
NORTH YORKSHIRE LOCAL ACCESS FORUM

AGENDA

Meeting: Local Access Forum

**Venue: Brierley Meeting Room,
No.3 Racecourse Lane, Northallerton,
DL7 8AD**
(location plan attached)

Date: Wednesday 20 November 2019 at 10am

PLEASE NOTE: The Brierley Building (main County Hall building) is closed now until July 2020. All Committee meetings will be held in either No. 1 or No. 3 Racecourse Lane, Northallerton, DL7 8QZ. Please note the venue above for the location of this meeting. Visitors please report to main reception which is located in No. 3 Racecourse Lane and you will be guided to the venue.

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<http://democracy.northyorks.gov.uk>

Business

1. **Apologies for Absence**
2. **Minutes of the meeting held on 17 July 2019** (Pages 5 to 8)
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 15 November 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. **Briefing on North Riding Unclassified Roads** – Report of the Chairman of Redcar & Cleveland Local Access Forum **(Pages 9 to 12)**
Purpose: To provide an overview of the history of road classification across the North Riding.

5. **Secretary's Update Report** – Report of the Secretary **(Pages 13 to 30)**
Purpose: To update LAF members on developments since the last meeting.

6. **District Council & LAF Project Updates** – Report of the Secretary **(Pages 31 to 34)**
Purpose: An opportunity for LAF members to update the Forum on District Council liaison and other LAF representative project activity since the last meeting.

7. **Forward Plan** – Report of the Secretary **(Pages 35 to 36)**
Purpose: To consider develop and adopt a work programme for future meetings.

