

North Yorkshire Local Access Forum

Minutes of the meeting held at County Hall, Northallerton on 12 July 2017, commencing at 10 am

Present

Roma Haigh, David Barraclough, George Bateman, Doug Cartwright, Rachel Connolly, Tom Halstead, County Councillor Robert Heseltine, County Councillor David Jeffels, Barrie Mounty, Paul Sherwood and Richard Smith

Officers: Ian Kelly and Neil Leighton (Business and Environmental Services) and Kate Arscott (Legal and Democratic Services, Secretary to the Local Access Forum)

178 Apologies for absence

Apologies for absence were received from Michael Bartholomew and Sue Raper.

179 Minutes of the meeting held on 6 April 2017

Resolved – That the minutes of the meeting held on 6 April 2017 be agreed as a correct record and be signed by the Chair.

180 Matters Arising from the minutes

The Chair formally thanked Rachel Connolly for leading on the response to the Hambleton Local Plan Consultation; David Barraclough for leading on the response to a consultation by the Forestry Commission; and Paul Sherwood for attending and providing a report on the National Conference, and also for his ongoing involvement with the Teesdale Way Project.

Ian Kelly, Countryside Access Manager, provided an update on the Public Rights of Way consultation. He reminded the Forum that the public consultation had taken place from 30 January to 19 March. Following on from this, County Council had referred the consultation to all Area Committees for consideration. The report to Area Committees had included very detailed feedback and analysis from the public consultation, which had received 379 on line and 31 written responses. Area Committees had generally welcomed the report and endorsed the comments.

The next stage was for the report, incorporating feedback from the Area Committees, to be considered at a meeting of the BES Corporate Director and Executive Members on 21 July for a final decision and implementation of the proposals.

With regard to Auditing the List of Streets (Minute 170) Neil Leighton confirmed that the Local Access Forum would be added to the list of stakeholders for engagement prior to any street being removed from the List. It was agreed that the List of Streets Protocol be circulated to LAF members.

Members discussed the request for a report providing data on work carried out by volunteers (minute 169 resolution b) and asked that the report include information on the volume of jobs outstanding. Reference was made to the detailed reports on day to day work from the Rights of Way team which were reported to the 6 monthly Local Liaison Groups. It was agreed that George Bateman would provide some relevant examples to be circulated to LAF members for information, in order to assist the LAF in deciding on an appropriate level of management information to assist them in their statutory advisory role.

Resolved – (a) That Rachel Connolly, David Barraclough and Paul Sherwood be thanked for their activity on behalf of the LAF.

(b) That, once published, the Secretary circulates the Public Rights of Way consultation report due to go to the BES Corporate Director and Executive Members meeting on 21 July.

(c) That the List of Streets Protocol be circulated to LAF members, and it be noted that the LAF would be added to the list of stakeholders for engagement prior to any street being removed from the list.

(d) That the requested report on data on work completed by volunteers include information on the volume of jobs outstanding.

(e) That example reports to the Local Liaison Groups be circulated to LAF members.

181 Public Questions or Statements

There was one public question or statement registered by Diana Mallinson, speaking about Deadman's Hill. She read out the following statement:

"I am speaking on behalf of the Yorkshire Dales Green Lanes Alliance (YDGLA), which tries to protect green lanes in the Yorkshire Dales National Park and the Nidderdale Area of Outstanding Natural Beauty (AONB) from the problems caused by recreational 4x4s and motorbikes.

Deadman's Hill is part of an ancient cart track which ran north from Middlesmoor in Nidderdale via the hamlet of Lodge to climb over the moorland watershed to Coverdale. When Bradford Corporation built Scar House Reservoir across the cart track in the 1930s, the track was diverted to run across the dam and then along an old bridleway to Lodge. The buildings at Lodge are now ruins, and the only noises which disturb this area, one of the most tranquil parts of the National Park and of the AONB, are grouse-shooting on the National Park side, and 4x4s and motorbikes on Deadman's Hill.

