
NORTH YORKSHIRE LOCAL ACCESS FORUM

AGENDA

Meeting: Local Access Forum

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

Date: Tuesday 17 July 2019 at 10am

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 10 April 2019**

(Pages 5 to 10)

3. **Public Questions or Statements**

Members of the public may ask questions or make statements at this meeting if they have given notice to Melanie Carr of Democratic Services (*see contact details at bottom of page*) **by midday on Friday 12 July 2019**, 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.

4. **UUR & Verge Cutting on Local Access Routes – Report of NYCC Head of Network Strategy
(LATE REPORT – To Follow)**

Purpose: To provide an overview of the general policy approach to managing verges and grass cutting, and a response to specific enquiries relating to NYCC's obligation to cut Local Access Route verges to ensure non-motorised users' safety.

5. **Green Lanes – Discussion Papers – Report of the Secretary** **(Pages 11 to 24)**
Purpose: To provide a progress update following the transfer of management responsibility for UURs from Highways & Transportation (H&T) to the Countryside Access Service (CAS).

6. **Secretary’s Update Report – Report of the Secretary** **(Pages 25 to 32)**
Purpose: To update LAF members on developments since the last meeting.

7. **Forward Plan – Report of the Secretary** **(Pages 33 to 36)**
Purpose: To consider develop and adopt a work programme for future meetings.

8. **District Council & LAF Project Updates – Report of the Secretary** **Pages 37 to 39)**
Purpose: An opportunity for LAF members to update the Forum on District Council liaison and other LAF representative project activity since the last meeting.

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

Melanie Carr
Secretary to North Yorkshire Local Access Forum
County Hall
Northallerton
9 July 2019

NORTH YORKSHIRE LOCAL ACCESS FORUM

NOTES

(a) Interests

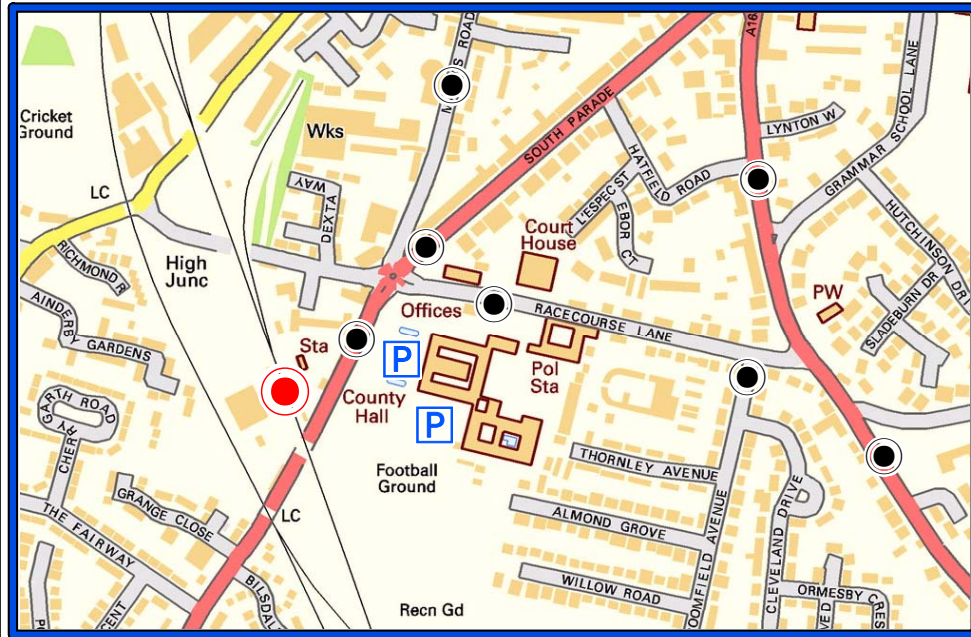
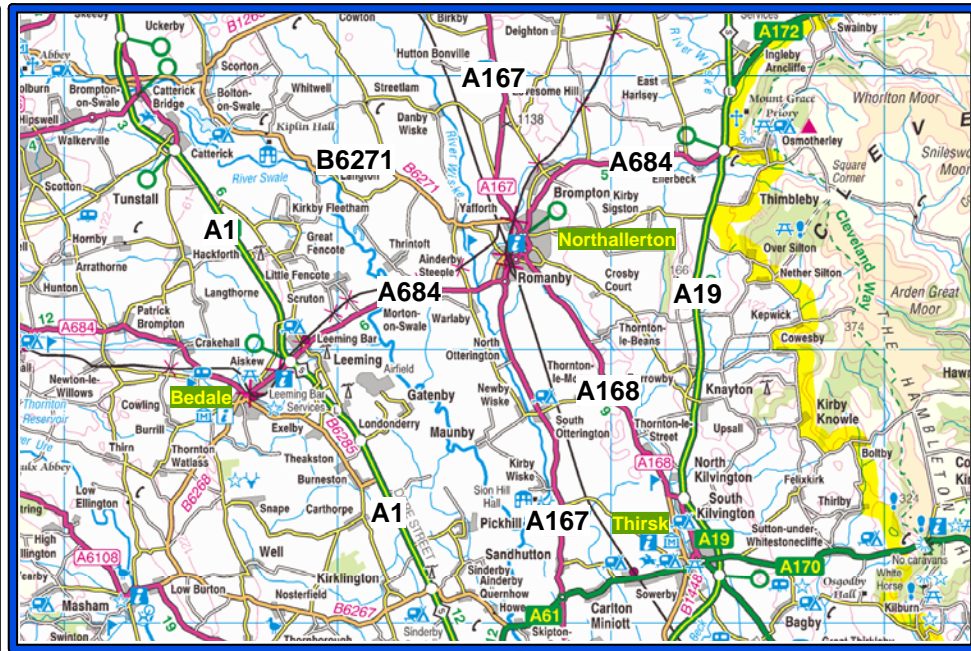
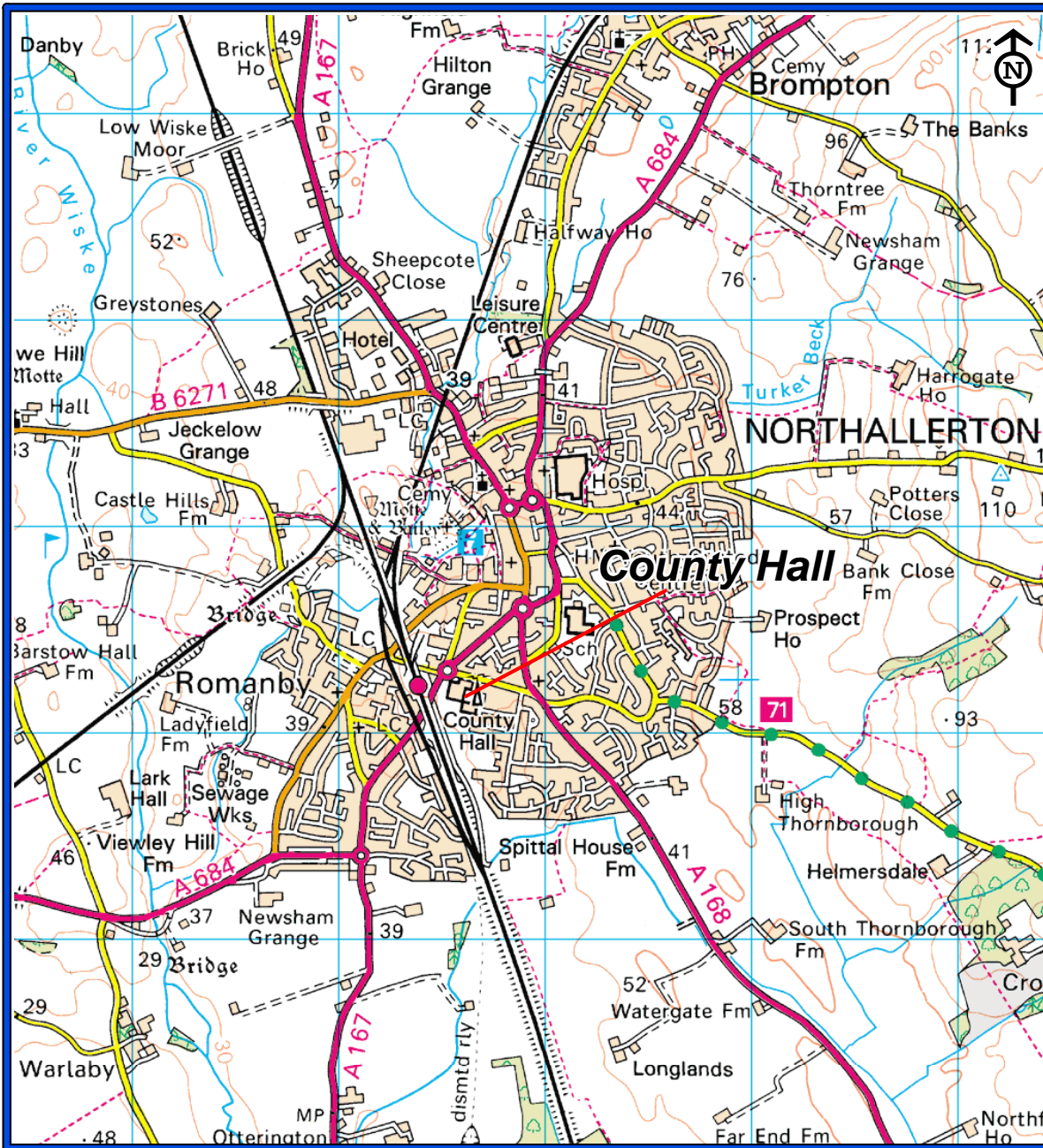
The Local Access Forums (England) Regulations 2007 state:-

- (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.