8. **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
12 November 2019

NOTES

(a) **Interests**

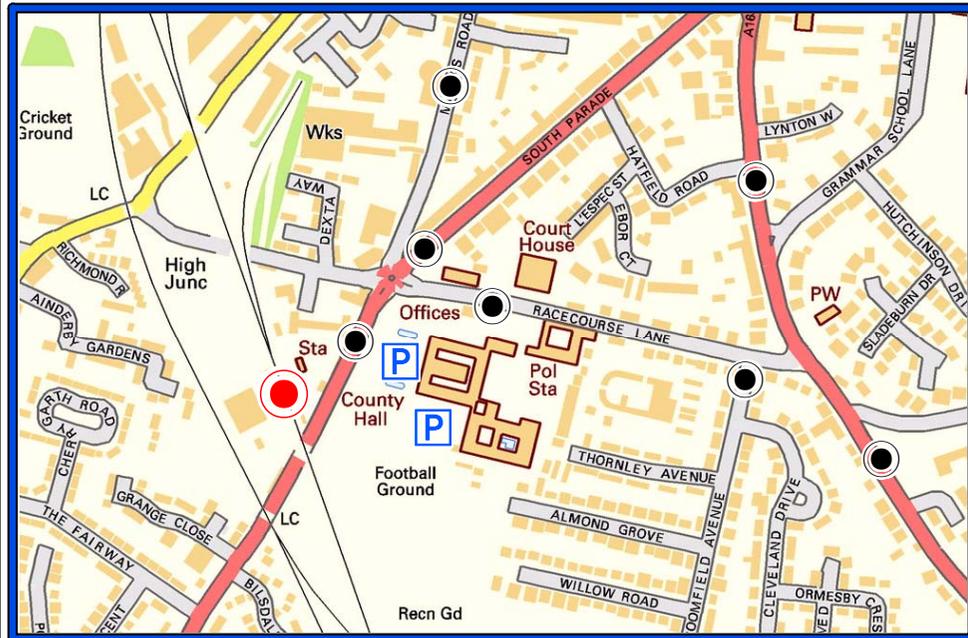
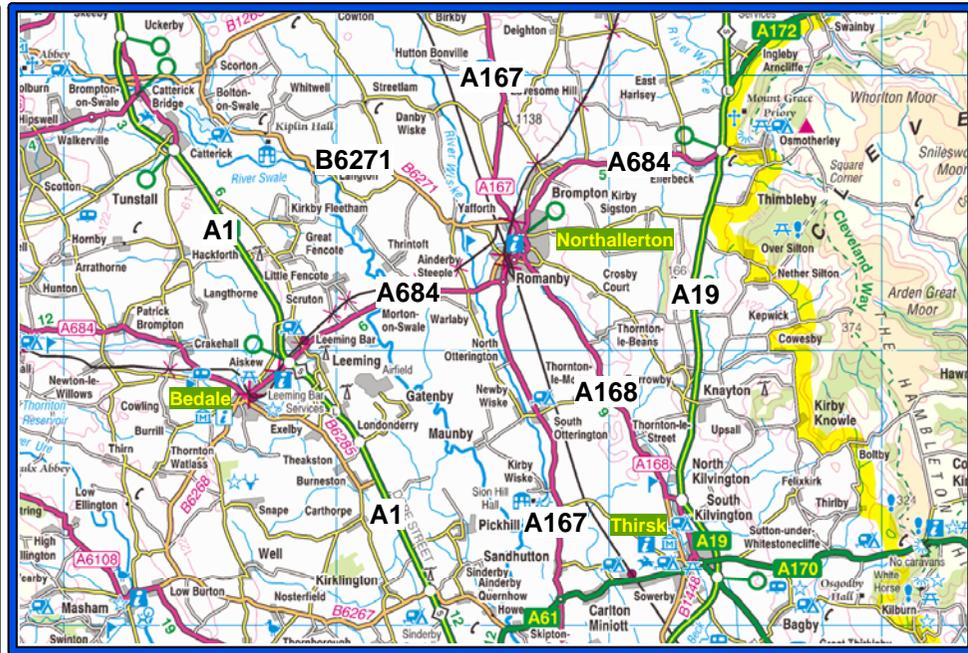
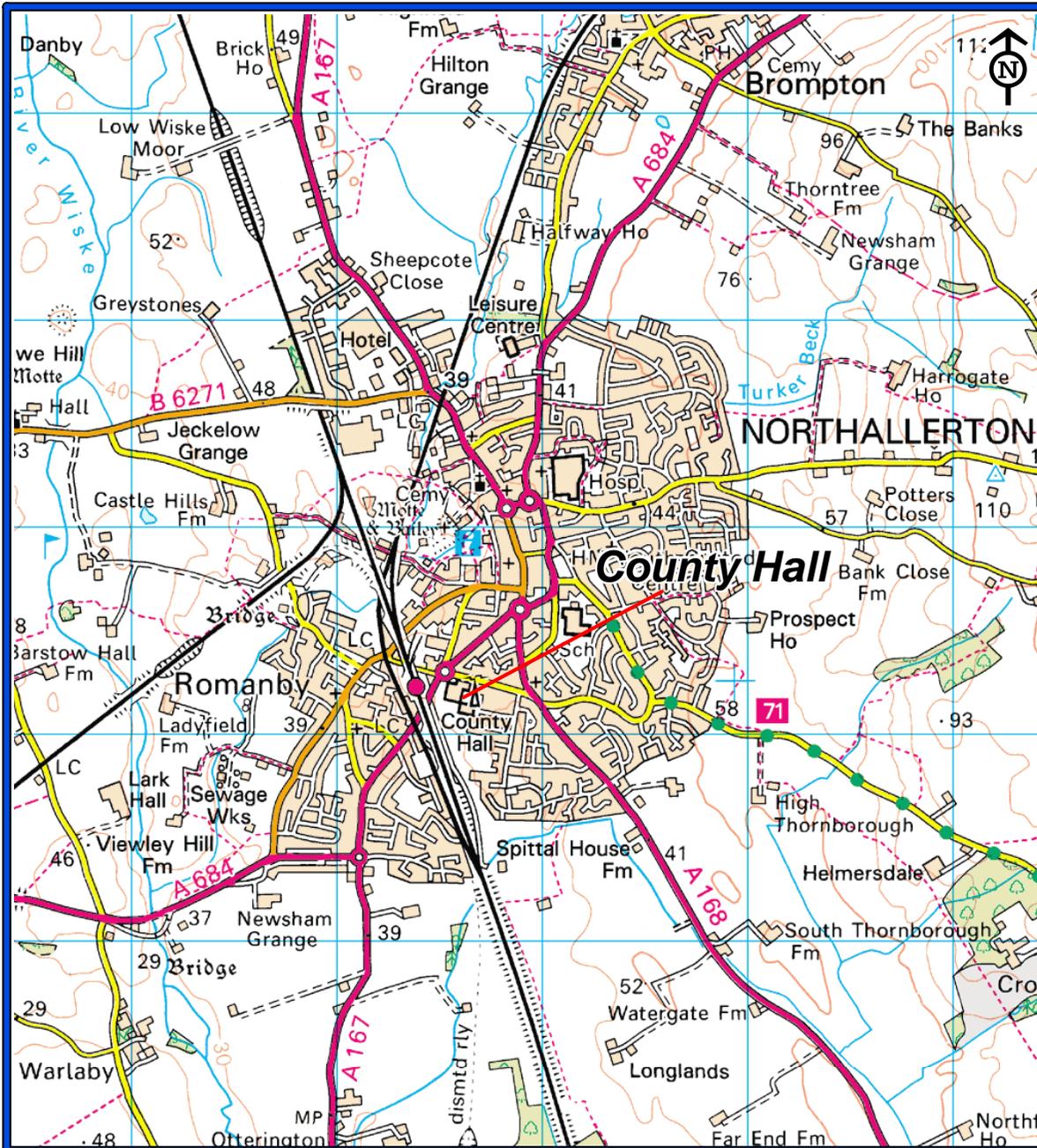
The Local Access Forums (England) Regulations 2007 state:-

