

NORTH YORKSHIRE
LOCAL ACCESS FORUM

THURSDAY 8th SEPTEMBER 2011

RECORD OF ACTIONS

1.0 PURPOSE OF THE REPORT

- 1.1 This report contains a record of those actions completed following the May meeting of the Forum.

2.0 ACTIONS COMPLETED

- 2.1 The Chair represented the LAF at a Minerals Core Strategy workshop on 25th May.
- 2.2 The Chair represented the LAF at a Waste Core Strategy workshop on 18th July.
- 2.3 Letter sent to Richard Benyon MP on the future of LAFs (Appendix 1).
- 2.4 Response sent to the Highway Asset manager on the draft Unsurfaced Unclassified Roads policy (Appendix 2).

3.0 RECOMMENDATION

- 3.1 It is recommended that members receive this report for information

Contact:
John Taylor
Chairman

APPENDIX 1

Alice

Thanks for the message about subject letter received via our regional co-ordinator. I assume that by using this route you are acknowledging a structure not apparently accepted by DEFRA or Mr Benyon!

Anyhow we did reply and of course did not receive any acknowledgement as per usual with DEFRA. Our response is attached.

I think it is important to realise the degree of frustration and anger within our LAF. The antics of DEFRA and NE in treating LAFs as some kind of political football are destroying the LAFs. We have lost many good hardworking members in the past couple of years due to the lack of clear objectives, support from central government and the resultant perceived 'pointlessness of it all'. The 'Forestry Panel' is a very good example where the LAFs have been ignored by central government although central government established these bodies to be the statutory advisers on access. What is the point of LAFs??

There does seem to be a lack of understanding that LAFs consist of unpaid volunteers, who we believe, doing useful work at a local level but this can be very time consuming. Unfortunately unless there is some practical central agreement on the precise role of the LAF and formal acceptance of this situation by DEFRA, NE and the 'Section 94 bodies' then it seems likely that certainly our LAF will gradually fade away.

A central decision needs to be made - are LAFs wanted? If so then DEFRA and NE need to do the job properly.

Sorry if this is a bit negative but many of us are now at the end of the road as far as LAFs are concerned.

Best Regards

John Taylor, Chairman, North Yorkshire LAF

Richard Benyon MP
Minister for Natural Environment and Fisheries
Department for Environment, Food & Rural Affairs
Nobel House
17 Smith Square
London SW1P 3JR

21st June 2011
Dear Mr Benyon

Local Access Forum

As Chairman of the North Yorkshire Local Access Forum I am writing in response to your 5th April letter addressed to LAF Chairmen. We have had no follow up contact from Natural England, who you indicated would be co-ordinating responses so are contacting you directly.

Lack of both formal and reliable communication channels between the LAFs and NE and DEFRA have been the biggest frustration to those of us involved at the local end. This has been highlighted earlier this year by the message originating from Ruth Saunders in your Bristol office inviting comments on how LAFs could become involved in the Forestry Commission Panel. This we considered to be a worthwhile and practical consultation. Unfortunately we did not receive any response to our comments. The establishment of this Forestry Panel with no LAF representation would seem to be politically expedient but perhaps unhelpful in the long term. The main public concern was access and apart from the Ramblers no other user group is represented! This does seem regrettable when the LAFs as statutory bodies are in place to promote access for all users in line with the Equalities Act 2010.

We do support many of the points made in your letter but perhaps the initial action should be to clarify exactly the positions and responsibilities of NE and DEFRA regarding LAFs. This seems to have been the grey area which has led to the communication problems.

The idea of a virtual forum for sharing ideas and problems is worthwhile exploring. We are not sure about the value of either regional or national groups except for agreements on principles or major activities or as a communication channel to Government. In practice as you indicate the work covered by LAFs is very different depending on the area covered. Even in our Regional Group we have ourselves as North Yorkshire, with a large length of rights of way but a small population, and for example some cities with much higher population densities where gating orders are a major workload. As volunteers it's very easy to find all ROW problems interesting but we feel that we should maximise time in our own area. The virtual forum would enable us all to keep in touch with others activities. In reality our work is likely to be similar to LAFs in different parts of the country but not necessarily in our region. The regional grouping idea isn't really valuable. For that reason we

think that training will be welcomed but not on a regional basis. Perhaps for training purposes rural counties/LAFs should come together but this could be separate from cities?

