

North Yorkshire Local Access Forum

20 November 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 Since the last meeting, NYLAF has submitted one formal response to a Local Plan consultation i.e. Hambleton District Council Local Plan – issued 09/09/2019.
- 2.2 It has also formally commented on two major planning applications:
- Highfield Farm, York Road, Knaresborough
 - RoadChef's service area development off junction 52 of the A1(M)
- 2.3 At the last meeting of NYLAF in July 2019 members agreed their position statement on 'Planning applications that affect public rights of way', and their formal advice on 'Parking Provision & Standards'. Both were subsequently circulated to NYCC and District Council Planning Departments.
- 2.4 Finally, a number of members have attended recent public information events in regarding to the A59 Kex Gill new alignment – see update included in Agenda item 6.

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	The council ran a six-week public consultation on the proposed Further Main Modifications from 18 th July to 29 th August 2019. The Further Main Modifications have been put forward by the independent Inspector after consideration of consultation responses received on the Main Modifications – for further information see: https://www.cravendc.gov.uk/news/news-archive-folder/july-2019/craven-residents-invited-to-comment-on-further-changes-to-the-local-plan/
Hambleton	The new local plan was approved by Council on 16 July 2019. The period for comments was open from 30 July 2019 to 17 September 2019. The Planning Policy team is currently

	<p>processing representations, once processed these will be available to view via the Consultation portal where all the Local Plan and supporting evidence documents are available to view and download. Due to the volume of comments the local plan will not be submitted for examination by the end of November, as set out in the Local Development Scheme. A new Local Development Scheme is to be prepared shortly with a revised date for submission.</p>
Harrogate	<p>The Local Plan Main Modifications consultation is now closed. The representations received have now been passed onto the Inspector for his consideration and can be viewed on the consultation portal.</p>
Richmondshire	<p>The Council is currently reviewing its Local Plan which will update the policies used to consider new development across the district. The new Local Plan 2018-2035 will also include other detailed policies, an area strategy for Catterick Garrison and site allocations for housing, economic development, retail and leisure, and community facilities.</p>
Ryedale	<p>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.</p>
Scarborough	<p>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.</p>
Selby	<p>On 17 September the Council gave approval for work to begin on the preparation of a new comprehensive Local Plan for Selby District utilising the evidence base and work that has already been undertaken.</p> <p>The preparation of the new Local Plan will help to ensure that the Council has a robust development plan for the whole District, prepared in line with current national planning guidance which properly reflects its Economic Strategy and Corporate Priorities. A revised Local Development Scheme has been brought into effect, setting out the timescales for the preparation of the new Local Plan.</p>
Minerals and Waste Joint Plan	<p><i>Update as of 19 June 2019:</i></p> <p>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 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> <p>Nov 2019 - There is no further update available at this time</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 6 notifications received from the Open Access Contact Centre at Natural England confirming restrictions under Section 23(1) of the Countryside and Rights of Way Act 2000, since the last meeting.

3.3 The Forum has also received 3 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 last met on 19 September 2019 with the NYLAF Chair and two other members of NYLAF in attendance. On 20 September 2019 the Chair circulated by email a detailed overview of the meeting, and later the draft Minutes on 14 October 2019.

3.5 At the regional meeting a brief discussion took place as to whether LAFs as a body could object to planning applications or whether it exceeds their role as an advisory body, and the possible implications of litigation against LAF members, or of costs being awarded against LAF's and/or members as a result of incorrect advice being given. One regional forum member reported on a specific case where her LAF (East Riding & Hull Joint LAF or North Lincolnshire LAF) had objected to a planning application and maintained that objection up to the public inquiry stage. During that process members of her Forum were personally threatened with costs. It was noted that a similar case had also occurred in Nottingham.

3.6 Clarification has been sought from NYCC Legal Services who have agreed to explore this issue further and will provide feedback in due course.

3.7 The next meeting of the Regional Forum is on 4 March 2020 at 10am. The meeting is to be held in the East Room at Leeds Civic Hall, Portland Crescent, Leeds, LS1 1UR.

3.8 2026 / Definitive Map

There are no changes or updates to report.

3.9 Update on Bedale & Leeming Bar Bypass

At its meeting in March 2019, the Forum received information on a British Horse Society complaint registered with North Yorkshire County Council regarding a public bridleway promised as part of the Bedale & Leeming Bypass (BALB) scheme (between Roughley Corner & Hamhall Lane).