- (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.

Local Access Forum Membership

1	CARTWRIGHT, Doug
2	CONNOLLY, Rachel
3	HAIGH, Roma (Vice Chair)
4	HESELTINE, Robert (County Councillor)
5	JEFFELS, David (County Councillor)
6	MOUNTY, Barrie
7	MURRAY, Carol
8	SHEARD, Paul
9	SHERWOOD, Paul (Chair)
10	SOUTAR, Helen
11	Vacant
12	Vacant
13	Vacant



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North
Yorkshire County Council

North Yorkshire Local Access Forum

Minutes of the meeting held at County Hall, Northallerton on 17 July 2019, commencing at 10 am

Present: Paul Sherwood (Chair), Michael Bartholomew, Doug Cartwright, Rachel Connolly, County Councillor David Jeffels, Barrie Mouny, Paul Sheard and Helen Soutar.

Apologies: County Councillor Robert Heseltine, Richard Smith, Judith Turner, Roma Haigh (Vice Chair) and Carol Murray

Officers: Kerry Green – Interim Countryside Access Manager (Business and Environmental Services, North Yorkshire County Council) and Melanie Carr (Legal & Democratic Services - Secretary to the Local Access Forum)

281 Apologies for Absence

Apologies for absence were received from County Councillor Robert Heseltine, Richard Smith Judith Turner, Roma Haigh (Vice Chair) and Carol Murray.

282. Minutes of the meeting held on 5 March 2019

In regard to Minute 278, Members noted the absence of a final report on the GOAT Scheme on the agenda, and questioned when they could expect to receive it. County Councillor David Jeffels confirmed it would be provided for the next meeting.

Resolved -

That the Minutes of the meeting held on 10 April 2019 be agreed as a correct record and signed by the Chair.

283. Public Questions or Statements

There were no public questions or statements.

284. UUR & Verge Cutting on Local Access Routes

Considered –

A Briefing Note on grass cutting on the A1(M) Local Access Road from NYCC Highways & Transportation.

