or natural.

³ NOTE TO STAFF If a Dog Control Order [now Public Space Protection Order] has been made by a local authority this should be the only dog-related byelaw necessary.

⁴ NOTE TO STAFF Byelaws may not require dogs to be on leads whilst on public rights of way, but may restrict dogs to those rights of way.

⁵ NOTE TO STAFF If a Dog Control Order [now Public Space Protection Order] has not been made, this byelaw may be selected.

⁶ 'Close control' means that the dog(s) is kept close at heel and is able to quickly respond to commands

Use of vehicles

- 2.26. Driving, riding, propelling or leaving any mechanically propelled vehicle or any other motorized, land-based craft (including hovercraft) elsewhere than on a highway or on a road.
- 2.27. Landing any aircraft (except in case of emergency).
- 2.28. Launching, operating or landing (except in case of emergency) any hang glider, micro-light aircraft, hot-air balloon, paraglider, model aircraft, sky lantern, unmanned aerial vehicle ('drone') or similar airborne contrivance at a height or location that may disturb the features of special scientific interest [**specify features**] .
- 2.29. Launching or operating any sail or wind-powered land-based craft (including kite-buggies, kite-surfboards, land yachts or similar)

Use of certain equipment

- 2.30. Using any camera in circumstances that may disturb the features of special scientific interest [**specify features**] or the places used for shelter, reproduction or protection by the features of special scientific interest [**specify features**]
- 2.31. Using any apparatus for the transmission, reception, reproduction, or amplification of any sound, speech or images by electrical or mechanical means, except apparatus designed and used as an aid to defective hearing and apparatus used in a vehicle so as not to produce sound audible by a person outside the vehicle.
- 2.32. Using any device designed or adapted for detecting or locating any metal or mineral in the Site.

Use of Firearms, etc.

- 2.33. Being in possession of a firearm (with ammunition suitable for use in that firearm) otherwise than on a public paved road, or discharging a firearm or lighting a firework.
- 2.34. Projecting any missile manually or by artificial means.

General Prohibitions

- 2.35. Erecting, occupying or using any tent, shed, caravan or other structure for the purpose of camping elsewhere than in an area indicated by a notice as being available for camping.
- 2.36. Flying any kite.
- 2.37. Erecting any post, rail, fence, pole, booth, stand, building or other structure.
- 2.38. Neglecting to shut any gate or to fasten it if any means of doing so are provided.
- 2.39. Posting or placing any notice or advertisement.

- 2.40. Selling or offering or exposing for sale, or letting for hire or offering or exposing for letting for hire, any commodity or article, or selling or offering for sale any service.
- 2.41. Engaging in any event or activity which is causing or likely to cause damage or disturbance to the features of special scientific interest [**specify**].
- 2.42. Holding any show, event, performance, public meeting, exhibition or sports or the playing of any organized games.
- 2.43. Cycling, roller or ice skating, skiing, tobogganing, or skate boarding.
- 2.44. Lighting any fire, stove, barbecue, heater or other appliance capable of causing a fire, elsewhere than in an area indicated by a notice as being available for camping.
- 2.45. Letting fall or throwing any lighted match or lighted substance in a manner likely to cause a fire.
- 2.46. Intentionally or recklessly removing or displacing any notice board, notice exhibited by order of Natural England, apparatus, wall, boundary bank, fence, barrier, railing, post or hide.
- 2.47. Intentionally leaving items in a place other than a receptacle for the deposit of litter or refuse.

3. Interference with duly authorized officer

Intentionally obstructing any officer of Natural England or any person, or the servant of a person, employed or authorised by Natural England in the execution of any works including research or scientific work connected with the laying out, maintenance or management of the Site.

4. Permits

Natural England may issue permits authorising any person to do any act or class of acts within the Site or any part thereof which would otherwise be unlawful under these byelaws.

Any such permit shall be issued subject to the following conditions:

- (i) that it must be carried whenever a visit is made to the Site, and produced for inspection when required by a person duly authorised by Natural England in that behalf; and
- (ii) that it may be revoked by Natural England at any time.