LAF representation on the Rights of Way Review Committee would be welcomed. However if a different LAF member attends each meeting then perhaps continuity could be lost? Is this a committee that could exist on-line rather than in person thereby encouraging wider participation and transparency?

Our conclusion is that we believe that we are doing a worthwhile job in our area. However we could achieve more with much improved support from Government through NE and DEFRA especially in encouraging those bodies in Section 94 of the CROW act to liaise with their local LAF.

Yours sincerely

John Taylor
Chairman, North Yorkshire Local Access Forum

The White House
Marsh Lane
Bolton Percy
YO23 7BA

APPENDIX 2

From: John Taylor [mailto:john@cjtaylor.net]
Sent: 19 June 2011 12:03
To: doug.huzzard@northyorks.gov.uk
Subject: UUR Questionnaire

Doug

Thanks for letting the LAF have the opportunity to see the draft questionnaire. We have now examined and discussed this at length and suggest that the following changes may help in obtaining good quality feedback from respondents. We hope you will find them constructive and will be able to incorporate them into the final consultation document to go out very soon. We shall be very happy to comment on the content before it goes to the next stage.

Route hierarchy

We suggest that in order to make it quite clear 'length in km' should be inserted into a box above the urban/rural/total columns.

Relevant Legislation and Background

Add Equality Act 2010

What are the Problems?

We feel that a reference in your consultation should be made to the IPROW report (2005) on user rights and the Faber Maunsell) Report (2003 which highlighted that problems are usually local rather than systemic

Uncertainty over Status

After the phrase 'pedestrian routes only' we feel it fair and right to add 'whilst recognising that most of these routes have vehicular rights'. We feel it would be much clearer if you made Dual Status into a short separate paragraph, starting with your last sentence i.e. 'Some of the routes have been etc....' and would suggest that the sentence ends with 'this means vehicular rights under the NERC Act have been lost'

Restraint and Regulation

We suggest that the first time TRO is used the term is written out in full, for the benefit of those reading this report who have a limited knowledge of the subject. After that, it is fine to use the accepted abbreviation.

Part 2 Policy Statement

You have added some additional text to the document circulated at our LAF meeting, which we feel is unnecessary. Within that additional text we are particularly concerned about the reference to the sensitivity of the adjacent landscape as this is too subjective to form a baseline principle in evaluation of route justification, and we ask that section be removed.

Part 3a Strategy for identifying (defining) Route Status.

Werecommend the words 'User Rights' replace the word 'Status' for clarity. Under point 4 we would like to add 'the LAF's to be consulted'. This is important. Under point 4a the word BOATs needs to be added to that list of categories. In point 5, there is a typo – compliment by mistake for complement.

3b Draft Timetable

Please could you add LAF to the first box, and also include the LAF in the public consultation process, and we should expect to see the report on consultations prior to it finally going to the Transport and Scrutiny Committees stage in November 2011

Under Appendix 2: Traffic Regulation Orders

We recommend a short note under this stating 'TRO's can be selective, temporary and tailor-made for the circumstances'. This gives a better understanding to those trying to grasp the situation.

Glossary of Terms

No.3 should read 'which are considered by this authority (or NYCC) to have, as a minimum, footpath rights. The addition of 'this authority' is extremely important as otherwise readers will be misled into thinking that all authorities take this view, which is not the case at all.

Use of the term 'Status'

There does seem to be some confusion in the use of this term.

Currently in the document status is used to mean: (a) "on the List of Streets" or "on the Definitive Map and/or Statement" and (b) the level of public right of way given on the DM, e.g. "footpath" or "bridleway" or "BOAT", etc.

Perhaps this could be usefully clarified.

Questionnaire

We are surprised at the wording of the first question as the document does not set out to assign rights solely on a sustainability basis, but rather that sustainability will be one of the factors in assigning user rights. We therefore object to the wording of this question which we regard as misleading and ask for it to be removed or clarified. Also the document makes no mention of magistrates courts or what will be referred to them and the outcomes that could occur. So this question will be meaningless to most of those being consulted. We suggest either that the reference to magistrate courts is deleted or a further section is inserted explaining how they will be requested to assign status.

The LAF will of course respond to the actual consultation when it goes public, but in the meantime we hope that these minor changes will enable you to fine-tune the consultation document and that you will let us know if there are any areas regarding our comments that are unclear.

Best Regards

John Taylor, Chairman North Yorkshire Local Access Forum.