Membership

1	BARTHOLOMEW, Michael
2	CARTWRIGHT, Doug
3	CONNOLLY, Rachel
4	FELL, Geoff
5	HAIGH, Roma
6	HESELTINE, Robert (County Councillor)
7	JEFFELS, David (County Councillor)
8	MURRAY, Carol
9	SHEARD, Paul
10	SHERWOOD, Paul
11	SMITH, Richard
12	SOUTAR, Helen
13	TURNER, Judith



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North
Yorkshire County Council

North Yorkshire Local Access Forum

Minutes of the meeting held at County Hall, Northallerton on 10 April 2019, commencing at 10 am

Present

Paul Sherwood (Chair), Roma Haigh (Vice Chair), Michael Bartholomew, Doug Cartwright, Rachel Connolly, County Councillor David Jeffels, Barrie Mounty, Carol Murray, Paul Sheard and Judith Turner.

Apologies: County Councillor Robert Heseltine, Richard Smith & Helen Soutar

Officers: Ian Kelly - Countryside Access Manager (Business and Environmental Services, North Yorkshire County Council), Kerry Green – Waste & Countryside Service (BES NYCC), Ben Jackson – NYCC PROW Officer and Melanie Carr (Legal & Democratic Services - Secretary to the Local Access Forum)

271 Election of a Chair

Resolved - That Paul Sherwood be elected Chair of the North Yorkshire Local Access Forum until 25 March 2020.

Paul Sherwood took the Chair

272. Apologies for Absence

Apologies for absence were received from County Councillor Robert Heseltine, Richard Smith and Helen Soutar.

273. Election of a Vice-Chair & District Council Liaison Representatives

Resolved - That Roma Haigh be elected as Vice-Chair of the North Yorkshire Local Access Forum until 25 March 2020.

In addition, the following members indicated they would be willing to take on specific roles:

- County Councillor David Jeffels – Scarborough District Council
- Rachel Connolly - Richmondshire District Council
- Barrie Mounty - Selby District Council
- Michael Bartholomew - Craven District Council
- Roma Haigh - Ryedale District Council
- Paul Sherwood & Cllr David Jeffels – Regional Access Forum Representatives

274. Minutes of the meeting held on 5 March 2019

In regard to Minute 269, paragraph 5, it was agreed the final sentence should be amended to read 'He declined to discuss the matter further as he was in the process of replying to the BHS contact who was pursuing the matter on behalf of NMUs.'

Resolved -

That the Minutes of the meeting held on 5 March 2019 be agreed as a correct record and signed by the Chair, subject to the above change.

275. Public Questions or Statements

There were no public questions or statements.

276. North Yorkshire Local Access Forum Draft Terms of Reference

Considered –

The report of the Secretary presenting draft Terms of the Reference for the Forum.

The following minor amendments were identified and agreed:

- Paragraph 1.1 – In regard to the reference to Nidderdale Area of Outstanding Natural Beauty, the word ‘Upper’ to be removed.
- Paragraph 2.1, Footnote 1 – a comprehensive list of the specified bodies to be attached as an annex to the Terms of Reference
- Paragraph 5.4 – to be revised to read ‘Members will be appointed for a period **‘up to’** three years...’
- Paragraph 5.6 – The words ‘through consultation’ to be removed.
- Paragraph 5.6, second bullet point – to be revised to read ‘Owners and occupiers of land which **‘may have’** a public right of way’
- Paragraph 6.1 – The wording to be revised to read ‘The Chair and Vice Chair will be drawn **‘from’** NYLAF members.’
- Paragraph 7.7 – The words ‘With the exception of voting for Chair or Vice Chair’ to be removed.
- Paragraph 12.3 – An additional bullet point to be added to read ‘A formal response has to be provided before the next formal meeting.’
- Paragraph 12.4 – The reference to paragraph 4.5 to be amended to instead reference paragraph 5.6.

In regard to the Principles shown at page 1 of Annex A to the report, Members agreed the following changes:

- Bullet Point 1 – Amended to read ‘Any new access should be at the highest rights appropriate for non-motorised users.’
- The words ‘non-motorised’ to be removed from the summary paragraph shown in bold at the bottom of the page.

In regard to the ‘Advice to District Councils’ shown at page 2 of Annex A to the report, Members agreed to remove the word ‘paths’ from the last bullet point and replace it with ‘rights of way’.

Resolved -

That:

- i. The introductory report be noted
- ii. The draft Terms of Reference be agreed subject to the changes listed above.

277. Update on the Management of Unsurfaced Unclassified Roads (UURs)

Considered -

The report of the Countryside Access Manager providing a progress update following the transfer of management responsibility for UURs from Highways & Transportation to the Countryside Access Service.

Ben Jackson, NYCC PROW Officer presented the report and Forum Members noted the close working relationship with the Yorkshire Dales and North York Moors National Park and the work programme that had been delivered since July 2018.

Michael Bartholomew drew attention to the case studies provided, and questioned the engagement with Users Groups referred to in paragraph 4.1. He also gave examples of his unsuccessful attempts to arrange a meeting with CAS to discuss a number of issues, and the lack of response to a number of questions he had posed via email.

Members also discussed water damage to TRO routes and the potential damage caused by motorised vehicles, which led to further discussion about providing access for as many as possible, over restricting access to some.

Paul Sheard questioned the quantity of maintenance required, how the works were prioritised and the associated costs. In response it was confirmed that safety was the first priority - throughout the first year the work had been guided by the end of temporary closures and the re-opening of routes that were not fit for purpose. Improving connectivity and accessibility were also deciding factors i.e. how a route would fit into the existing network.

Ian Kelly re-confirmed the primary aim of the Service was to maintain access for all and that the work undertaken in the first year had been positively received by users, indicating that the move from Highways had been beneficial.

In regards to the costs involved, Ian Kelly confirmed there was 700km of UURs in North Yorkshire and capital funding for maintenance works was only available for existing routes. As there was scarce resources available it was therefore about balancing the costs against the benefits.

Members questioned whether those accessing a route for private purposes or agricultural purposes could be asked to contribute to the cost of maintenance and Ben Jackson confirmed it was a possible option.

Ian Kelly confirmed that CAS would welcome strategic advice from NYLAF on how the funding was spent in the future and how routes were to be prioritised.

Members thanked officers for the update on works completed during 2018-19. They also requested sight of the work programme for 2019-20 once developed, and a further update in a year's time.

Resolved - That:

- i. The update be noted.
- ii. The 2019-20 UUR Work Programme be circulated to NYLAF members in due course.
- iii. A further update be provided in a year's time - the Forum's work programme to be updated accordingly.

278. District Council & LAF Project Updates

Considered -

The report of the Secretary giving LAF members the opportunity to update the Forum on District Council liaison and other LAF representative project activity since the last meeting.

Members noted the verbal update on the possible blocking of PROWs at Summerstone Estate in Upper Nidderdale, provided by Richard Smith, which confirmed there was no PROW concerns as a result of the Forestry work undertaken.

Members noted the Minutes of the meeting of the Highways England Trans-Pennine A66 Route Non-Motorised User Group held on 13 March 2019, and Paul Sherwood and Paul Sheard agreed to attend the consultation events on 22 May and 21 June respectively, and report back to the Forum. Rachel Connolly highlighted a concern raised by horse riders regarding the A66 crossings (corrals) in the centre of the highway i.e. getting stuck in the centre of the A66 due to heavy, fast flowing traffic and not being able to get across both sides of the road. Rachel Connolly confirmed that she would be submitting a consultation response.

Rachel Connolly also informed Members of feedback she had received on her comments on a recent planning application in Stokesley, submitted on behalf of NYLAF. As the feedback had come direct from the applicants, it was agreed that no further response should be sent.

County Councillor David Jeffels provided a verbal update on his continuing work on the GOAT Scheme (Going Out & About), which confirmed recent meetings with Ian Kelly - NYCC's Countryside Access Manager, Adam Pritchard-Jenkins - NYCC's Head of Outdoor Education, and a number North Yorkshire organisations who aspire to encourage primary age children to take an interest in their communities from a point of view of their health, the environment, heritage, culture and civic life. He agreed to provide a formal report for a future meeting. Members discussed the funding of the GOAT scheme if it were to go ahead.

Ian Kelly reiterated it was not within the gift of NYLAF to proceed with the GOAT Scheme, it could only recommend that the Scheme be implemented. He also suggested that it was outside of NYLAF's remit of giving strategic advice to Section 94(4) Bodies, but confirmed that the previous work by NYLAF on the GOAT Scheme had successfully informed the County Council's Pathways to Health Programme.