The Countryside Access Team have been investigating the complaint and have discovered one parcel of land where the ownership is currently unclear - the CPO and the Land Registry records do not clearly show who owns or has rights to the strip of land, so The Countryside Access Team are taking further advice to try to unpick

this missing record. At the time this report was produced another meeting had been scheduled with the intention of progressing the issue.

Once the owners have been identified, the Countryside Access Team will begin consultation with them and notify the district and parish councils to develop a Creation Agreement. The British Horse Society representative who submitted the complaint has been given a progress update and a verbal update on any progress made since the publication of this agenda, will be provided at this meeting.

3.10 RoW Reporting & NYCC RoW Response Times

In August 2019 a number of queries have been raised about the reporting of problems on Rights of Way, the use of volunteers to investigate those problems, and response times.

The Countryside Access Team have confirmed they are currently in the middle of a 2020 project to upgrade CAMS, provide mobile CAMS web capability for officers and volunteers, and to provide an online reporting portal for customers which will hopefully provide the mechanism for customers to get real time updates on their issues. A full update on that work will be provided at the next NYLAF meeting in March 2020.

3.11 Removal of Unauthorised Structures

NYLAF has been asked by a member of the public to consider the council's approach to removing unauthorised structures which are obstructing public rights of way, as part of their legal duty to uphold and protect the rights of the public under the Highways Act 1980. And, the standards the Council applies under Section 147 of the Highways Act 1980 in regard to permitting new gates on public rights of way

In response, the interim Countryside Access Manager has provided the following feedback:

Once an obstruction has been identified the land owner is written to and given 28 days to either remove any obstruction or complete a section 147 application, if there is a legitimate requirement for a new structure. For newly reported issues, the procedure is to establish the facts of the case either by confirming with the customer, asking a volunteer to survey or a ROW officer surveying, and then writing to the landowner if required. The action taken before the letter depends on the quality and information provided in the initial report (for example if the location isn't clear or if the exact nature of the issue isn't clear). Depending on the quality of the initial customer report it can take up to a month for the volunteers to check the issue as the volunteers are close to capacity with the range of tasks that they do for us. So probably 2 months is a reasonable timescale for landowners to be given the opportunity to resolve the issue. If the landowner complies (i.e. tells us they have removed the obstruction and sends us a photograph) then the case can be closed, but if not then it is transferred to the enforcement process where currently we are tackling cases in order of issue priority or profile. Once at the enforcement stage we don't have a fixed timescale for resolution as it depends on the order in which we tackle cases. Annex A details how we consider the route category score, effect, likelihood, and severity to get to an issue score which then drives our work programmes. Table 2 in Annex A shows the approved service delivery principles that we work to, and table 16 shows the path scores and characteristics which feeds the category score.

Section 147 applications for new structures currently need to comply with BS 5709:2006, unless the officer determines there are exceptional circumstances. We have talked about reviewing this in light of BS 5709:2018 but there are some concerns about how achievable the new standards are by the majority of landowners, the actual benefit to our users and the achievability of the expectation that the Council carry out annual checks on new structures, so for now we ensure that new structures comply with the 2006 standard.

3.11 NYCC Cycling Strategy

At the last meeting Members received a brief outline in regards to the County Council's Cycling Strategy which confirmed there was currently no cycling strategy in place but that as part of the Local Transport Plan 4, a commitment had been made to produce one. This was subsequently changed to an Active Travel Strategy to encompass both walking and cycling strategy.

Officers have confirmed they do not have a firm programme for when it will be completed as they are currently concentrating their limited resources on the delivery of Active Travel rather than the developing of strategies. However, a cycling policy / approach update paper has been provided for Forum members comments – see Annex B. They have also confirmed that the Forum will be consulted as and when an Active Travel Strategy is drafted.

3.12 NYCC advice to District Councils on PROW on new developments

NYLAF has received correspondence from Richmondshire Ramblers expressing concerns about the lack of proper consideration being given by NYCC's Countryside Access Team to the impact of some planning applications on PROWs, and their recently revised advice to District Councils in that regard – see Annex C.

In response the Countryside Access Team have provided the following information:

What has been evident for some time is that developers generally do not consider PROW when designing their sites, and there have been a number of instances that have come to the attention of CAS, where PROW have been permanently obstructed by housing, and CAS are now having to consider enforcement action to get the ROW reinstated or formally diverted, clearly a cost and a pressure on an already stretched resource within the team.