To request a permit from Natural England contact [**insert details**].

5. Effect of Byelaws

These byelaws shall not operate so as to interfere with the exercise –

- a. By a person of –

- i. a right vested in him/her as owner, lessee or occupier of land in the Site,
 - ii. any easement or profit à prendre to which he is entitled,
 - iii. any public right of way.
- b. Of any functions of a local authority, statutory undertaker or drainage authority.
- c. By a constable or a member of the armed forces or of any fire brigade or ambulance service of the performance of his duty.
- d. By a person of –
 - i. a written consent given by Natural England in accordance with section 28E(3)(a) of the Wildlife and Countryside Act 1981 (as amended)
 - ii. a written agreement made with Natural England in accordance with section 16 of the National Parks and Access to the Countryside Act 1949, section 15 of the Countryside Act 1968 or section 7 of the Natural Environment and Rural Communities Act 2006
 - iii. a management scheme or a management notice served by Natural England in accordance with section 28J and section 28K of the Wildlife and Countryside Act 1981 Act (as amended)
 - iv. a written assent given by Natural England in accordance with section 28H(3)(b) of the Wildlife and Countryside Act 1981 (as amended)
 - v. a written permission given by Natural England or another section 28G authority⁷ in accordance with section 28I of the Wildlife and Countryside Act 1981 (as amended)

6. Penalty

Any person who offends against any of these byelaws shall be liable on summary conviction to a fine on level 2 on the Standard Scale and in the case of a continuing offence to a further fine for each day during which the offence continues after the said conviction.

7. Annex(es)

Map(s) showing the areas of land covered by these byelaws.

⁷ As defined in [section 28G of the 1981 Wildlife and Countryside Act \(as amended\)](#).

Explanatory Note *(This note is not part of the Byelaw)*

Natural England has made this byelaw to protect **[name]** Site of Special Scientific Interest in accordance with its duty, under section 28G of the 1981 Wildlife and Countryside Act (as amended), to take reasonable steps, consistent with the proper exercise of its functions, to further the conservation and enhancement of the flora, fauna or geological or physiographical features by reason of which the site is of special scientific interest.

This Byelaw protects **[name of feature(s)]** by prohibiting the **[activities]** to take place on the SSSI [or specified areas within or adjoining the SSSI].

The specified areas of the SSSI are defined above.

The specified areas of the SSSI are identified on the maps below/attached.

If you have any queries with regard to these byelaws please contact **[insert Area Team contact details]**.

DRAFT

LAFs and Sites of Special Scientific Interest

1. LAFs' statutory purposes. LAFs were set up by the CROW Act of 2000. Their function is to advise their appointing authority (in our case, NYCC)

as to the improvement of public access to land [in the area for which it is established] for the purposes of open-air recreation and the enjoyment of the area. (Section 94 (4))

This function is qualified in section 94 (5) (b). There, it is stipulated that in carrying out their functions, LAFs shall have regard to

The desirability of conserving the natural beauty of the area for which it is established, including the flora, fauna and the geological and physiographical features of the area.

These twin obligations – to promote access and conserve natural beauty – may sometimes come into conflict. When they do, which obligation takes precedence? National Parks have similar statutory obligations, and it has been established in court, in the so-called 'Sandford Principle', that the obligation to conserve natural beauty outweighs the obligation to promote access. It is reasonable to suppose that Sandford principles should apply to LAFs when they make recommendations to their appointing bodies.

What, therefore, should LAFs do when the obligation to promote public access clashes with the obligation to conserve natural beauty? The clash is at its most acute when the particular area of concern is a Site of Special Scientific Interest (SSSI), a zone that, by reason of its flora and fauna, and other features, is accorded the highest level of statutory protection. Using the analogy of the Sandford Principle, it seems plain that LAFs should never make recommendations that compromise SSSIs.

2. The case of Blubberhouses Moor. This is a huge moor, (see the accompanying map) and large portions of it are SSSI. The moor also meets European standards for landscapes of the highest environmental importance.

