

North Yorkshire Local Access Forum

Minutes of the meeting held in The Grand Meeting Room, County Hall, Northallerton on 19 November 2014, commencing at 10 am.

Present:-

Rachel Connolly in the Chair

David Barraclough, George Bateman, Doug Cartwright, Chris Clark, County Councillor John Fort BEM, David Gibson, Roma Haigh, Tom Halstead, County Councillor Robert Heseltine, County Councillor David Jeffels, Tony Martin, Paul Sherwood and John Taylor.

Officers:- Ian Fielding, Penny Noake, and Iain Burgess (NYCC Waste & Countryside Services), Jane Wilkinson (Legal & Democratic Services).

The Chairman announced that Keith Bartlem had tendered his resignation as a member of the Forum.

74. Apologies for absence

Apologies for absence were received from Les Atkinson.

75. Minutes

Resolved –

That the Minutes of the meeting held on 10 September 2014, be agreed as a correct record and be signed by the Chairman.

76. Matters Arising

Min 61 - Review of Waste & Countryside Services

Ian Fielding repeated his comments made at the previous meeting that he would welcome further engagement with the Forum about the roll-out of revised PROW standards and policies. He confirmed his intention to submit to the Forum in the Spring a report on the prioritisation of available resources which would include a review of enforcement processes, the cutting of seasonal undergrowth and the introduction of financial contributions towards the cost installing gates and stiles. He confirmed he would prefer to receive advice from the Forum prior to preparation of his report as this would enable him to take account of the Forum's views.

The Chairman confirmed that the review of waste and countryside services would be included on the agenda of the next meeting. At the February meeting the Forum would following discussion agree its response to proposals regarding the prioritisation of ROW resources.

Min 63 – Upgrade of the A1

Publication of the Completion of Construction Stage Non-Motorised Users Audit and Designers Response and Exemption Report were still awaited. The Chairman had

written to the County Council's Highways Directorate (copy of letter available upon request) regarding surface type of a bridleway agreed at a Public Inquiry in 2006.

Min No 65 – Definitive Map Applications

As a consequence of budgets cuts it was confirmed that a more rigorous approach to processing Definitive Map Applications would be adopted by the County Council. Applicants were now expected to contact objectors with a view to agreeing a resolution. It was hoped that as a result, applications would be processed quicker and any frivolous objections dismissed at an initial stage. Assurances were given that if agreement could not be reached between the parties and the route in question was of benefit to the public the County Council would intervene.

77. Public Questions or Statements

There were no questions or statements from members of the public.

78. Sub-Group Roundup

Meeting with David Bowe – NYCC Corporate Director –Business & Environmental Services

The Chairman confirmed that as agreed at the previous meeting she had met with David Bowe to discuss various highway matters and how the Forum engaged with the highway directorate. Prior to the meeting she had forwarded to him a list of the matters she intended to raise with him. Following their meeting and after circulation of the agenda papers she had received a written response from David Bowe. The Chairman read out his response which said that in 2012 Barrie Mason had attended a meeting of the Forum at which parameters for dealing with highway matters had been agreed. The Chairman commented that the problem was that it had never been implemented.

The Chairman contended that the remit of the Forum included some aspects of highway matters and she proposed that as a means of making progress the Forum should seek another meeting with the highway officers directly responsible for sustainable transport to discuss amongst other things outstanding issues pertaining to the A1.

Some Members of the Forum did not feel able to support this course of action as they were unclear about what had occurred at the meeting with David Bowe. Members were also uneasy at the suggestion that a sub-group of Members could between meetings send a formal response to consultations on behalf of the Forum. The Chairman said she had spoken to Natural England who had confirmed that Forums were not required to endorse consultation responses at a formal meeting prior to them being sent provided members had been circulated and a consensus gained. Natural England recognised that meeting dates did not always coincide with consultation deadlines and that it was therefore acceptable for Forums to endorse consultation responses at a subsequent meeting.

It was agreed that that in future written notes of sub-group meetings would be included in agenda papers.

It was noted that the Forum had not responded to the DfT Cycling Delivery Plan' consultation and the Chairman agreed to write to DfT to register the Forum's interest in responding to future related consultations.

Meeting with Penny Noake & Iain Burgess to discuss NYCC ROW Priorities

The outcome of a meeting between a sub-group of Members and PROW staff was reported. The discussion centred on how to prioritise statutory requirements against the resources that were available.

The Chairman said that the Forum should endorse whatever approach the County Council chose to adopt as Officers were best placed to make the right decisions. It was she said unrealistic to expect the entire network to be kept viable and supported a pragmatic approach namely focussing on priorities identified in the Rights of Way Improvement Plan. She suggested that the Forum should write to the County Council and express concerns about its ability to maintain a functional service in the light of proposed budget cuts and staffing levels.