In the absence of an appropriate officer from NYCC Highways & Transportation, Rachel Connolly provided an overview of the background to the concerns about NMU safety along local access roads and the handling of the request from the British Horse Society that where possible verges be mowed away from the traffic near the hedges to provide safer travel for NMU journeys.

Having considered the briefing note, Members of the Forum questioned what recommendations were actually made by the Inspector in regard to cutting the grass verges and Rachel Connolly confirmed there was an obligation to maintain the verges so that could be used in their entirety, and that the BHS had subsequently offered a compromise that a 2m strip along the hedges would be acceptable.

In regard to the issue of maps provided by the British Horse Society and Highways England, Rachel suggested it would be helpful if the Forum could have sight of those in order to establish where they differed and to assess how they have been aligned by the Local Area Team.

Rachel Connolly also queried who the most appropriate officer at NYCC was, to liaise with in regard to future NMU travel safety issues.

Resolved - That:

- i. The officer Briefing Note be noted
- ii. The copies of the maps referred to in the briefing note be requested and circulated to Forum members
- iii. A named officer be identified for future liaison on NMU travel safety

285. Green Lanes – Discussion Papers

Considered -

The report of the Secretary providing two discussion papers on Green Lanes / UURs for the Forum's consideration.

Michael Bartholomew introduced the item confirming there were approximately 800km of green lanes in North Yorkshire, most creating no problem for users. However he highlighted that in some individual cases their fabric was being ruined and wildlife was being disturbed. When this became apparent, he suggested the question should be asked 'Is the use of this Green Lane by non-essential motor vehicles essential for the public's interest. If the answer is no, then closure should be sought.

Members discussed their opposing views on the use of UURs and Doug Cartwright suggested a compromise needed to be identified for any contentious UURs, in order that they could remain accessible to all.

Members noted that National Parks had historically worked well to identify a suitable compromise for contentious UURs, but Michael Bartholomew gave an example of where after 30 years of compromise a Green Lane had finally been closed to motor vehicles after the relevant Authority had accepted that the many compromises made had not worked.

Carol Murray proposed that in each instance, whatever right of access existed, that level of access should be maintained, and attention was drawn to her suggestion in the papers that an initial 'double check' be added, that 'Repair and Reopen' was the correct way forward, before doing so. It was also noted that any consideration of closure would need to include an holistic view of its effect on any adjoining routes.

Michael Bartholomew sought clarity on what was meant by a double check and Members discussed going on site visits to familiarise themselves with those green lanes whose use and condition had become contentious.

Finally, Members noted there had been an offer from the Chairman of Redcar & Cleveland LAF to attend a future NYLAF meeting to give a presentation on the various ways that highway authorities have handled UCR's in the old North Riding over the years, and it was agreed that the NYCC PROW Officer should be invited to the same meeting.

Resolved - That:

- i. The update be noted.
- ii. The attendance of the Chairman of Redcar & Cleveland LAF be added to the work programme for the next scheduled meeting on 20 November 2020

286. Secretary's Update Report

Considered -

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

In regard to the A66 Trans Pennine Project Public Consultation, Rachel Connolly queried why her views had not been included in the response issued by NYLAF. It was confirmed that the all views had been considered but that the Chair had decided that until a route had been chosen there was little point in commenting on the possible routes. Instead he had chosen only to state NYLAF's general support for the scheme at this first stage.

In regard to the Malton – Pickering Cycleway Design Consultation, Forum members noted the draft letter to the consultants (WSP). The Chair proposed one minor amendment to the 4th bullet point – that the words 'cheap/low quality' be removed and replaced by 'sub-standard'

Forum members agreed the amendment and it was suggested that in addition to sending the consultation response to WSP, it also be sent to both the Chair and cycling representative of North York Moors LAF, and to Ryedale District Council.

County Councillor David Jeffels confirmed he was unable to attend the September meeting of the regional LAF and the Chair agreed to attend instead.