Resolved -

That:

- i. The updates on the various projects be noted.
- ii. That County Councillor David Jeffels provide a final report on the GOAT Scheme for the next meeting of NYLAF on 17 July 2019

279. Secretary's Update Report

Considered -

The report of the Secretary which updated on developments since the last meeting.

Forum members noted the notifications received on discretionary restrictions since the last meeting.

Rachel Connolly questioned why the issue at Bedale Bypass had not been progressed and why the British Horse Society had not yet received any response to the letters they had submitted to the Countryside Access Service (CAS). Ian Kelly, NYCC's Countryside Access Manager he was not in a position to discuss the matter with NYLAF at this stage as the process for considering a creation order for a NMU route was underway and he could not assume the outcome. Once the outcome was known, CAS would consider what if any next steps were required.

In regard to the proposed LAF website, Roma Haigh confirmed she had ideas on what was required. The Secretary questioned the need for a separate website given the LAF content already present on NYCC's website. Paul Sherwood confirmed the LAF information on the Council website was adequate but hard to find, and the Secretary agreed to contact the web team about making it easier to navigate to.

Finally, Ian Kelly introduced Kerry Green who as a result of his secondment into another role at NYCC, would be back filling his post as Countryside Access Manager. It was confirmed that Kerry would be therefore attending future NYLAF meetings.

Resolved -

That:

- i. The update report be noted.
- ii. The Secretary contact NYCC web team regarding improving navigation to the LAF webpages.

280. Forward Plan

Considered -

The Secretary drew members' attention to the draft Forward Plan provided at Appendix 1 to the report, and invited members to identify any additional items of business to be added outside of those already identified earlier in the meeting.

In order to inform future work planning, the Secretary confirmed she had undertaken some research to consider the type of business being undertaken by other LAFs across the country, and made members aware that many of those LAFs had a number of position statements in place which they issued in response to associated issues in their areas or with formal consultation responses e.g.:

- Areas of Outstanding Beauty – Access & Restriction
- Planning Related Priorities for PROW & Access
- Disability Access
- Access to Water
- Mechanically Propelled Vehicles
- Surfacing of New, Permissive (non-statutory) Paths & Routes
- Volunteering
- Shared Paths

The Secretary suggested that in light of the previous request from Ian Kelly for strategic advice from NYLAF on how funding for UUR maintenance was spent in the future and how routes were prioritised, it would be an appropriate issue for NYLAF to introduce a position statement on.

Members discussed whether to introduce a set of Position Statements. In order to identify what position statements may be of benefit, Paul Sheard suggested it would be useful first to consider a number of County Council policies and strategies. For example:

- LTP & Delivery Plans e.g. sustainable travel
- TAMP e.g. maintenance of adopted footways, cycleways and UURs
- ROWIP e.g. condition of network, usage, priorities
- Walking and Cycling Strategies e.g. cycle network plans
- Transport Requirements for New Development e.g. connectivity to employment and schools

Members agreed it would be useful and agreed to consider the County Council's cycling strategy at their next meeting in July 2019.

Paul Sheard also suggested NYLAF should consider adding items to the 2019-20 Work Programme around the following:

- Promotion and Publicity to increase use of the ROW network
- Opportunities for additional funding
- Working with Volunteers

Resolved -

That:

- i. The Forward Plan for 2019 be updated in line with the decisions taken at the meeting.
- ii. An overview of the County Council's Cycling Strategy be added to the Forward Plan for the next meeting of NYLAF in July 2019

The meeting concluded at 13:01
MC

North Yorkshire Local Access Forum

17 July 2019

Green Lanes & UURs Discussion Paper

1.0 Purpose of the Report

- 1.1 To update members of the Local Access Forum on developments since the last meeting of NYLAF

2.0 Background

- 2.1 At the last NYLAF meeting, members discussed ways of informing future work planning. Members were made aware that a number of LAFs have agreed a series of position statements which they issue in response to associated issues in their areas or with formal consultation responses.
- 2.3 At the same meeting the Countryside Access Manager requested strategic advice from NYLAF on how funding for UUR maintenance should be spent in the future, and how routes should be prioritised. As a result it was suggested that it would be an appropriate issue for NYLAF to introduce a position statement on UURs, which once agreed could be issued in response to future consultations or in response to large scale planning applications.

3.0 Draft

- 3.1 Attached at Annexes A & B are two discussion papers on Green Lanes / UURs for the member's consideration,.
- 3.2 Both were circulated ahead of this meeting so that members had ample time to consider them, and submit a written response.

4.0 Member Feedback

- 4.1 To date the following feedback has been provided:

'Having read through the two helpful documents provided, as well as the information via the links to how the Yorkshire Dales National Park authority and (by implication) the Yorkshire Dales National Park LAF manage Green Lanes, the approach of Yorkshire Dales National Park authority appears to be a sensible framework, and one that could form the basis of our advice on an approach / position statement.

However I also agree with the suggestion in Annex A, paragraph 13.3 that before any automatic 'Repair and Re-open' action, the first step (if there is any question over whether motorised vehicle use might be responsible for the requirement for repair /

increased maintenance), should be to re-assess whether the route should remain open to non-essential vehicles.

I want to emphasise that there is absolutely no ulterior motive on my part to systematically downgrade use from higher users. However, a sensible approach before undertaking any repairs would be to have a built-in check that this was still an appropriate use of the route, on a case by case basis as it arises.

As a general rule I believe there is benefit in regularly re-assessing decisions and how things are working, even though the outcome will often be just a re-affirmation that things are as they should be. Given the current financial limitations in all public domains it does seem pragmatic and logical to add an initial 'double check' that 'Repair and Re-open' is the correct way forward before doing so.

Lastly, just for my own information: it has been recommended in Annex A paragraph 13.2 that as a LAF we should familiarise ourselves, first hand, with green lanes whose use and condition have become contentious, & should regularly make site visits. Could I ask what number of green lanes we are looking at and is it possible to see a list of the green lanes in question (i.e. where use is contentious and repair more frequent?)

4.2 Members are asked to provide further feedback at the meeting.

5.0 Recommendation

5.1 Having considered the discussion papers attached at Annexes A & B, together with the feedback detailed above and provided at this meeting, the Local Access Forum is recommended to identify and agree a NYLAF position statement on Green Lanes/UURs.

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

Report Author: Melanie Carr, Secretary to North Yorkshire Local Access Forum

Annex A – Discussion Paper on Green Lanes (drafted by Michael Bartholomew)

Annex B – Discussion Paper on UURs (drafted by Paul Sherwood)

May 2019

From: Michael Bartholomew

To: NYLAF

Subject: The LAF's position on green lanes.

At the last LAF meeting we agreed to work our way, if possible, toward a policy on the management of green lanes. The following is a contribution to the debate that will be necessary. I hope that colleagues will submit their own papers and that at a future LAF meeting we will be able to debate them.

1. Introduction. First, are green lanes any of the LAF's business? Our statutory duties, as laid down in section 94 of the CROW Act, are to improve access to land, and to be mindful of the need for conservation of natural beauty and the needs of land management. Green lanes give access to land, often deep in the countryside. Commonly they run across areas of great, and often fragile, natural beauty. They are a necessary part of the infrastructure that farmers and land managers need for their day-to-day work. It follows, I think, that the LAF should carefully formulate a view of the way in which green lanes should be enjoyed, managed, and conserved. The use of green lanes, the condition of their fabric, and the expense required for their management, have been, and continue to be, contentious matters. This contentiousness should not be a reason for setting aside the challenge of formulating a policy. On the contrary, it is a reason for the LAF to carefully consider the issues and come up with a coherent position.

2. Definitions

2.1 'Green lanes' is a term that has no legal definition, but it is an indispensable term for signifying the network of unsealed tracks that have never been tarmacadamed throughout their length. They are survivors from the horse-drawn age, and are often beautiful and distinctive features of the landscape. What distinguishes green lanes from the ordinary, tarmacadamed roads that we all depend on, is their 'unsealed' character. That is to say, they have no waterproof tarmacadam or concrete coating. They may be cobbled, flag-stoned, surfaced with stone chippings, or, often, may simply be scarcely-marked tracks running across grass, or heather, or peat, with no surfacing at all.

2.2 There are three sorts of green lanes. The first sort are 'Byways Open to All Traffic' (BOATs). As the name suggests, they are legally open to every type of user. They are entered on the Definitive Map, and are signified on Ordnance Survey maps by lines of green crosses. They are administered by Rights of Way departments, in exactly the same way that footpaths and bridleways are administered. There are 53 kms of BOATs in North Yorkshire.