The AONB section of Deadman's Hill has been repaired 3 times since 2000, first by County Council and 4x4 users, and then by the County Council in 2013 and this year. Most of the damage is on the steep section uphill from Lodge, where no trace now remains of the historic cart track. The ruts have been so deep that it was impossible for walkers, mountain bikers, horse riders and even some 4x4s and motorbikes to use this section.

YDGLA members asked you in 2011 and in 2013 to ask the County Council to consider making a permanent traffic regulation order (TRO) banning recreational motor vehicles, in order to restore tranquillity and the amenity of this historic track to non-motorised users and to stop wasting money on repairs that don't stand up to modern motor vehicles. In response Highways said they would monitor the volume of motor vehicles and damage and then make a decision about future management. But their only action has been to repair the route once more, this year, at a cost of £26,000.

I repeat YDGLA's previous pleas, pointing out that repairs are required at ever decreasing intervals, and ask that the LAF ask the County Council to consider making a permanent TRO to take effect as soon as possible after the current temporary TRO expires on 3 October."

Diana Mallinson was asked whether there had been any liaison with the Yorkshire Dales LAF. She responded that the route was a priority issue for the Yorkshire Dales LAF and was reviewed annually. However, the repaired section fell outside the Yorkshire Dales LAF's area.

Members asked for clarification about the current classification of the route and potential options. Neil Leighton, Team Leader, Network Management, confirmed that the route was an Unclassified Unsurfaced Road (UUR). Repairs had taken place during the period that the Temporary TRO had been in place and the route was expected to re-open in the near future.

In response to members' questions, he clarified that the current temporary TRO was normal practice in order to repair and assess the situation. Any proposal for a permanent TRO was likely to meet with objections. The Council's approach to the management of UURs reflected the position that there was a range of strongly opposing views about their use, and the lack of a consensus on the way forward.

Members decided that a report on the legal position and options should be brought to the next meeting. It was agreed that this report should be about Deadman's Hill specifically and not the wider issue of TROs.

Resolved – That a report be provided for the next meeting of the Local Access Forum setting out the legal position and options regarding Deadman's Hill for the Forum's consideration.

182 Highways Authority and Landowner Responsibilities

The Chair thanked Ian Kelly for providing a very useful report setting out the respective responsibilities of the Highways Authority and of landowners with respect to Rights of Way. She also thanked Richard Smith for providing a range of scenarios for Members' consideration alongside the report.

The following issues were covered in the discussion:

- Members noted that there was a useful leaflet on the website. Ian Kelly indicated that the leaflet would be reviewed as part of the Countryside Access Service Review and would be clearer about enforcement action. Work would also be undertaken on making sure landowners were made aware of their obligations and duty to meet them
- The requirement for the authority to provide a minimum 25% contribution to landowners' costs and different ways of meeting this requirement, for example by providing materials or labour, due to the financial constraints on the local authority
- The extent to which the process required for changing the surface of a Public Right of Way came under planning requirements
- Confirmation that the Definitive Map team would be reviewing how they respond to planning application consultations later this year

Resolved – That Ian Kelly be thanked for a very useful report.

183 2026

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

Paul Sherwood reported that there had been a suggestion from Natural England at the National LAF Conference that the 2026 deadline may be extended.

184 Craven Draft Local Plan Consultation

The Forum considered a report advising them that Craven District Council was currently consulting on the third pre-publication draft of the Craven Local Plan. The District Council had provided a briefing note on the consultation to assist members.

It was agreed that Mike Bartholomew, as the relevant District Council liaison representative, would be asked if he would be willing to work with the Secretary to prepare a formal response to the consultation by the deadline of 31 July. LAF members were asked to provide any comments by email.

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

185 Grasscutting on Verges

Rachel Connolly raised her concerns that grasscutting on verges was not taking place on the A1 Local Access Roads according to agreements made as part of the work with the Non-Motorised Users Group, and following on from the Public Inquiry Inspector's report. She sought the LAF's support in asking North Yorkshire County Council to ensure the verges are mown to the widths agreed by the Inspector when they assume responsibility for them.

Resolved – That Rachel Connolly provide details of the reference in the Inspector's report to the Secretary, and that the Secretary seeks clarification of the position from the County Council.