2.1 The moor is designated under CROW as an Open Access Area, thus giving the public access on foot, save for statutorily-defined periods of closure – eg shooting, fire hazard. Has access by the public on foot damaged the SSSI, and thereby alerted us to one of our obligations? Evidence here is anecdotal, but conversations with the proprietor of large portions of the moor, with two gamekeepers who manage the moor, and with the head keeper of the nearby Bolton Abbey estate, have convinced me that access on foot causes no concerns. Indeed, the proprietor positively welcomes walkers who respect the moor.

2.2 Public rights of way on the moor.

2.2.1 Footpaths. There are half a dozen or so footpaths criss-crossing the moor. A few of them exist on the ground, but walkers tend to follow paths that do not correspond to the lines on the maps, but which have evolved over time. This is of no great practical importance, for the moor is an Open Access area.

2.2.2 Bridleways. There is only one bridleway on the moor. It runs from Kexgill Farm, on the A59, southwards across the moor, to just northwest of March Ghyll Reservoir. For much of the route, there is no evidence on the ground of the bridleway. For the northern section,

the line on the map goes through unmarked, knee deep heather. Whether this is negotiable on or horse or a bicycle is doubtful. In over 30 years of regular visits to the moor I have never seen cyclists or equestrians attempting to use the bridleway. In principle, and in the furtherance of our obligation to promote public access, we could consider recommending to NYCC that the bridleway should be cleared of heather, and then waymarked, opening it up to cyclists and horseriders, but before we made such a recommendation, we should consult Natural England, who administer SSIs, to see if such a project would meet their approval.

2.2.3 Unsealed, Unclassified Roads (UURs). There are about 25kms of UURs criss-crossing the moor. The nature of the public rights of way on these UURs is unknown, beyond their necessarily bearing rights on foot. To establish exactly who is entitled to use them, and where exactly they run, on the ground, a great deal of historical research would need to be undertaken by NYCC Highways. There is no prospect that NYCC will deploy resources for this laborious, time-consuming task. To take just one example, the UUR that runs southwards from the track that leads onto the moor from near Blubberhouses church: when this route is followed scrupulously by GPS, it runs across two intake sheep pastures, through 2 walls, and then a further wall to emerge on to the moor itself. There is absolutely no evidence on the ground of the existence of this route. The moor has a number of access tracks constructed by the proprietors of the moor. Here and there, these tracks correspond for short sections with the line on the map of the UURs, but these access routes were constructed for land management purposes, not to define the line of the UURs.

2.2.4 The impact of recreational motor vehicles on the SSI. Up until 2005, the moor was used extensively by motor cycles, and, less commonly, by 4x4s. Assuming that the users of these vehicles believed that they had the right to use the network of UURs, and assuming that the users intended to keep to the mapped line of the routes, in practice, because there is no physical evidence of the routes on the ground, vehicles wandered from the lines on the map and wrecked extensive areas of the peat moorland. The damage caused is well-documented. So severe was the damage that, in 2005, NYCC convened a working group, composed of representatives of all parties with an interest in the moor, to look at the whole question of the management of the UURs. Remarkably, (and perhaps unprecedentedly) the working group, which included representatives of the motoring organisations, LARA and the TRF, recommended that the moor should be closed to recreational motors, on the grounds that the routes were no more than lines on a map, that the rights to use these routes was unclear, that the moor was incapable of sustaining non-essential motoring, and that the fabric of the SSSI was being damaged. The representative of English Nature (now Natural England) said that some sections of the moor were so badly damaged that they would never recover. The consequence of the working group's recommendation was a permanent, zonal traffic regulation order (TRO) imposed by NYCC on the entire network of UURs. This TRO, which came into effect in October 2005, was widely respected. The moor slowly but steadily recovered. Following the practice of the Dales National Park Authority, the TRO came up for review after five years of its operation. In the National Park, TROs are reviewed by officers and then, if the TRO is considered to be doing what it was intended to do, they are renewed for a further 5 years. Unfortunately, NYCC did not follow this practice. Highways, it seems, lost interest in the project and let the zonal TRO lapse. (The officer who, with great skill and impartiality, chaired the working group had retired.) Following complaints, and the re-entry on to the moor by vehicle users, temporary TROs were hastily imposed. Temporary TROs may be imposed for only 18 months, with, exceptionally, renewal for a further 18 months. This means that the moor will soon revert to the condition it was in before 2005,

when the working group was convened. Motorbikes and 4x4s, whose damaging impact is beyond question, will re-appear – indeed, have already started to appear

3. Conclusions

3.1 As a general principle, the LAF should be more alert to its statutory obligation to protect the natural beauty of the area we cover. Whenever an issue of public access comes before us, we should deliberately and systematically consider whether questions of the protection of natural beauty arise.