2.3 The second sort are 'Unsealed Unclassified Roads' (UURs). These are entered not on the Definitive Map, but on the Highway Authority's 'List of Streets', the purpose of which is to record routes that are acknowledged to be maintainable at public expense. UURs are also known as 'Other Routes with Public Access' (ORPAs), and are signified on Ordnance Survey Maps by lines of green dots. There are 750 kms of UURs in North Yorkshire. Administration of UURs hovers between the Rights of Way Department, and the Highways Department. The latter steps in when regulation orders are required or considered. Unlike BOATs (and footpaths and bridleways) the public rights of way on UURs are unclear. The cautious gloss

on ORPAs in the key alongside OS maps expresses this lack of clarity. Entry on the List of Streets tells us only that the route is maintainable at the public's expense, and that UURs have, at least, rights of way for pedestrians. What higher rights any particular UUR may have must be considered case by case. No blanket assumptions may be made. This is the view of DEFRA's lawyers, and it is endorsed by NYCC Highways.¹ Vehicle user organisations contest this view. They assert that, by definition, UURs carry public rights for motor vehicles. In the absence of certainty, recreational vehicle users (along with cyclists, and horse-riders) routinely drive and ride along UURs. It is not the job of LAFs to settle the rights of way on UURs: that is a matter for public inquiries. Our duty is to consider how they are used, and what, if any, management measures may be required.

2.4 The final sort of green lane are 'Restricted Byways' (RBs). They are marked with purple lines, or, on some OS maps, green lines with dashes. They bear all the rights of BOATs, with the exception of non-essential motors. They differ from bridleways only in bearing rights for horse-drawn vehicles. There are very few RBs in North Yorkshire.

3. Traffic Regulation Orders (TROs). These are legal orders that suspend the rights of all, or some users, either temporarily or permanently. There are three types:

3.1 Temporary TROs. These may be imposed for periods up to 18 months, with the possibility of an extension for a further 18 months. Temporary TROs on green lanes are imposed usually when there is damage that can and will be repaired within the 18 month closure. The expectation of both the Authority and users of the TRO'd route is that it will be repaired and re-opened to all users.

3.2. Experimental TROs. These are designed to test the likely efficacy of particular, targeted prohibitions: eg What might be the effect of prohibiting 4x4s but not motorbikes? What might be the effect of prohibiting non-essential motors during the winter? These experiments are difficult to perform, for in order to produce good data, a control route of the same character, but upon which no restrictions are imposed, needs to be included in the experiment. This is a tall order.

3.3 Permanent TROs. These can be total prohibitions, 24 hours a day, 365 days a year, on all non-essential vehicles. Equally, they may be targeted at particular users (eg 4x4s), or may apply to all vehicles during certain months of the year, or may specify the direction of travel for vehicles – ie make the green lane one-way only.

3.4 TROs are legal instruments. They are costly to prepare, and if they are not legally bomb-proof, right down to the smallest detail, they can provoke litigation from disgruntled users or landowners. And if the court case goes up to the Supreme Court, the costs are eye-watering. Authorities that are considering the imposition of permanent TROs often conduct public consultations in order to fortify their legal departments against charges of abuse-of-process.

3.5 For what reasons may TROs be imposed? To simplify somewhat, highway authorities have a duty to keep all ways open to all legal users: 'to secure the expeditious, convenient and safe movement of traffic (including pedestrians).' (*Blue Book*, p496, p579.) This is a primary duty, but it is not an absolute one. If certain closely-specified conditions are met, the duty to keep a way open may be suspended for all, or some users, by means of one of the various sorts of TRO - permanent, experimental, temporary. To be successful, a TRO

¹ NYCC Highways paper on management of UURs, 23.3.18

has to be supported by evidence that one or more of the following eight outcomes will be achieved:

- (a) The avoidance of danger to persons or other traffic using the road or any other road or for preventing the likelihood of any such danger arising.
- (b) The prevention of damage to the road or any building on or near the road.
- (c) The facilitation of the passage of any kind of traffic (including pedestrians) on the road or any other road.
- (d) The prevention of the use of the road by vehicular traffic of a kind which, or its use by vehicular traffic in a manner which, is unsuitable having regard to the existing character of the road or adjoining property.
- (e) The preservation of the character of the road in the case where it is particularly suitable for use on horseback or on foot.
- (f) The preservation or improvement of the amenities of the area through which the road runs.
- (g) The conservation or enhancement of the natural beauty of an area. This includes conserving flora and fauna, and geological or physiographical features.

(DEFRA publication, *Making the Best of Byways*, p27, *Blue Book*, p567.)

If the proposed TRO is for a green lane that runs through protected countryside (eg national parks, AONBs, SSSIs, National Trails) an additional consideration applies:

- (g) Affording better opportunities for the public to enjoy the amenities of the area, or recreation, or the study of nature in the area.

4. Other management measures

4.1 Vehicle user groups often recommend their members, and any other vehicle users who may be persuaded, to exercise 'voluntary restraint' when the condition of a green lane is judged by them to be parlous – eg when it is waterlogged, or has been so seriously rutted that it should be avoided altogether, or used in only one direction. As far as I know, no clear evidence of the effect of appeals for voluntary restraint has so far been produced. Such evidence would need to show that compared with an equivalent period when no appeals for voluntary restraint were in place, the period of voluntary restraint produced a measured decrease in the volume of traffic.

4.2 Volunteer working groups. As with footpaths, green lanes elicit volunteers who will make repairs, usually to ruined surfaces. Local authorities that are strapped for cash welcome volunteers, provided that problems of insurance and health and safety can be solved. But unlike footpaths, where, say, a stile needs rebuilding, ruined green lanes tend to necessitate the use of heavy equipment and tons of materials. In relatively few cases will volunteer labour be capable of bringing a ruined green lane back up to the required standard.

5. Damage to green lanes

5.1 All users of green lanes make an impact. But the impact is proportional to the size and weight of the user. Obviousy, a 4x4 makes a far greater impact than the impact that would be made by the driver if he or she got out and walked. Peace and tranquillity are prized

features of green lanes. A party of half a dozen motorbikes obviously make a far greater impact on peace and tranquillity than would be made if the riders left their motorbikes where the tarmac stops and walked.

5.2 Agricultural use. Plainly, tractors and other heavy agricultural equipment leave a heavy footprint. And high in the fells, quad bikes, which leave a rather small footprint on the ground, produce noise that can be heard from afar. But two points need to be made. First, vehicles that are used in agriculture or land management are there because they are necessary: they are not leisure vehicles. They are not there for fun. Second, farmers and land managers who depend on their local green lanes to get to their fields, pastures and moors have a powerful incentive to keep their lanes in reasonable condition, and they tend to make rough and ready repairs. Sometimes, repairs are made by land-owners, at their own expense, and are carried out to a very high standard. The programme by the Yorkshire Dales National Park for the imposition of ten permanent TROs has produced some instructive results concerning the impact of agricultural vehicles on green lanes. Every one of the ten routes is used by farmers. Yet every one of the routes is now in far better condition than it was when they were open to recreational motorbikes and 4x4s, even though, with a few exceptions, no maintenance was carried out following the imposition of the TROs (a finding that was borne out in the tables produced by Countryside Access Services at our LAF's 10 April meeting). Agricultural use of the ten TRO'd routes has not changed, yet the lanes recovered spontaneously when recreational vehicles were prohibited. The conclusion is obvious.

5.3 The weather. It is often asserted that the damage to green lanes is chiefly attributable to water - water either rushing downhill, scouring the lane, or water standing in dips, unable to drain away, thereby waterlogging the lane. Effective drainage is obviously important, but lanes that are not used by recreational vehicles tend to take rainfall in their stride. If the lane has a reasonable thatch of grass covering it, and/or ditches alongside, the grass acts as a sponge, soaking up the rain and releasing it slowly. But once the grass has been stripped away by the passage of vehicular traffic, the rain will rush downhill as soon as it falls, and will scour out the bare surface, washing out loose stones and often scouring the lane down to bedrock, especially on lanes with steep gradients. Comparisons between lanes that are at similar gradients, but which differ only in whether or not they carry vehicular traffic, show that the traffic-free lanes remain intact, while the lanes suffering vehicular traffic are washed out, even though the two lanes are subject to exactly the same weather conditions.

5.4 Peace and tranquillity. High on the list of the special qualities of national parks and areas of outstanding natural beauty are peace and tranquillity. The countryside outside these specially-protected areas is also valued by most visitors for its capacity to enable users to escape the noise and nuisance of motor vehicles. On open, tree-less fellsides, the noise of vehicles, especially noise produced by parties of motorbikes, carries for over two miles. Recreational vehicle users respond by asserting their right to take their vehicles along green lanes, and insisting that their vehicles are fully road-legal. As long as vehicles are within the legal limits for noise emissions, users say, they should not be prohibited, however audible they are.

5.5 Flora and fauna. Numbers of green lanes cross Sites of Special Scientific Interest (SSSIs). Blubberhouses Moor is an example with which LAF members will be familiar. English Nature, the agency that looks after SSSIs, fully supported the imposition of the zonal TRO on the moor, on grounds that the important blanket bog had been damaged – in some

places irreparably – by the passage of motorcycles. Obviously, non-motorised users can damage SSSIs – eg by disturbing ground-nesting birds – but in comparison with motor vehicles, non-motorised users make little impact.

6. Illegal use. If vehicles leave rights of way they are breaking the law, and if they damage the land adjacent to the right of way, they risk a charge of criminal damage. These are matters for the police, not rights of way departments. The only potential role to be played by the LAF is to encourage the police to take action, along with action against users whose vehicles are not street legal. In North Yorkshire, the hard-pressed police have had some success in prosecuting law breakers, but it's a difficult business.