It has taken the Countryside Access Service approximately 12 months to get the district planning officer group to agree to the changing of the text that the Ramblers refer to in their correspondence. Most planning applications that CAS comment on, originate from the district councils who make the decisions and are done under the Town and Country Planning Act. Developers can request a diversion under the TCPA but it requires the district council to process the Public Path Order and they appear to have a mixed ability/interest/capacity to do so. FYI. CAs can do PPOs under the Highways Act, and applicants have to pay for that work.

A mechanism for working with the district councils needs identifying so that applications to them under the TCPA have proper regard to PROW and take appropriate steps to divert or make safe whilst they are doing building works. This

will be a longer term piece of work, but in the interim, in the case of all housing developments that CAS become aware of through the planning consultation process, they will proactively write to the developer to tell them of their responsibilities in relation to the PROW through their site and advise them of what they need to do and how. They will also keep a log of what they send out, and who has engaged with them, and who they need to chase. Clearly, if they can get to a position where they can object and/or a condition can be attached to the permission then they won't need this step, but it seems a pragmatic approach now given how long it has taken to simply change text.

The Countryside Access Service Manager will be at this meeting to answer any questions arising.

3.13 Recruitment

The closing date for applications was 8 November 2019. From the 41 application packs issued, we received 10 application submissions. Informal interviews are to be held on 28 November 2019 and the new members will be in place ready for the first meeting of the new municipal year in March 2020.

4.0 Recommendation

- 4.1 The Local Access Forum is asked to note this update report and agree any further actions required.

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

Annexes:

Annex A – Priority Matrix
Annex B – Cycle Path Network Provision Update
Annex C – Correspondence from Richmondshire Ramblers

~~XXXXXXXX~~ Appendix A Issue prioritisation (taken from consultation paperwork)

When defects or problems are reported to the public right of way team, the aim is to ensure that every defect reported is prioritised in a consistent manner. This will inform operational work programming to ensure that resources are focused onto the most important issues.

The proposal is to continue to use the current issue prioritisation model. Therefore we do not intend to consult on this element of the proposal. However it is included here for the sake of transparency and completeness.

Issues reported to the team are prioritised based on the following four factors:

- The path category score (category score)
- An effect score - the effect of the reported defect on the ability of users to use the path. (effect score)
- A risk likelihood score – the likelihood of an individual injuring themselves through continuing to use the path despite there being a defect. (likelihood score)
- A risk severity score – the likely level of injury that could be incurred by an individual continuing to use the path despite there being a defect. (severity score)

Table A1 below shows the definitions for each of the four factors. The overall issue score is calculated using the following formula:

Issue score = category score + effect score + risk score (which is likelihood score x severity score)

Table A1: Issue priority scores

Category score	Effect score	Likelihood score	Severity score
Cat A path = 5	Defect likely to render path unusable = 6	Almost certain injury = 5	Possibility of death = 5
Cat B path = 3	Defect likely to render path inconvenient to use = 4	High likelihood of injury = 4	Possible major injury = 4
Cat C path = 1	Despite the defect the path remains available and easy to use, or the defect is easy to bypass = 2	Medium likelihood of injury = 3	Possible reportable injury = 3
Cat D path = 0	Defect unlikely to have any effect = 0	Small likelihood of injury = 2	Possible minor injury = 2
		Minimal likelihood of injury = 1	Difficult to see potential for any injury to occur = 1

The issue score will drive work programming. The service will look to address higher scoring issues before lower scoring issues.

As a highway authority, North Yorkshire County Council has a responsibility to ensure that the network is safe to use. Therefore we will treat any issues that attract a risk score (likelihood score x severity score) of 16 points and above as a high priority even if the total issue score is lower than some other issues. For example a report of a collapsed bridge or a dangerous animal obstructing a Category D path would be treated as high priority.

We will also treat any issue that attracts an individual severity or likelihood score of five as a high priority even if the total issue score is lower than some other issues. This means that these issues would be picked up and pulled into work programmes quickly.

Practical examples

Tables A2 and A3 below provide an indication of how a range of issues would be ranked on different category paths.

However it is important to note that the effect, likelihood and severity scores are open to interpretation. For example if a customer reported a wire across a path that was popular with cyclists or trail-riders, then the likelihood and severity scores would be adjusted to 5x5 – higher than the score illustrated below, and the issue would need to be addressed immediately.