In his capacity as Chairman of the Transport Overview & Scrutiny Committee, County Councillor David Jeffels said he intended raise the matter at its next meeting as he was keen to explore health and well-being opportunities with partners such as clinical commissioning groups.

Some Members favoured adopting a more proactive approach and were keen to work with Officers and be involved in the decision making process.

The Forum noted that 80% of the people who used rights of way in North Yorkshire used only 20% of the network and that budget cuts meant that consequently decisions would have to be made about which routes to maintain. The likelihood of legal action would be a factor when making these decisions.

In response to questions assurances were given that the County Council would continue to deliver its statutory duties in line with minimum standards. Those routes that were well-used would be maintained at a higher level. It was stressed however that it would no longer be possible for the whole of the network to be maintained at above minimum standard level. It was confirmed that County Council budgets had been reduced in line with maintaining a minimum standard. Health and well-being was the one area where additional money was available and the County Council was in the process of submitting bids for funding.

In response to questions, the Forum was advised that upkeep of the Definitive Map was a statutory duty and that North Yorkshire had a significant backlog of applications waiting to be processed, but that there were no statutory timescales set for the completion of the investigation of DMMO applications.

A debate followed during which Members commented that based on what they had heard that day it was unlikely that additional resources would be forthcoming. Members were not in favour of resources being diverted into PROW from other services such as education and social care and therefore were supportive in principle of the PROW network being maintained at a minimum standard.

The Chairman agreed to circulate to LAF members notes of the sub-group meeting with PROW staff.

79. Public Rights of Way Maintenance Update

Considered -

The report of Iain Burgess, NYCC Senior Ranger detailing maintenance activities undertaken on the public rights of way network in North Yorkshire during the period 1 April 2013 to 31 March 2014.

A slideshow of photographs of completed projects that included countryside management works, community projects and volunteer activity was shown at the meeting.

Members noted that the number of issues logged was increasing at a faster rate than the number of issues resolved. Overall performance had improved but the rate of newly reported issues had increased by 30%, this was attributed to the Ramblers survey of Rydale ROW which had produced a large number of new complaints.

A Member enquired if work to apportion UURs to either Highways or Countryside Services dependent upon their surface type had commenced as discussed at local liaison meetings. The Forum was advised that the initiative would initially be piloted in the Kirby Misperton area and that a number of issues were still being worked through. Members requested an update report be added to the Forum's May work programme.

A Member referred to the June 2014 meeting of the Forum at which Doug Huzzard had read out the response of DEFRA to a question posed by the County Council namely that all rights of way not recorded on the Definitive Map but included on the List of Streets would be immune from the 2026 cut-off date as they were 'highways of any other description'.

At that meeting the Forum had been advised that DEFRA did not support this view. The advice of DEFRA was that footpath, bridleway and restricted by-way rights would all be lost unless protected by registration on the definitive map and statement prior to the 2026 cut-off date.

Iain Burgess maintained that rights of way not recorded on the Definitive Map but included on the List of Streets would be immune from the 2026 cut-off date. John Taylor expressed concern that the approach of the County Council was at odds with that of other local authorities.

Penny Noake accepted that some routes were at risk but that this would not become an issue until registration came into force. She invited Forum members to provide her with the details of any such routes they were aware of.

John Taylor said that if the DEFRA view prevailed, the County Council would be unable to carry out in the time available, the enormous volume of work needed to protect existing rights. This view was not supported by Iain Burgess.

A Member enquired if the new Highways Asset Management Database 'Symology' currently being trialled was suitable for ROW given that it was not specifically designed for this purpose. The Forum was advised that Symology enabled staff to use mobile devices when on site to upload data which was a big improvement. As Symology's biggest customer the County Council was hopeful that the database could be customised to meet its specific needs. Members requested a report on Symology at the February meeting.

Members were disappointed that the report made no reference to changes that had been introduced regarding the deployment of volunteers and the role of volunteer coordinators. Officers apologised for the oversight and advised of a new initiative currently being trialled which if successful would be rolled out across the county. Members repeated comments expressed at previous meetings that the County

Council did not maximise the use of volunteers and that this issue needed to be addressed immediately. It was agreed that a report on Volunteer Co-ordinators would be added to the work programme.

Resolved -

(a) That the report and information provided at the meeting be noted.

80. First-Trans Pennine Express and Forestry Commission Green Grants

The Chairman reported orally that Members had been circulated outside of the meeting with information about the availability of Frist Trans Pennine Express and Forestry Commission Green Grants. Regrettably Members had been given very short notice of the deadline for submission of bids which had now passed.

Members said had they received more notice they would have put forward their suggestions for schemes to be included. If a similar opportunity arose in the future Members agreed that the Forum should participate.