7. Disabled people on green lanes

7.1 Green lanes do not have stiles, and often have reasonably manageable gradients. Also, they are wide enough for a blind walker and his/her guide to walk side by side, rather than in line – a configuration often demanded by narrow footpaths. Since recreational vehicle use became popular, the condition of the surfaces of green lanes has deteriorated to the extent that sight-impaired people and people with limited agility have real difficulties in making progress. Green lanes that used to be ideal for expeditions of disabled people are now hazardous, especially when a party of 4x4s or motorbikes comes along.

8. What do the general public think about vehicles in the countryside?

8.1 When the Yorkshire Dales National Park was conducting research in connection with its programme for the imposition of TROs, it found that the non-motorised public's enjoyment of their day in the Dales was enhanced by meeting no recreational vehicles, and encountering none of the damage that such vehicles inflict. The formal responses to the consultation on the advisability of imposing the TROs, overwhelmingly demonstrated the public's support.

8.2 In 2004, the polling company ICM were commissioned to undertake a national opinion survey on attitudes to the countryside. Respondents were asked to give their response to the following proposition: *The use of recreational motor vehicles on rights of way in national parks and other areas of outstanding natural beauty should be banned so that people can go there for quiet recreation and so that the peace and tranquillity of the countryside can be preserved for future generations.* 87% agreed with the proposition. 8% disagreed. 5% didn't know.

9. 'Open air recreation'

9.1 This is the term used in the CROW Act (section 94) when it sets out the functions of LAFs. It says that LAFs are to advise on the improvement of public access to land 'for the purposes of open air recreation'. The question then arises, what constitutes 'open air recreation'? Obviously, walking, cycling, and horse-riding qualify. Arguably, motor cycling qualifies. But what about travelling in a car or 4x4? Is there any sense in which travelling by car along a main road – which nobody would call 'open air recreation' - suddenly changes its essential character when the vehicle leaves the tarmac and enters a green lane? The whole impetus of the CROW Act is to encourage people to get out of their cars and to walk, cycle, or horse-ride. The LAF might usefully reflect on whether the users of 4x4s on green lanes are partaking in open air recreation at all.

10. NYCC's current practice

10.1 In a report to NYCC Executive Committee in March 2018, the Highways department set out its general approach to the management of UURs. Among the important statistics included in the report is an estimate that £1.85 million would be needed to bring the UUR network in the county up to the standard required for regular use by those entitled to use the network. The report also acknowledges the contentious nature of debates over the proper management of the network. It notes that £37,434 of staff time has been expended on research into 5 cases, and a few general enquiries, that have become contentious. This is just staff time – not the cost of actual repairs.

10.2 What the report notably does not do is consider the role that will be played by the imposition of TROs. The emphasis in the report is on repair and maintenance, not on management regimes that might restrict non-essential motors. Indeed, relying on a rather dubious estimate of the economic benefits of motor cycle use of green lanes, prepared by the Trailriders' Fellowship, the report even canvasses the idea that North Yorkshire's UURs might actually be *promoted* as tourist destinations for vehicle users.

10.3 In exceptional cases, NYCC has imposed TROs of various sorts on a few green lanes, but its default position is that green lanes must be kept open to those who are legally entitled to use them, even when this necessitates regular, expensive repairs to the damage inflicted by recreational motors.

11. Two case studies

11.1 Deadman's Hill, a UUR which crosses the boundary between the Nidderdale Area of Outstanding Natural Beauty, and the Dales National Park, runs from Scar House reservoir in Upper Nidderdale, over the watershed, to descend to Arkleside, in Coverdale. It used to be one of the most beautiful, remote green lanes in the county. But since 4x4 and motorbike use became popular, its condition and ambience have steadily been degraded. The noise of vehicles, especially those on the higher sections carries for miles. At its worst, and because of the passage of 4x4s and motorbikes, the section at the summit was impassable, for all users. Over the years, numbers of attempts to repair the route have been made, some voluntary, most paid for by NYCC. On the northern side, expensive repairs were paid for by the landowner, even though his use of the track was limited to the access required by his gamekeeper. Temporary TROs were imposed, but they were revoked as soon as repairs had been made. The latest NYCC repairs, which entailed the use of heavy equipment, are unlikely to last, given the impact that 4x4s and motorcycles make. NYCC has no plans to consider whether a permanent TRO, prohibiting non-essential motors is required. There is one short section of this ancient route, just south of Lodge, that is not part of the UUR. It shows how the lane used to look, before vehicles were attracted to the route. This undisturbed section, with its flagstones and its grass border is a reminder of what a superb, historic feature of the landscape the entire lane used to be. Deadman's Hill is now ruined. A beautiful place has been made ugly, with no end in sight.

11.2 Gayle Lane, Braythorn, north of Otley. By contrast with Deadman's Hill, Gayle lane is short – just a mile or so. It used to be a quiet, charming lane used by walkers, horse-riders and a few cyclists. The local landowner and his neighbours kept the drainage in good repair – cleaning ditches and clearing old cross-track culverts. Then, Gayle Lane started to attract recreational motorists. The inward growth of trees and bushes which inhibited the passage of 4x4s (but which provided a habitat for birds) was cut back by 4x4 user group volunteers,

wall-to-wall. Now that 4x4s can get through, the old ceramic cross drains have been crushed, the parapet of the bridge over the beck has been damaged, and a deep gully, deepened yet further by running water, on the western side has opened up. The amenity of non-motorised users, and the landowner, have been severely compromised by the activities of the minority of users who prefer motoring to non-motorised modes of access. NYCC has no plans to prohibit non-essential vehicles. Instead, and in line with its repair-and-reopen practice, it hopes to deploy resources to patch up the damage inflicted by vehicles, and to keep the lane open to the 4x4s and motorbikes that caused the damage. A small, but beautiful feature of the lower Wharfedale landscape has been spoiled.

12. Conclusion

11.1 In formulating a policy on the management of green lanes, the LAF has to balance competing needs. First, it has to balance the duty to improve access to land, against the need to conserve the beauty of the countryside and to consider the interests of landowners. In most cases, the balance will be easy to strike: most recreational activities are consistent with the conservation of the countryside. But where particular activities inflict damage, the environment must come first, especially when people doing the damage can exchange their modes of enjoying the countryside for less damaging modes.

11.2 Second, the LAF has to balance the needs and desires of the wide variety of people who are seeking open air recreation. It would be wonderful if every need could be met. But we have to be alert to cases where one user group's enjoyment damages the amenity of other groups. Is there a realistic prospect of peaceful co-existence between motorised and non-motorised recreational users of green lanes, and the farmers across whose land the green lanes run? First, the sheer scale of the damage inflicted on green lanes by motor vehicles inescapably diminishes the amenity of non-motorised users, (and farmers) even when no actual vehicles are encountered. And second, when encounters do take place, non-motorised users generally find them disagreeable. But when the damage to the environment is added in to the balance, and when the interests of landowners are taken into account, there can be very little doubt that the fabric of the countryside would be improved if non-essential motor vehicles were kept out. The LAF should develop a policy that concludes that, on balance, the needs of both the landscape and of non-motorised visitors to it, outweigh the desires of motorised users. If this sounds draconian, or even spiteful, it should be remembered that TROs prohibit nobody from green lanes. The prohibitions embodied in TROs apply only to motor vehicles, not to humans. The amazing and beautiful network of green lanes would remain open to anybody who walks, rides a bicycle, or rides a horse

13 Recommendation.

13.1 Green lane management strategists might usefully learn from the thinking behind the now perfectly routine business of pedestrianising city centres. The questions asked when such schemes are considered are not 'Do motor vehicles have legal rights to drive, (to take an example), on the streets around York Minster?' Obviously they do. 'Can money from the Highways budget be spent on repairs and maintenance of the roads around York Minster?' Obviously it can. But the much larger question that has been asked is 'Do we want non-essential vehicles to be driven around the Minster precincts and the adjacent medieval streets at all?' And the answer given by York authorities and authorities up and down the country, supported by the general public, is 'No we don't'. This prior, strategic question has led to what most people would agree are more human-scale, agreeable city centres. A similar

strategic question needs regularly to be asked of green lanes: do we want 4x4s and motorbikes on them?

13.2 In my view, the LAF should do two things. First, we should familiarise ourselves, first hand, with green lanes whose use and condition have become contentious. We should regularly make site visits. Such visits will equip us to speak with authority when management schemes are proposed by NYCC, or when we propose them ourselves – as we did with Blubberhouses Moor.

13.3 Secondly, we should produce a policy that recommends to NYCC that its current default practice of spending large amounts of money on repair-and-reopen schemes, should be replaced by a policy that considers that whenever the state of a green lane becomes contentious, the first question to be asked is: 'Is it in the public interest for this lane to remain open to non-essential vehicles?' If the damage inflicted on the green lane in question by non-essential motor vehicles has ruined its natural beauty, compromised the amenity of non-motorised users, and made life difficult for farmers and land managers, then the answer should be 'No'. And if the answer is indeed 'no', then consideration of the imposition of traffic regulation orders should be the first, not the last resort.