Table A2: Issue prioritisation scoring - examples

	Collapsed bridge	Slats missing from bridge floor, otherwise sound	Wire across path, dangerous obstruction	Intimidating animal in field, cross-field path effectively blocked	Heavily overgrown vegetation, difficult to bypass	Damaged gate or stile. Difficult to by-pass – need to climb over	Path ploughed out, no obvious alternative	Muddy terrain	Missing signpost or waymark, navigation difficult	Alignment issue, navigation difficult	Obstruction, easily bypassed	Damaged gate or stile. Easy to by-pass
Cat A path	Cat = 5 Effect = 6 Risk = 4x5 = 20 Total = 31	Cat = 5 Effect = 4 Risk = 4x4 = 16 Total = 25	Cat = 5 Effect = 4 Risk = 4x4 = 16 Total = 25	Cat = 5 Effect = 4 Risk = 3x5 = 15 Total = 24	Cat = 5 Effect = 6 Risk = 4x3 = 12 Total = 23	Cat = 5 Effect = 4 Risk = 4x3 = 12 Total = 21	Cat = 5 Effect = 4 Risk = 3x3 = 9 Total = 18	Cat = 5 Effect = 4 Risk = 4x2 = 8 Total = 17	Cat = 5 Effect = 4 Risk = 3x1 = 3 Total = 12	Cat = 5 Effect = 4 Risk = 3x1 = 3 Total = 12	Cat = 5 Effect = 2 Risk = 4x1 = 4 Total = 11	Cat = 5 Effect = 2 Risk = 4x1 = 4 Total = 11
Cat B path	Cat = 3 Effect = 6 Risk = 4x5 = 20 Total = 29	Cat = 3 Effect = 4 Risk = 4x4 = 16 Total = 23*	Cat = 3 Effect = 4 Risk = 4x4 = 16 Total = 23*	Cat = 3 Effect = 4 Risk = 3x5 = 15 Total = 22**	Cat = 3 Effect = 6 Risk = 4x3 = 12 Total = 21	Cat = 3 Effect = 4 Risk = 4x3 = 12 Total = 19	Cat = 3 Effect = 4 Risk = 3x3 = 9 Total = 16	Cat = 3 Effect = 4 Risk = 4x2 = 8 Total = 15	Cat = 3 Effect = 4 Risk = 3x1 = 3 Total = 10	Cat = 3 Effect = 4 Risk = 3x1 = 3 Total = 10	Cat = 3 Effect = 2 Risk = 4x1 = 4 Total = 9	Cat = 3 Effect = 2 Risk = 4x1 = 4 Total = 9
Cat C path	Cat = 1 Effect = 6 Risk = 4x5 = 20 Total = 27	Cat = 1 Effect = 4 Risk = 4x4 = 16 Total = 21*	Cat = 1 Effect = 4 Risk = 4x4 = 16 Total = 21	Cat = 1 Effect = 4 Risk = 3x5 = 15 Total = 20**	Cat = 1 Effect = 6 Risk = 4x3 = 12 Total = 19	Cat = 1 Effect = 4 Risk = 4x3 = 12 Total = 17	Cat = 1 Effect = 4 Risk = 3x3 = 9 Total = 14	Cat = 1 Effect = 4 Risk = 4x2 = 8 Total = 13	Cat = 1 Effect = 4 Risk = 3x1 = 3 Total = 8	Cat = 1 Effect = 4 Risk = 3x1 = 3 Total = 8	Cat = 1 Effect = 2 Risk = 4x1 = 4 Total = 7	Cat = 1 Effect = 2 Risk = 4x1 = 4 Total = 7
Cat D path	Cat = 0 Effect = 6 Risk = 4x5 = 20 Total = 26	Cat = 0 Effect = 4 Risk = 4x4 = 16 Total = 20*	Cat = 0 Effect = 4 Risk = 4x4 = 16 Total = 20*	Cat = 0 Effect = 4 Risk = 3x5 = 15 Total = 19**	Cat = 0 Effect = 6 Risk = 4x3 = 12 Total = 18	Cat = 0 Effect = 4 Risk = 4x3 = 12 Total = 16	Cat = 0 Effect = 4 Risk = 3x3 = 9 Total = 13	Cat = 0 Effect = 4 Risk = 4x2 = 8 Total = 12	Cat = 0 Effect = 4 Risk = 3x1 = 3 Total = 7	Cat = 0 Effect = 4 Risk = 3x1 = 3 Total = 7	Cat = 0 Effect = 2 Risk = 4x1 = 4 Total = 6	Cat = 0 Effect = 2 Risk = 4x1 = 4 Total = 6

* Treated as a higher priority due to a risk score of 16 or above.