Paul Sheard expressed disappointment that NYCC did not have a Cycling Strategy in place. He welcomed the plans to introduce an Active Travel Strategy that would encompass both walking and cycling strategy but was disappointed to note that the work to develop it had slipped. He stressed the need to progress it quickly as it would help inform future direction. He therefore suggested that an update on the production of the planned Active Travel Strategy be provided for the next NYLAF meeting.

Resolved -

That:

- i. The update report be noted.
- ii. Subject to the agreed amendment, the Secretary send the draft letter attached at Annex B to all those identified above

287. 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.

Rachel Connolly referred to her previous suggestion that North Yorkshire Police be invited to attend a future meeting. She confirmed her previous conversation with an NYP representative and stressed their keenness to attend. Members agreed to circulate their thoughts on possible questions for NYP to the NYLAF Secretary.

Resolved -

That:

- i. The following be added to NYLAF's work programme for the November 2019 meeting:
 - Goat Scheme Final Report
 - Attendance of North Yorkshire Police Representative
 - Update on production of NYCC Active Travel Strategy
 - Attendance of the Chairman of Redcar & Cleveland LAF & NYCC PROW Officer

288. 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.

Rachel Connolly confirmed she had received notification of a planning application with a ROW running through it in the Richmond area, and that she was currently drafting a response which she would circulate to members. She requested that if members had any objections to her draft response that they provide feedback as soon as possible in order that the response could be submitted by the deadline. It was noted that often members did not respond to email requests for feedback making it difficult for the Secretary to know whether it was ok to submit a formal response drafted by an individual member.

In regard to the issue at Bullamoor Park in Northallerton, and the planned consultation to be undertaken by Northallerton Town Council, it was agreed that the Forum needed to be involved in the consultation process.

Rachel Connolly also suggested it would be helpful if the Forum could agree a position statement for circulation to District Councils that addressed the issue of public rights of way on new developments/estate roads, and Members discussed whether to instead add some appropriate wording to the Forum's Advice & Guidance to District Councils.

Resolved - That:

- i. The updates on the various project updates be noted.
- ii. That further thought be given to amending the Advice & Guidance for District Councils to address the issue of public rights of way on new developments/estate roads

The meeting concluded at 12:40
MLC

Research on North Riding Unclassified Roads 20th November 2019

1. The Council is obliged to maintain a public record of streets that it maintains. A street is defined as any highway and so includes public paths, but there is no requirement to publish information as to the status of each street.
2. However, the Council is also required to contribute to the National Street Gazetteer. The NSG is a digital record of all highways plus private roads serving at least two premises. Each street has a code indicating whether publicly maintained and the subset of streets with this code should correspond with the list of streets. Each street also has a code showing what public rights exist, or whether not known and under investigation. There is no statutory requirement for this data to be available to the public, but as the data could be obtained by a FOI request, this is a fine distinction. In any event, the Council helpfully carried out a data extraction that indicated that there are 727 streets in the County being investigated.
3. There are obvious problems with the Council not knowing which streets are public roads and which merely paths. The requirements for maintenance are quite different. It must make it difficult for the Council to respond to searches in respect of property served by the roads. It is clearly important for a prospective purchaser to know whether an access track is a public road or not. For the Council to say it doesn't know is to beg the question of why the applicant is paying good money for this information. For the Council to fudge the issue by saying that the access is publicly maintainable without pointing out that this might only be to a footpath standard is to risk accusations of giving misleading information if it subsequently argued that the access is not a public road.
4. In general terms, the streets with unknown status are green lanes that have not been maintained suitable for vehicular traffic for decades and appear very similar to bridleways, but are on the list of streets because they were shown on records inherited from the previous authorities in 1974. Any local authority needs records and has to assume that they are correct unless found to be wrong, and the same logically applies to records from previous authorities. The problem here appears to be uncertainty as to whether the previous records are of all highways maintainable at public expense, or merely the vehicular roads.
5. There does seem to be a mistaken belief that the records handed over were the lists of streets and thus would have been a record of all publicly maintainable roads with no requirement for the status to be recorded. But before 1974 there was no requirement for county areas to have lists of streets. Instead the records handed over were internal documents that were not required to be available for public inspection. The question then is what records the previous counties kept for their own operational needs. Of course, these well might differ between the counties. The

remainder of this presentation describes research into the records of the former North Riding which accounted for over 60% of the streets requiring investigation.