Discussion Document on Unsurfaced County Roads (Green Lanes)

The DEFRA publication “Guidance on Local Access Forums in England” published in March 2007, (which appears to be the latest edition) states (2.2) that “Forums are required by section 94 of the Countryside & Rights of Way Act 2000 to have regard to guidance issued by the Secretary of State in carrying out their functions. This means that although not bound to follow this guidance, forums are legally required to pay attention to it and must take it into account in carrying out their functions.”

Under section 3.1.1 of the guidance, it defines the statutory function as being to advise as to the improvement of public access to land in the area for the purposes of *open-air recreation and the enjoyment of the area*. It does not specify whom is included or excluded for this enjoyment of open-air recreation. Horse riders, cyclists, motorists, walkers, motor cycle riders are all equal. Under section 3.1.2 it further states; public access to land in the area for “any lawful purpose” and continues “For mechanically propelled vehicles this is limited to access insofar as this relates to byways open to all traffic (BOAT)”.

The term ‘Mechanically Propelled Vehicle’ is not defined in legislation but DEFRA had issued further guidance in December 2005 “Regulating the use of motor vehicles on Public Rights of Way and Off Road.” Unfortunately, most links to the DEFRA site are no longer available, I certainly can’t find it, but I think we can all imagine motor vehicles in their various guises. The other publication giving LAF’s advice is the ‘Natural England -Handbook for LAF Members, issued in 2008, this too is dated and many links no longer available. However on page 9 ‘Subjects on which LAF’s can give advice’:- Public access to land for any other lawful purpose and driving of mechanically propelled vehicles only with respect to use of byways, including utilitarian purposes (e.g. cycling to school or work). Public vehicular access on byways open to all traffic including use for utilitarian purposes such as accessing private property. This publication shows the definition of a BOAT as:- The Wildlife & Countryside Act 1981 defines ‘byway’ as: a highway over which the public have a right of way for vehicular and all other kinds of traffic, but which is used by the public mainly for the purposes for which footpaths and bridleways are so used.

The Motoring Organisation’s Land Access & Recreation Association (LARA) have produced a very informative document “Unsealed, Unclassified Roads” published in March 2013; this outlines the plethora of types of tracks, details of maintenance responsibility, legality, case law etc. It appears to be the only helpful publication, and is supposedly kept updated for the on-line version. However, by virtue of the publishers is it entirely unbiased?

I have been in contact with the chairmen of adjoining Local Access Forums (Tees Valley, County Durham, Redcar & Cleveland, Cumbria & The Lakes, North York Moors National Park and Yorkshire Dales National Park) trying to ascertain their particular interpretation of the rule; ‘...is limited to access insofar as this relates to byways open to all traffic (BOAT)...’ this causes further complication, as their opinions differ, an interesting point is raised in the minutes of a meeting of the North East Regional LAF chairmen, that Northumberland Joint (with Northumberland National Park) LAF have had problems with trail riders, quad bikes, 4x4’s and Jet Skis on the river Tyne, so it’s not only byways to worry about.

John Suggden the Chairman of Redcar & Cleveland LAF sent me this interesting fact:- “The issue of status is more of an issue in your area. NYCC argue that the ways they record as unsurfaced roads may only have rights on foot – they do not say that they definitely do only have this status but that they might have. This vagueness seems to carry over to the management issue as how can you manage them if you don’t know what public rights they have over them? But it also rings alarm bells for higher rights users who worry that owners might take advantage of this vagueness and try to restrict use to walkers only. There is also concern as to what might be the effect of the 2026 cut-off. However, this is less of a problem in Redcar and Cleveland as this was all urban

districts before 1974 and the North Riding was only responsible for minor roads. Most of the unsurfaced roads were added to the definitive map as RUPPs and during the Cleveland County Council era were reclassified as BOATs. So at least we do not have the status problem.”

John continued by mentioning some research he’s currently undertaking:- “I take a great interest in the status issue, the current situation is that I am within a couple of months of completing a major report on the highway records of the North Riding which will examine every one of the routes that might be uncertain – there are around 500 of these. My researches show that, with only a handful of exceptions, the routes recorded as unsurfaced roads do indeed have vehicular rights – the real issue is the extent to which roads designed for horse-drawn traffic and never improved to vehicular standards are suitable for motor vehicles. This needs to be looked at on a road by road basis to see in which cases it is appropriate to impose TRO’s prohibiting motor vehicles. This may lead to formal objections – that is their democratic right. But I cannot see that there is any mileage in trying to bypass this by pretending that vehicular rights don’t exist.”

John Richardson the chairman of the North York Moors National Park LAF has also been helpful, “There are many longstanding issues countrywide on this subject, with opposing points of view being regularly aired. As you rightly say, a few years ago the North Yorkshire County Council Highways Authority did absorb the inappropriately named 'Green Lanes' into their care from the two National Parks. The Moors LAF, together with members of the NPA and other bodies, several years ago did survey a number of routes which legally have vehicular access, but which, for a number of reasons were not negotiable by vehicular traffic and in some cases by equestrians, due to natural occurrence’s, land slips, severe surface degradation, blocking trees, fallen bridges, collapsed walls and buildings etc. Reports on the conclusions of the surveying team are now filed at Northallerton. On one particular route, the LAF did make a proposal for a motor-cycle only, single directional TRO to preserve an extensive rebuild following what was actually criminal damage, though no charges were brought. The stability of this route was secured and the TRO has been removed, though quite correctly remains motor cycles only.” I have been invited to their next meeting in June when this topic is to be discussed.

Peter Charlesworth the chairman of the Yorkshire Dales National Park LAF has sent me several links to work they have done with the National Park authority & the highway authority:-
“As you know we have put a lot of resources into this issue over the years and our position (including on cross boundary routes) is clear here on our website:
<http://www.yorkshiredales.org.uk/looking-after/achievingourvision/the-experience/green-lanes-management>

Our approach is highlighted in our green lanes framework here:
<http://www.yorkshiredales.org.uk/looking-after/achievingourvision/the-experience/green-lanes-management/Green-Lanes-Framework-2017-FINAL.pdf>

The sensitivity assessment we have used is here:
<http://www.yorkshiredales.org.uk/looking-after/achievingourvision/the-experience/green-lanes-management/sensitivity-assessment-methodology-nov2006.pdf>

Everything we have done in relation to green lanes has been evidence based, and undertaken in consultation with North Yorkshire & Cumbria County Councils and others. When we have made TROs under own powers - LAF are a consultee. We continue to monitor usage and compliance. I have copied in Rebecca Greenfield for information, as this is a new area for her and its useful to see the level of interest and many issues it involves.”

The response from Tees Valley, an area I thought may have had problems due to the predominately urban area it covers didn’t come from their LAF but from Chris Scaife the Countryside Access Officer for Hartlepool Borough Council:- “This will be one of the items at our

next meeting and we can ask the LA officers as to their procedures (if they have any) in relation to Green lanes.” I have heard nothing further.

Charles Eckroyd the chairman of Cumbria has responded but was wanting to discuss his response after speaking to the Cumbria County Council highways people, and David Maughan of the Durham LAF responded “I really need to have a word with our footpath people at County Hall on this as it is not such a hot topic with us . I suspect it is something they do not wish to develop too much. There was talk around this issue a number of years ago when discussion was taking place about various routes in Hamsterley Forest, I recall that it didn’t reach any firm conclusions. I can think of a number of UCR’s in my own area that are used by varied user groups with maintenance picked up on a voluntary basis. “

So, these three were not very conclusive, to date.

The three National Parks adjoining us; North York Moors National Park, Yorkshire Dales National Park and The Lake District National Park all have useful information on their websites as do their three Local Access Forums. Some including details of which routes can be legally driven/ridden on, and those that can not be used, including lists of TROs imposed.

Ben Jackson the North Yorkshire Public Rights of Way Officer – Unsurfaced Unclassified Roads & National Trails; mentioned this issue at the recent Countryside Access User Group meeting stating that routes of this status are a *valuable part of the public rights of way network*. I have received the following e-mail from him:- “The view of the Countryside Access Team is that UURs are an important recreational asset and form many vital links to the PROW network. It would therefore make sense for these to be considered, where appropriate, by the LAF in the context of enabling greater access to the countryside. I would be happy to support this approach where necessary if that would be helpful.”

Conclusion

Although there is a suggestion in guidance, that Local Access Forums should not get involved in Unsurfaced Unclassified Roads if they are of a higher legal status than a Byway Open To All Traffic, this is not the actual case in real life. Even in the case of several forums contacted in northern England they do actually take them into consideration during their deliberations and some, work with their appointing authority regarding use and maintenance. Following Ben Jacksons comments regarding UUR’s being a valuable part of the public rights of way network we should have a more pro-active approach, they won’t just go away!

P.A.Sherwood...
1 June 2019

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North Yorkshire Local Access Forum

17 July 2019

Secretary's Update Report

1.0 Purpose of the Report

- 1.1 To update members of the Local Access Forum on developments since the last meeting of NYLAF.

2.0 Consultation Submissions & Responses

- 2.1 A consultation response to the A66 Trans Pennine Public Consultation was sent on 5 July 2019 – see copy attached at Annex A.