** Treated as a higher priority due to a severity score of 5.

Table A3: Issue prioritisation scoring – issue ranking

	Ranked Total Score	Issue	Path Category
	31	Collapsed bridge	A
	29	Collapsed bridge	B
	27	Collapsed bridge	C
	26	Collapsed bridge	D
	25	Wire across, dangerous obstruction.	A
	25	Slats missing from bridge floor, otherwise sound	A
	24	Intimidating animal in field, cross-field effectively blocked	A
	23	Wire across , dangerous obstruction.	B
	23	Slats missing from bridge floor, otherwise sound	B
	22	Intimidating animal in field, cross-field effectively blocked	B
	21	Wire across, dangerous obstruction.	C
	21	Heavily overgrown vegetation, difficult to bypass	C
	20	Wire across, dangerous obstruction.	D
	20	Intimidating animal in field, cross-field effectively blocked	C
	20	Slats missing from bridge floor, otherwise sound	D
	19	Intimidating animal in field, cross-field effectively blocked	D
	23	Heavily overgrown vegetation, difficult to bypass	A
	21	Damaged gate or stile. Difficult to by-pass – need to climb over	A
	21	Heavily overgrown vegetation, difficult to bypass	B
	19	Damaged gate or stile. Difficult to by-pass – need to climb over	B
	19	Heavily overgrown vegetation, difficult to bypass	C
	18	Ploughed out, no obvious alternative	A
	18	Heavily overgrown vegetation, difficult to bypass	D
	17	Muddy terrain	A
	17	Damaged gate or stile. Difficult to by-pass – need to climb over	C
	16	Ploughed out, no obvious alternative	B
	16	Damaged gate or stile. Difficult to by-pass – need to climb over	D
	15	Muddy terrain	B
	14	Ploughed out, no obvious alternative	C
	13	Ploughed out, no obvious alternative	D
	13	Muddy terrain	C
	12	Missing signpost or waymark, navigation difficult.	A
	12	Alignment issue, navigation difficult	A
	12	Muddy terrain	D
	11	Obstruction, easily bypassed	A
	11	Damaged gate or stile. Easy to by-pass	A
	10	Missing signpost or waymark, navigation difficult.	B
	10	Alignment issue, navigation difficult	B
	9	Obstruction, easily bypassed	B
	9	Damaged gate or stile. Easy to by-pass	B
	8	Missing signpost or waymark, navigation difficult.	C
	8	Alignment issue, navigation difficult	C
	7	Missing signpost or waymark, navigation difficult.	D
	7	Alignment issue, navigation difficult	D
	7	Obstruction, easily bypassed	C
	7	Damaged gate or stile. Easy to by-pass	C
	6	Obstruction, easily bypassed	D
	6	Damaged gate or stile. Easy to by-pass	D

Taken from:

BES Executive Members Report - 21st July 2017
Public Rights of Way – A New Approach to Categorising Public Rights of Way Network

Table 2: Proposed statement of service delivery principles.

Asserting and protecting public rights of way on behalf of the public

The County Council has a duty to assert and protect public rights over the public rights of way (PRoW) network. This duty includes an obligation to ensure the network is safe to use and free from obstruction. In order to fulfil this duty the County Council will ensure:

- Surfaces and items of infrastructure (e.g. stiles, gates and bridges) on the PRoW network are appropriate and safe to use.
- Maintenance works on the PRoW network are carried out so as to ensure provision at least equivalent to historic levels, with improvements made where resources allow, having regard to expected use, community value and significance of individual routes.
- Maintenance and improvement works are carried out within available resources and according to a published method of prioritisation.
- Access to the network from metalled roads is clearly signed.
- Provision of other signs including waymarks along the length of public rights of way is adequate and fit for purpose in order to inform and protect users and safeguard adjacent property and land.
- Landowners understand their responsibilities in relation to the PRoW network where applicable, including those relating to maintenance of infrastructure and furniture, control of vegetation, control of livestock, reinstatement of surfaces and removal of obstructions.
- Appropriate enforcement action is taken where it is in the public interest to do so, to remove unlawful obstructions and reinstate obstructed routes.
- It is always responsive, open, honest and fair in its dealings with users, land owners and other stakeholders in relation to public rights of way.
- It collaborates and works closely with stakeholders, Parish Councils, user groups, volunteers and other interested bodies and individuals to share skills and resources and maximise the potential to maintain and improve the PRoW network.
- It encourages users to use the network responsibly.
- It supports an effective Local Access Forum and appropriate liaison groups in order to facilitate strategic advice and good working relationships between users, landowners and the Council.
- It processes applications to record, divert or modify rights of way (through Definitive Map Modification Orders or Public Path Orders) in a timely way and will regularly communicate with applicants to keep them informed of progress.