3.2 When an access issue that confronts us is on a SSSI, we should, as a matter of routine, take advice from Natural England to make sure that any recommendation we are inclined to make, does not compromise the integrity of the SSI.

3.3 In the case of Blubberhouses Moor, we should recommend to NYCC that the findings and recommendations of the 2005 working group should be implemented. That is to say, a permanent, all-year-round, zonal TRO, covering all the UURs on the moor, should be re-imposed.

***Note.** Our primary obligation is to promote public access for the purpose of 'open air recreation'. Whether driving, or being driven in, a 4x4 constitutes 'open air recreation' is questionable. If it is, the drivers and passengers in traffic on the A1 are taking 'open air recreation'. As far as I know, this definition of LAFs' duties has never been tested in the courts.*

Michael Bartholomew, July 2018.

North Yorkshire Local Access Forum**25 July 2018****Forward Plan****Report of the Secretary****1.0 Purpose of the Report**

- 1.1 To invite members of the Local Access Forum to consider items of business for future meetings.

2.0 Background

- 2.1 The 'Guidance on Local Access Forums in England' published by the Department for Environment, Food and Rural Affairs (Defra) strongly recommends that forums prepare a forward work programme which sets out the forum's priorities and special areas of interest.

- 2.2 This can play an important role in helping the forum to:
- Ensure a focus on issues which are the most relevant for the area
 - Clarify the issues on which the County Council or other section 94(4) bodies would benefit from receiving advice
 - Timetable when specific matters are likely to be considered
 - Inform the public about the forum's work
 - Identify training needs
 - Review effectiveness and prepare an annual report.

3.0 Forward Plan

- 3.1 Future meeting dates are:

- 17 October 2018
- 16 January 2019
- 10 April 2019

- 3.2 The Forum will need to consider items of business for future meetings. The attached draft forward plan presents the business currently identified.

4.0 Recommendation

- 4.1 That the Local Access Forum agrees items of business for future meetings.

BARRY KHAN
Assistant Chief Executive (Legal and Democratic Services)
County Hall
NORTHALLERTON

Report author: Kate Arscott, Secretary to North Yorkshire Local Access Forum

Background Documents: None

NORTH YORKSHIRE LOCAL ACCESS FORUM

Forward Plan 2018/19

Date of Meeting	
Standing items	<ul style="list-style-type: none"> • Minutes • Matters Arising • Public Questions and Statements • Consultations • Secretary's Update Report • 2026 update • District Council and Project Updates • Forward Plan
17 October 2018	<ul style="list-style-type: none"> • Executive Member (to be invited every 12-18 months – last attended March 2017) • Review of Public Rights of Way prioritisation framework after a year of operation (agreed at March 2017 meeting) • Other aspects of Public Rights of Way Policy Review • Annual Report • Richmondshire Local Plan Issues/Preferred Approach consultation (provisional) • Selby Publication Draft Site Allocations Plan consultation (provisional) • Hambleton Publication Local Pan (provisional)
16 January 2019	<ul style="list-style-type: none"> • Definitive Map Team Update • Richmondshire Local Plan Publication Draft Plan - provisional •
10 April 2019	<ul style="list-style-type: none"> • •
Unscheduled	<ul style="list-style-type: none"> • Draft terms of reference • Health and Wellbeing Strategy (suggested at February 2016 meeting) • Rights of Way Improvement Plan • In-depth discussion on reinstatement (agreed November 2016) • Proposed joint working with Yorkshire Dales and North York Moors Local Access Forums