186 National Conference

The Forum noted a feedback report from Paul Sherwood, who had attended the National Conference on behalf of the LAF. Members also noted correspondence from the Regional Access Forum following the conference. Members noted the concerns raised with regard to the venue.

The Local Access Forum was concerned to note the comments reported from the representative for Cycling UK which potentially condoned illegal activity.

Resolved – That the report be noted and that Paul Sherwood be thanked for attending on behalf of the LAF.

187 District Council Updates

The Forum considered a report of the Secretary providing an update on liaison with District Councils, including responses to a Forestry Commission consultation and a planning application in Richmondshire; an update on the Teesdale Way Project; and correspondence with rail representatives regarding HS2.

Paul Sherwood indicated that the funding for the Teesdale Way Project included £3,000 from North Yorkshire County Council in light of the two very short sections in the county area.

Roma Haigh reported that she had been following up matters with regard to HS2. The impact in North Yorkshire would be limited to the Selby area and it was agreed that she would speak to Tom Halstead about following this up. Ian Kelly indicated that the County Council was also being consulted with regard to HS2 Rights of Way issues and that the Council had a lead officer for HS2.

Rachel Connolly updated members that she had put forward a suggestion regarding the principle of a river crossing in association with Ripon Quarry, although acknowledging that funding was not identified. LAF members offered their support to her in pursuing the possibility, and Rachel Connolly undertook to keep members informed of any developments.

Rachel also indicated that there were two current planning application consultations in Hambleton which she considered merited comment by the LAF. It was agreed that the Secretary would circulate her draft submissions for LAF members' comments prior to sending them to Hambleton District Council.

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

(b) That the Secretary circulates Rachel's draft submissions in relation to 2 Hambleton planning applications for LAF members' comments prior to submitting them to Hambleton District Council.

188 Secretary's Update Report

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

- Consultation responses – since the last meeting the Forum had responded to Hambleton District Council's consultations on Alternative Sites and Green Spaces
- An update on the current position regarding the status of Local Development Plans for each District Council area
- Webpage – it was agreed that Paul Sherwood and the Secretary would meet over the summer period to progress this, with a target for completion of the end of 2017
- Partnership – the Forum had been invited to nominate a representative to the 6 monthly Yorkshire Wolds Way Partnership meetings. Roma Haigh agreed to represent the Forum
- Annual report – the usual annual report template had not yet been circulated by Natural England. It was noted that the draft report would either be brought to the October meeting or agreed by email correspondence dependent on the timescale for completion set by Natural England

Resolved – (a) That the report be noted.

(b) That the relevant District Council liaison representative be authorised to work with the Chair and the Secretary of the Forum to prepare a draft response on behalf of the LAF to any Local Development Plan consultations with a closing date before the next meeting of the LAF on 11 October 2017. This would then be circulated for consultation by the Secretary and a formal LAF response submitted by the Secretary to meet the deadline for each consultation.

(c) That Roma Haigh represent the Forum on the Yorkshire Wolds Way Partnership.

(d) That the Forum notes the position with regard to the annual report.

189 Forward Plan

The Forum considered a report of the Secretary inviting members to consider items of business for future meetings.

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

(b) That the item on cycling be scheduled for October 2017 and the review of the Pathways to Health schools Project be brought forward to January 2018.

(c) Richard Smith agreed to provide information on the work carried out by the Lower Wharfedale Ramblers to accompany the report on data on work completed by volunteers.

190 Dates of Next Meetings

The next meetings of the Local Access Forum will be held at 10am on
Wednesday 11 October 2017 Wednesday 17 January 2018
Wednesday 11 April 2018

Resolved – That the October 2017 meeting be held in Harrogate and the April 2018 meeting in Selby.

191 Any Other Business

It was noted that the Chair and Vice-Chair were incorrectly listed as Councillors on the Members' details pages of the Council website. The Secretary agreed to take this up.

In reply to a question from a Forum member, Ian Kelly indicated that the conclusions from the Area 3 pilot on management of UURs were not yet ready to be reported.

The meeting concluded at 12.05pm.

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