Our activity will be carried out in accordance with legislative requirements, the Council's published guidance and resources available.

Table 16: Proposed path characteristics and scores – amended post consultation.

Path characteristic		Length of paths with this characteristic (km)	Proposed characteristic score	% of network in each proposed category (Cat)
National trail	As defined by Natural England	88	10	Cat A 15.1%
National cycle network	As defined by Sustrans	260	10	
Safe routes to schools (SRTS)	Rights of way that coincide with the SRTS network. Only included within 3km of secondary schools and 2km of primary schools. Usually surfaced routes providing alternative direct pedestrian / cycle route from population centres to schools avoiding busy roads or roads without a footway. Just that section of the route defined as a SRTS scores ten.	412	10	
Routes within urban areas	Routes mostly within a development limit of service centres or large villages. The whole length of the route scores ten.	162	10	
NYCC promoted routes	A number of routes promoted by NYCC. This list will be subject to review over time. List is available on NY website.	610	8	Cat B 21.4%
Multi-user trails	Largely barrier free, surfaced strategic routes that can be used by walkers but which are also good for cyclists and horse riders, either linking communities or over 5km in length. For example Nidderdale Greenway.	65	8	
Routes within 1km of urban fringe.	Routes that lie within 1km of the development limit of service centres/large villages. The whole route scores eight.	633	8	
Routes within 1km of village centres.	Paths that lie within a radius of 1km from a village centre. The whole length of the route scores six.	2,212	6	Cat C 51.9%
Routes within AONBs	As defined by Natural England.	412	6	
Routes along main rivers and canals	As defined by the Environment Agency.	74	6	
Routes avoiding A and B class roads	Routes within 50m of an A or B class road that run parallel and offer an alternative route.	4	6	
Routes onto access land	As defined by Natural England.	103	6	
Higher user status routes	Bridleways, restricted byways, and byways open to all traffic (BOATs) that are not included in the other characteristics.	369	6	
Other routes	Paths that don't have any of the other characteristics.	708	4	Cat D 11.6%
Totals:		6,112		100%



**North Yorkshire County Council
North Yorkshire Local Access Forum 20 November 2019
Cycle Path Network Provision**

1.0 Purpose of the report

- 1.1 To outline North Yorkshire County Councils approach to cycle path network provision.

2.0 Background

- 2.1 In 2016 North Yorkshire County Council published LTP4, the fourth Local Transport Plan (LTP) which outlines the approach NYCC will take to a range of transport policies, opportunities, challenges and transport modes through to 2045.
- 2.2 The LTP includes a dedicated section on the council's approach to cycling. This can be seen here: (<https://www.northyorks.gov.uk/local-transport-plan>) The council is committed to providing for and promoting cycling as a mode of transport for both utility and leisure purposes.
- 2.3 NYCC recognise that there are a many positive benefits associated with cycling including reducing congestion, providing exercise, reducing pollution and offering a cheaper alternative to the private car or public transport. Despite the positives associated with cycling, NYCC also recognise a number of disincentives associated with cycling, including terrain, lack of confidence, lack of facilities and distance of journeys, in order to achieve the positives associated with cycling it is recognised that the disincentives must be addressed.
- 2.4 The LTP outlines that NYCC is committed to developing a cycling policy, which will identify the council's plans for cycling in the short and medium term. This is currently in development.
- 2.5 Nationally the preferred method of delivering cycle infrastructure is to focus on providing dedicated off road routes. However, these are expensive costing of the order of £150k per kilometre on green field sites and significantly more in urban areas. Unfortunately, in the current financial climate, and with competing priorities there is limited budget to deliver cycle routes. The County Council currently receives £3.023 million annual allocation for all transport improvements for the whole county or approximately £5 per head of population. A significant proportion of this funding is dedicated towards providing additional highway maintenance, our top transport priority. Therefore, the ability to deliver new cycle infrastructure is severely restricted.