2.2 Malton – Pickering Cycleway Design Consultation

Ryedale District Council is currently working in partnership with North Yorkshire County Council and consultants WSP to develop a Local Cycling and Walking Infrastructure Plan (LCWIP) for Malton & Norton. LCWIPs are a new, strategic approach to identifying cycling and walking improvements required at the local level. They enable a long-term approach to developing local cycling and walking networks, ideally over a 10-year period, and form a vital part of the Government's strategy to increase the number of trips made on foot or by cycle.

Key to delivering the LCWIP will be engagement with a cross section of external community and business representatives to understand their experiences of walking and cycling throughout Malton & Norton, and how they might be encouraged to walk and cycle more often. To help with this, Ryedale District Council held a workshop on 5th July 2019 for representatives from community groups, local employers and key local stakeholders, in order that their views might help to shape the emerging cycling and walking network plan for Malton & Norton and identify priorities for cycling and walking investment in the local area.

County Councillor David Jeffels was scheduled to attend the event as a representative of NYLAF. It has also been suggested that it would be good to refresh some advice issued by NYLAF a year ago. A draft of the revised advice is shown at Annex B for members to consider and sign off. It is also suggested that a copy of the re-issued advice be sent to the Chair of the North York Moors LAF, to WSP and to Ryedale District Council.

- 2.3 There have been no other notifications received of formal consultations, since the last meeting.

3.0 Other Updates

3.1 Local Development Plans

One of the key areas of involvement for the Forum is to ensure appropriate engagement in the preparation of Local Development Plans. Set out in the table below is an updated summary of the current position in relation to each District Council area, and in relation to the Minerals and Waste Joint Plan. This information is taken from the websites of the relevant authorities and correspondence received.

Authority	Status
Craven	Following submission of the Publication Draft Craven Local Plan in March 2018 and related Examination hearings held in October 2018, the council proposed a number of Main Modifications (amendments) to the plan, in order to make the plan sound. The council ran a six-week public consultation on the proposed Main Modifications from 19th February to 1st April 2019. All the consultation responses were forwarded to the Inspector for his full consideration and further details will be advised in due course.
Hambleton	The new local plan was considered by Cabinet on 2 July 2019 and was recommended for publication (Regulation 19), this was to be confirmed at a Full Council meeting on 16 July 2019. Subject to approval, the period for comments is scheduled to start on 23 July 2019 and close on 10 September 2019.
Harrogate	Update - The draft plan was submitted for independent examination on 31 August 2018. In early December 2018 the Council submitted responses to the Inspector's matters, issues and questions. Hearing sessions took place between 15 January - 15 February 2019, and a post hearings letter was subsequently issued by the Inspector – see: https://www.harrogate.gov.uk/info/20101/planning_policy_and_the_local_plan/1159/harrogate_district_local_plan_examination
Richmondshire	The Council is now analysing the responses received to the Issues and Options consultation that ended on 31 October 2018. Those responses will be taken into consideration as they prepare the Local Plan review Preferred Options document which they expect to publish for consultation in summer 2019.
Ryedale	The Ryedale Plan Local Plan Sites Document was adopted at a meeting of full Council on the 27 June 2019. This Document is the final part of the Local Plan for the District. It identifies commitments and allocations for housing, retail and employment land, and provides site specific policies, including policy for new and amended Visually Important Undeveloped Areas. The Plan covers the period 2012- 2027.
Scarborough	Scarborough Borough Council formally adopted their Local Plan on 3 July 2017. It will guide the future development of the borough in the period up to 2032.
Selby	The Council is considering the implications of the revised National Planning Policy Framework published in July 2018. A revised Local Development Scheme which will set out the timescales for the next stages of the plan will be published in due course.
Minerals and Waste Joint Plan	<p><i>Update as of 19 June 2019:</i></p> <p>On 6 March a High Court Judgment was released relating to a challenge to paragraph 209(a) of the National Planning Policy Framework July 2018, which deals with on-shore gas development. Parties were given time to consider the judgment and what consequential remedies should be before the final order was made on 14 May 2019. The Order of 14 May 2019 declared the Secretary of State's decision of 24 July 2018 to adopt paragraph 209(a) of the revised Framework unlawful, and quashed it.</p> <p>The Inspector invited the Mineral Planning Authorities and any interested parties who wished to comment on the High Court Judgement</p>

<p>and Order and the implications for the joint plan. The documents are available to view in Examination documents at: https://www.northyorks.gov.uk/minerals-and-waste-joint-plan-examination</p>

3.2 Open Access Restrictions

The Forum is consulted on a range of restrictions under the Countryside and Rights of Way Act 2000. There have been no new notifications received from the Open Access Contact Centre at Natural England confirming restrictions since the last meeting.

- 3.3 However, the Forum has received 10 notifications of discretionary ‘28 Day’ restriction under Section 22 of the Countryside and Rights of Way Act 2000 since the last meeting. Landowners may close their access land for up to 28 days in any one year. They are not permitted to close their land on (a) bank holidays, (b) more than 4 days in a year that are Saturdays or Sundays, (c) any Saturday between 1 June and 11 August, (d) any Sunday between 1 June and 30 September. Landowners are not obliged to tell the public about forthcoming closures, or give reasons. Their legal duty is simply to inform the relevant authority of their intentions.

3.4 Regional Forum

The Yorkshire Humber and North Lincolnshire Regional Access Forum next meets on 19 September 2019 at 10am. The meeting is to be held in the West Room at Leeds Civic Hall, Portland Crescent, Leeds, LS1 1UR.

3.5 2026 / Definitive Map

There are no changes or updates to report.

3.6 NYCC Cycling Strategy

At the last meeting Members requested an update on the County Council’s Cycling Strategy for this meeting.

It has since been confirmed there is currently no cycling strategy in place. However, as part of the Local Transport Plan 4, in the Walking and Cycling theme 3j¹, a commitment was made to produce one. This has since been changed to an Active Travel Strategy to encompass both walking and cycling strategy.

In addition to the plans for the Active Travel Strategy, the transport planning team has been working with consultants to develop Local Cycling and Walking Investment Plans, with the purpose of identifying pedestrian/cycle routes which would be suitable for future external funding opportunities such as through the Department for Transport. These would be at a town level (e.g. Harrogate, Scarborough, Skipton, and Selby) rather than at a strategic level.

A senior Strategy and Performance Officer has been tasked with drafting the new Active Travel Strategy for the Highways and Transportation Service, but with conflicting priorities this piece of work has slipped and there is no progress to update at the current time.

¹ See:

[https://www.northyorks.gov.uk/sites/default/files/fileroot/About%20the%20council/Strategies%2C%20plans%20and%20policies/Local_transport_plan_four_\(LTP4\)_part3.pdf](https://www.northyorks.gov.uk/sites/default/files/fileroot/About%20the%20council/Strategies%2C%20plans%20and%20policies/Local_transport_plan_four_(LTP4)_part3.pdf)

The LAF will be included as a consultee on the Active Travel Strategy once drafted (i.e. before being approved). Therefore the draft Strategy will be added to the LAF work programme at the appropriate time.

4.0 Recommendation

4.1 The Local Access Forum is asked to:

- i. Note this update report;
- ii. Note the A66 Trans Pennine Public Consultation response shown at Annex A;
- iii. Consider and agree any amendments to the draft letter shown at Annex B;

BARRY KHAN

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

Report Author: Melanie Carr, Secretary to North Yorkshire Local Access Forum

Appendix 1 – NYLAF response to the A66 Trans Pennine Public Consultation sent
4 July 2019

Appendix 2 – Draft Revised NYLAF Advice Letter

NORTH YORKSHIRE LOCAL ACCESS FORUM

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4 July 2019

Dear Sirs,

A66 Trans Pennine Project Public Consultation

The North Yorkshire Local Access Forum (LAF) welcomes the opportunity to comment on the proposals, and several of the members of the North Yorkshire Local Access Forum have attended the recent public consultation venues concerned with the highways engineering works being proposed on the A66 Trans Pennine route.

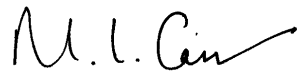
We were however, disappointed that the scale of the plans on display, was not suitable to indicate public rights of way. We accept that this will be addressed in stage three of the project, but this lack of information was unsatisfactory for consultation purposes.

North Yorkshire has two relatively short sections of the A66 Trans Pennine route, one section of approximately 1.87km from NZ:101122 to NZ:115111 is currently dual carriageway, and although this section has three public rights of way (bridleway) we have no current concerns as it appears no works are envisaged.

The other slightly longer section within North Yorkshire is about 4km from NZ:129103 to NZ:164082 this section has several public rights of way (4 footpaths, 5 bridleways & 3 unsurfaced county roads) that will cause concern, the severity depending on which of the three proposed options; M, N, & O are finally selected; or indeed found to be suitable after test bores are carried out. Generally, these public rights of way tend to be north south interconnections between villages as well as popular routes for recreational pastimes. Historically, some may be of ancient lineage.