Noted

81. Schools and Education Project

The Chairman reported orally that arising from the presentation given at the previous meeting, she had spoken to Adrian Clark NYCC Education Development Advisor. Adrian Clark was supportive of the Forum working with schools to explore access opportunities in their locality. Within North Yorkshire there was a mentored group of schools known as the 'Swaledale Alliance'. Adrian Clark had suggested that if the Forum produced a blueprint that was attractive to school head teachers within the Alliance it could be used by them as the basis of a project. The Chairman asked Members to email her with their further suggestions for a theme for the blueprint.

Some Members put forward as an alternative that the Forum should instead work with Steve Graham (NYCC outdoor education service) to produce a ROW module for use by children and young people visiting outdoor education centres.

The Chairman contended that concentration on ROW access as opposed to outdoor activities would have wider appeal. The 'blueprint' could for example cover the history and purpose of a route, flora and fauna and identification of legitimate users. Following debate the Forum agreed to proceed with both proposals in parallel.

The Chairman together with Roma Haigh, and Tony Martin agreed to meet with Steve Graham and report the outcome of their discussion to the next meeting.

Resolved -

That a on the twin tracked approach to the Schools Education Project be referred to the next meeting.

82. Lickber Lane, Melmerby, Richmondshire

Joint oral report of NYCC Definitive Map Team Leader and NYCC Senior Ranger.

The Forum was informed of the history to the on-going dispute.

Lickber Lane was a sunken unsurfaced, unclassified route that had been filled in by the landowner because it was water logged and impassable. The landowner had applied to the Yorkshire Dales National Park for retrospective planning consent which had been refused. The landowner had been instructed to reinstate the lane to its original condition which he had refused to do.

Penny Noake read out a statement from the County Council's highways section which said that the County Council had held a meeting with the relevant parties following which a briefing note had been prepared for senior managers. Highways hoped by the end of the year to have agreed a course of action.

Members debated what action the Forum should take. It was pointed out that as Lickber Lane was a UUR within the boundaries of the National Park, the matter fell outside the remit of the Forum and that it was not in a position to take any action.

The Chairman said the Forum had authority to give advice to the County Council as the appointing authority. Members agreed that the Chairman should write to NYCC Highways and invite them to take urgent action to remove the obstruction at Lickber Lane. David Gibson said the Yorkshire Dales Forum would support this resolution as they had been trying to get some action taken for a while.

Resolved -

That the Forum requests that the County Council to take urgent action to remove the obstruction at Lickber Lane.

83. Forward Work Programme

Considered -

The report of the NYCC Definitive Map Team Leader setting out possible future agenda items. Members were requested to forward any requests they had for future agenda items to the Secretary.

Chris Clark updated the Forum on a meeting of the Yorkshire Wolds Way Partnership she had attended. She agreed to attend future meetings of the Partnership and to provide the Forum with regular updates.

The Chairman referred to a planning application at Killerby Sand & Gravel Quarry which if approved would result in a local access road being widened and used by lorries and non-motorised users. The Chairman said she would be concerned if this situation arose and would prefer to see a bridge for use by non-motorised users erected across the River Swale. Forum Members said without seeing the application in detail they felt unable to comment although they were in principle opposed on environmental grounds to increased numbers of vehicles passing through the adjacent village. The NYCC Senior Ranger stated that the County Council would not support installation of a bridge if the County Council then became responsible for its future maintenance. The Chairman said she intended to write to NYCC Planning regarding access arrangements and at the same time request that a bridge be installed.

It was agreed that the Chairman together with County Councillor John Fort would seek another meeting with NYCC Corporate Director David Bowe to discuss implementation of the parameters previously proposed.

Forum Members agreed that it would be useful if a sub group of members met in advance of the February meeting to explore in detail what exactly application of statutory minimum standards would mean in practice and devise the Forum's initial response with a view to a final response being agreed at the February meeting. To assist the sub-group discussion Iain Burgess agreed to circulate Members with a schedule of the County Council's statutory duties in respect PROW and highways. It was agreed that the sub-group would meet on 6 Jan 2015 at 10.00 am at a venue to be agreed.

The Chairman informed the Forum that she had opened a file of all the letters she had send on behalf of the Forum and that it was available for inspection by Members upon request.

Arising from discussions earlier in the meeting the following items were added to the Forward Plan:-

11 February 2015

- Schools Education Project
- Highway Asset Management Database Symology
- Review of Waste & Countryside Services

27 May 2015

- Exchange of Unsurfaced Routes and UURs (Kiby Misperton Pilot)
- Review of Waste & Countryside Services (Ian Fielding report)

18 November 2015

- Volunteer Coordinator

Resolved -

That the content of the Forward Plan be noted and approved and the suggestions made during the meeting and recorded in the Minutes incorporated.

84. Date of Next Meeting

Members discussed changing the date of the next meeting before agreeing to stick with the original date.

The Secretary agreed to circulate Members with the dates of future meetings.

Resolved -

That the next meeting of the Local Access Forum be held on Wednesday 11 February 2015 at 10.00 am.

The meeting concluded at 1.15pm.

JW