2.6 Despite the funding restrictions, the County Council will continue to actively seek funding from the government for cycling initiatives by submitting ad hoc bids for funding when opportunities arise. The council was most recently successful in receiving funding from the Access Fund (approximately £900k) and the National Productivity Investment Fund (approximately £3.2m). The Access Fund is currently being used to promote sustainable transport initiatives in Harrogate, Scarborough and Skipton. The successful National Productivity Investment Fund bid was for a package of measures in the west of Harrogate which included a cycle track on Otley Road between the Cardale Park employment area and the town centre.

3.0 Local Cycling and Walking Infrastructure Plans (LCWIPs)

3.1 In 2017 the Government published its first Cycling Walking Investment Strategy, which set out the government's ambition to make walking and cycling the natural choices for shorter journeys or as part of a longer journey. The LCWIPs are designed to be a strategic local level document for identifying cycling and walking improvements.

3.2 As stated above, NYCC successfully bid for funding from DfT's Access Fund, as part of the bid NYCC identified an in-kind contribution of £60,000 to develop Local Cycling and Walking Infrastructure Plans (LCWIP's) for Harrogate, Scarborough and Skipton which were all identified as key growth centres in the County.

3.3 NYCC is also jointly working with Selby District Council and Ryedale District Council to develop LCWIPs for Selby, Sherburn, Tadcaster and Malton / Norton, and LCWIPs for Northallerton and Catterick Garrison will be commenced in the near future. Once these LCWIPs are complete, it will ensure the main settlement and growth centre in each district as identified in the Local Plans has an LCWIP.

3.4 It is important to note that there is no specific funding allocated by Government to deliver the LCWIP's. However, having a LCWIP in place enables the County Council to be in a bid ready position when government announce any funding competitions. In addition to this, having an LCWIP in place enables the County Council to request funding from developers to deliver sections of the identified network.

3.5 To develop an LCWIP and bid ready schemes for each town costs in excess of £50k. Therefore, it is not feasible to develop an LCWIP for each of the towns in North Yorkshire. There are also limited opportunities to bid for funding for cycling infrastructure, therefore a decision was made to concentrate on developing LCWIPs for the largest communities and growth centres in each of the districts.

3.6 Whilst to date only the Harrogate, Scarborough and Selby LCWIP's are complete or close to completion they are already being used to inform funding bids to Government. The National Productivity Investment Fund bid for the Otley Road cycle route was informed by the developing LCWIP for Harrogate and the developing LCWIPs for Skipton and Selby are currently being used to inform a bid into the Governments Transforming Cities Fund for cycle routes to improve sustainable transport access to the railway stations in these towns.

4.0 Equalities implications

4.1 Consideration has been given to the potential for any adverse equalities impacts arising from the recommendations of this report. As this report is for information only it is the view of officers that the recommendations included in this report do not have any adverse impacts on any of the protected characteristics identified in the Equalities Act 2010 and no Equalities Impact screening is required

5.0 Finance implications

5.1 As this report is for information only, it is the view of officers that the recommendations included in this report do not have any financial implications.

6.0 Legal implications

6.1 As this report is for information only, it is the view of officers that the recommendations included in this report do not have any financial implications.

7.0 Recommendations

7.1 It is recommended that Members of the Area Constituency Committee note the contents of this report.

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5 November 2019

NORTH YORKSHIRE LOCAL ACCESS FORUM

Planning Applications and Public Rights of Way

NYCC responds to all planning applications where the PROW runs through or is adjacent to a proposed planning application site by

- Producing a (helpful) map showing the PROW and the site of the proposed development.
- A standard set of words

“INFORMATIVE - ADJACENT PUBLIC RIGHTS OF WAY No works are to be undertaken which will create an obstruction, either permanent or temporary, to the Public Right of Way adjacent to the proposed development. Applicants are advised to contact the County Council’s Access and Public Rights of team at County Hall, Northallerton via paths@northyorks.gov.uk to obtain up-to-date information regarding the line of the route of the way. The applicant should discuss with the Highway Authority any proposals for altering the route.”