Due to the current ambiguity of the final outcome of route selection, the access forum is not really in a position to comment in detail at this stage of the project, other than to say we have concerns around the Main Gill area as all three current options will limit non-motorised access on public rights of way during the construction phase and upon completion. Until such time that a selected option is known we can make no worthwhile further comment.

Yours faithfully

A handwritten signature in black ink, appearing to read 'P. I. Sherwood'.

signed on behalf of:

Paul Sherwood
Chair, North Yorkshire Local Access Forum

NORTH YORKSHIRE LOCAL ACCESS FORUM

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July 2019

Dear Sirs,

Local Cycling and Walking Infrastructure Plan for Malton & Norton

We are delighted and broadly very supportive that the proposed cycle route is now likely to become a reality. We are particularly pleased to see your recognition of the need for sustainable transport journeys to:

- link population centres
- connect tourist attractions & accommodation etc
- provide links to employment sites
- provide links to rail (and bus) transport networks
- increase the National Cycle Network

We are also delighted that you have recognised that the route should be designed to take into account the needs of all users (including pedestrians, cyclists, horse riders, disabled users, farmers and landowners). We feel it is particularly important that the needs of ALL non-motorised users are both recognised and taken into account from the start of the project.

However, like our colleagues at the North York Moors LAF, our main concern relates to the bridleways and the proposals to upgrade surfaces to make them more suitable for easier cycling.

We are aware of press reports of 'crushed stone' being utilised on the bridleways to make them cycle-friendly, and we would like to take this opportunity to repeat our advice given last year that the surfaces must be suitable and safe for horses on the sections which are bridleways, and would welcome reassurance that this necessity will be respected.

To summarise our comments:

- Any upgrading of bridleways should be done in such a way as to allow horses to ride safely. Where possible, current grassy middle sections should be preserved. Smooth or negative SMA types of tarmac should not be used as these are slippery for horses, nor surfaces with a limestone content in order to allow horses to grip;

- Where space allows, there might be different surfaces of track to suit different users;
- Regarding the proposed diversion round Lendales farm - the diversion seems a good idea to protect the farmers' property, help with disease control, and would be safer for both bridle path users and the farm employees/animals - if a 3m path is agreed, then it should be open one side or it should be 4m if fenced both sides to meet safety needs ;
- We thoroughly agree with the sentiments expressed that capital costs should be sufficient to cover good quality components as we suspect that neither North Yorkshire County Council nor Ryedale District Council will want to pick up maintenance bills, and paths/routes can quickly deteriorate without regular maintenance, particularly if cheap /low quality materials are used;
- We recommend that suitable and ample cycle parking provision is made along the route including at Malton, Pickering, Kirby Misperton and Flamingoland;
- We hope that the route is made user friendly for disabled people where possible, particularly in the tourist areas and town centres;
- We hope that all signage on bridleways and small country roads is clear so that all users recognise they are "route sharing" and should give way to those less vulnerable. Some of the Sustrans routes have not adequately made clear that cyclists are sharing a bridleway with horses and walkers – e.g. in the Richmond area;
- We hope that all heavy traffic (including traffic associated with the fracking site at Kirby Misperton) is diverted off the route.

We would very much like WSP/Ryedale District Council to acknowledge receipt of our comments and confirm that we will continue to be consulted on the route. We would also be very happy to contribute to any future discussions and representations to ensure the route meets the needs of all users.

Yours faithfully

Paul Sherwood
Chair, North Yorkshire Local Access Forum

North Yorkshire Local Access Forum

17 July 2019

Forward Plan Report

1.0 Purpose of the Report

- 1.1 To consider, develop and adopt a Forward Plan of 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 NYLAF has two agreed future meeting dates - 20 November 2019 and 25 March 2020. The Forum meets three times a calendar year but may choose to agree further meeting dates (based on need), and may set up sub-groups to progress specific pieces of work outside of the formal meetings.

3.1 The current work programme is attached at Appendix 1, and Forum members are encouraged to suggest possible items of business for future meetings.

3.2 Please note, following an enquiry from this LAF about how different Forums regards UCRs, the Chairman of Redcar & Cleveland LAF has offered to provide a presentation at a future meeting on the management of UCRs. This has been provisionally added to the Work Programme for the forthcoming November 2019 meeting.

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: Melanie Carr, Secretary to North Yorkshire Local Access Forum

Background Documents: None

Appendices: Appendix 1 – Forward Plan 2019/20

NORTH YORKSHIRE LOCAL ACCESS FORUM

Draft 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 & Project Updates • Forward Plan
5 March 2019	<ul style="list-style-type: none"> • Attendance of Highways England Representative (Ben Dobson) <ul style="list-style-type: none"> • Update on HE Improvement Programme • Other issues to raise: <ul style="list-style-type: none"> ➢ Highways England Draft Improvement Programme ➢ A19 Trunk Road Order 2018 – prohibition of U-turn and use of gap in the central reservation at Tontine, Northallerton
10 April 2019	<ul style="list-style-type: none"> • UUR Management Update
17 July 2019	<ul style="list-style-type: none"> • Green Lanes Discussion Paper • Update on UUR & Grass Verge Cutting • Goat Scheme Final Report
20 November 2019	<ul style="list-style-type: none"> • Presentation on the Management of UCRs from Chair of Redcar & Cleveland LAF
25 March 2020	<ul style="list-style-type: none"> • UUR Management Update
Items to be scheduled	<ul style="list-style-type: none"> • Selby Publication Draft Site Allocations Plan consultation (provisional) • Hambleton Publication Local Pan (provisional) • North Yorkshire Joint Health & Wellbeing Strategy 2015-2020 • Rights of Way Improvement Plan • In-depth discussion on Reinstatement • Proposed joint working with Yorkshire Dales and North York Moors Local Access Forums • Cycling Strategy • Attendance of North Yorkshire Police

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North Yorkshire Local Access Forum

17 April 2019

District Council and LAF Project Updates

Report of the Secretary

1.0 Purpose of the Report

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

2.0 Background

- 2.1 The LAF operates an agreed list of nominated representatives willing to act as the first point of liaison with the constituent District Councils in relation to planning and other relevant matters. Individual LAF members are also nominated from time to time to take a lead on specific projects that the LAF has an interest in or in representing the LAF on other partnership bodies. Both are represented in the table below:

Name	Representation
Michael Bartholomew	Craven District
Barrie Mouny	Selby District
Rachel Connelly	Hambleton District Richmondshire District A1 & A19
Roma Haigh	Ryedale District HS2
Paul Sherwood	NYCC Countryside Access Service User Group Regional Access Forum A66
Richard Smith	Harrogate District 2026
County Councillor David Jeffels	Scarborough District Regional Access Forum

- 2.3 This agenda item provides an opportunity for the Forum to be updated on activity since the previous meeting.

3.0 District Council Liaison

- 3.1 The NYLAF liaison representative for Richmond has been approached by the District Council for advice on a site in Catterick Village which has a public right of way, which the developers would like to use as their access to the site. This is an ongoing issue and a further update will be provided in due course.
- 3.2 Following a recent report of anti-social behaviour on Bullamoor Park in Northallerton, there has been a suggestion that the area is to be fenced off, which would deny access to public rights of way that cross the park.

As this is a Northallerton Town Council issue, and in order for NYLAF to form a view on this proposal, The NYLAF representative for Hambleton has been liaising with the Mayor of Northallerton and it has been confirmed that they will carry out a public consultation and go from there in September.

NYLAF may want to take this opportunity to consider its views on protecting rights of way when such matters arise, and what other ways there may be for dealing with such situations, for example Public Space Protection Orders, or Gating Orders.

The Anti-Social Behaviour, Crime & Policing Act 2014 s59, which came into force on 20 October 2014, give local authorities and the police more effective powers to deal with anti-social behaviour i.e.:

"Public Spaces Protection Orders (PSPOs) are intended to deal with a nuisance or problem in a particular area that is detrimental to the local community's quality of life, by imposing conditions on the use of that area which apply to everyone so that the majority of law-abiding people can use and enjoy our public spaces and be safe from anti-social behaviour."

The Gating Orders regulations 2006 are encompassed within the Highways Act 1980. Gating Orders can only be pursued after all other appropriate options have been considered to address crime or antisocial behaviour issues. 'Gating Order Register Here' is the gating register that gives you details of those orders currently being consulted upon, any proposals to amend existing Gating Orders and all Gating Orders made.

Having considered the options the Forum may choose to draft and agree a position statement for circulation to the relevant authorities.

- 3.3 Other liaison representatives are invited to report verbally at the meeting on any other activity undertaken.

4.0 LAF projects

4.1 A1 Upgrade

The local Access Roads have been handed over by Highways England to NYCC. On behalf of the NMUs I scrutinised HE's NMU Safety Audit and found some

matters of concern which I hope may be rectified. In the meantime, NYCC highways raised a couple of queries and HE will be answerable until the Audit has been signed off – so it is understood.

- 4.3 In addition, nominated representatives are invited to report verbally on any other activity undertaken since the last meeting.

5.0 Recommendation

5.1 That members:

- i) Note the updates;
- ii) Agree any further actions required

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

Report author: Melanie Carr, Secretary to North Yorkshire Local Access Forum

Background Documents: None