This response is appropriate when, on reviewing the application the development may only have a **temporary** impact and does not require diversion and/or is unlikely to have any other material impact. This can usually be assessed by reviewing the application papers and use of “google” facilities.

Where the impact is potentially **permanent** as the PROW runs through a site, provides access to the site or is immediately adjacent to the development including its access. It is known as a Material Consideration. There is ‘a duty to assert and protect the rights of the public to the use and enjoyment of any highway’ (Highways Act 1980 sec.130).

In these cases the NYCC response is unacceptable on two counts

- It leaves it to the discretion of the applicant to contact NYCC (rather than any assertive action by NYCC)
- The District Council planning officer considers it is a matter for NYCC, take no action, and include only the informative note in the planning approval

In 3 years checking planning applications in Richmondshire I have only found one example of a more pro active NYCC response

There are number of cases if it were not for Ramblers action in objecting to planning applications that a diversion would not have been made and a PROW left obstructed by a building or a PROW “lost” in a housing development.

In these cases where it seems there may be a “Material Consideration” NYCC must get involved and be seen to be getting involved

On submitting this report to NYCC I was informed that an updated Informative Note has just been agreed internally and with District Councils. Sadly, it has not been the subject of prior consultation with this group or LAF. The revised Informative Note is attached as an Appendix.

My initial view is that the revision is helpful in explaining the action needed. Like the current note it is fine for developments which will have no permanent impact on the PROW.

BUT it does not address the two concerns set out above in that

1.The onus remains on the applicant to take the action needed when, in law. NYCC should be taking “assertive action”

2.District Council planners will merely add the Informative Note to any approval and not take any positive action.

Furthermore, the note only refers to the need for a diversion and ignores the need for accommodation works, such as separating PROW users from increased traffic on the access road.

My proposal would be on these lines

NYCC should review the application and make the judgement whether it does, or potentially does, have a **permanent** impact on the PROW

and **OBJECT to the application (in addition to the Informative Note)**

NYCC objects to the application as there is a PROW immediately adjacent to the proposed development (and /or the PROW is subsumed in all or part of the access to the development).

The objection will be withdrawn when, after discussion with NYCC (provide contact point) they receive proposals which, in their view, and after consultation with statutory consultees, deal satisfactorily with the PROW issues. It may involve a diversion or accommodation works to protect PROW users from say an increase in traffic.

In my experience the number of such applications is only a small proportion of the planning applications which are near to a PROW

This approach enables NYCC to meet its statutory obligations, puts the onus onto the applicant to consult NYCC. It also makes the planning officer ensure that the PROW issues are satisfactorily addressed before the application is determined.

George Bateman

Ramblers

Richmondshire Footpath Secretary

APPENDIX

2019 - NEW PROW INFORMATIVE FOR PLANNING APPLICATIONS**HI 12 Informative Note – Public Rights of Way**

- i) There is a Public Right of Way or a ‘claimed’ Public Right of Way within or adjoining the application site boundary – please see the attached plan.
- ii) If the proposed development will physically affect the Public Right of Way **permanently** in any way an application to the Local Planning Authority for a Public Path Order/Diversion Order will need to be made under S.257 of the Town and Country Planning Act 1990 as soon as possible. Please contact the Local Planning Authority for a Public Path Order application form.
- iii) If the proposed development will physically affect a Public Right of Way **temporarily** during the period of development works only, an application to the Highway Authority (North Yorkshire County Council) for a Temporary Closure Order is required. Please contact the County Council or visit their website for an application form.
- iv) The existing Public Right(s) of Way on the site must be protected and kept clear of any obstruction until such time as an alternative route has been provided by either a temporary or permanent Order.
- v) It is an offence to obstruct a Public Right of Way and enforcement action can be taken by the Highway Authority to remove any obstruction.
- vi) If there is a “claimed” Public Right of Way within or adjoining the application site boundary, the route is the subject of a formal application and should be regarded in the same way as a Public Right of Way until such time as the application is resolved.
- vii) Where public access is to be retained during the development period, it shall be kept free from obstruction and all persons working on the development site must be made aware that a Public Right of Way exists, and must have regard for the safety of Public Rights of Way users at all times.

Applicants should contact the County Council’s Countryside Access Service at County Hall, Northallerton via CATO@northyorks.gov.uk to obtain up-to-date information regarding the exact route of the way and to discuss any initial proposals for altering the route.

[This revised Informative was accepted by the District Council planners and finally approved by NYLS in September 2019]