6. Until 1868 the minor roads were the responsibility of more than 600 parishes. From 1868 to 1897 they came under highway boards, and from 1897 to 1930 under the rural districts. The North Riding only became responsible for unclassified roads in 1930 and so the research looked at the Council records from 1930 until the abolition of the County in 1974.
7. There are a number of records, not always consistent with each other. In 1929 the Clerk to the Council requested information on roads from the district councils in the form of numbered one inch maps and very detailed schedules of information about each road. Around 1930 the Council prepared its own consolidated six inch maps and schedules, apparently based on the district information but also including some "additional roads" that appear to have come from the knowledge of the very many staff that transferred from the districts. The County records have survived. The district records were apparently lost in the 1950s, but the detailed instructions for preparing them have survived.
8. In 1941 a new set of schedules was prepared. This differed from the previous schedules in establishing a road hierarchy of five types from through roads to green lanes. The roads included in the new schedules are almost all copied from the previous schedules, apart from a small number of new adoptions and roads inherited from abolished urban districts in 1932 and 1934. The 1941 schedule continued to be used at least up to 1974 and still survives. A large number of changes have been pencilled in, particularly in respect of numerous new adoptions from the 1950s onward.
9. There is evidence that these roads were plotted on 6" sheets in the early 1950s. These plans cannot now be located, but they may still exist in some forgotten plan chest at County Hall. In any event, a smaller scale copy on a 1:25,000 base was made around 1960 and these plans do survive.
10. Almost all the green lanes that were still recorded in 1974 had been present since the original assembly of data around 1930. Some roads had been removed for developments such as airfields, but no less than 139 had disappeared from the record without any explanation, particularly in the earlier years. Many of these were included as public paths on the definitive map. Apart from a few discrepancies that seem to have been drafting errors on modern records, there are no indication that any more roads have disappeared since 1974.
11. To assist in further investigations, I have produced a data bank of information on the North Riding road records. These are now on a cloud site and can be inspected at <http://bajownxv.tkhcloudstorage.com>. This is part of my North Riding Bridleways Archive – see the folder entitled "Unclassified Roads". This includes my main report on the work, working papers and resource folders including the 1930 maps and

schedules, the 1941 schedules as images and retyped, a reconstruction of the 1950 maps based on the schedules, the 1960 maps both as original images and reconstructed and a summary schedule for each of over 600 roads in the former North Riding that are either of unknown status on the NSG or were recorded in 1941 and are now shown as white roads on OS mapping. Please feel free to download this data (or anything else in the North Riding Bridleways Archive).

12. Although there are a few minor inconsistencies between the records, the fact remains that most of the roads identified for examination were recorded in the data collected by the North Riding around 1930 and remained consistently on the various records right through to 1974. The fact that so many were removed at various stages implies that the original records were not accepted blindly, but were subject to some sort of critical review from time to time which should give greater confidence in the accuracy of the roads that are still on the record.
13. In terms of the status of the roads recorded, all the evidence point in the same direction. The information collected around 1930 was intended to be limited to vehicular roads and not public paths. Throughout the period of the North Riding the staff believed the record to be of vehicular roads and this was used as a basis for highway maintenance, the answering of property searches and the preparation of the definitive map which with very few exceptions showed the public paths and unclassified roads as mutually exclusive networks. In my view, there can be no reasonable doubt that the information on unclassified roads passed over by the North Riding in 1974 was of vehicular highways only and should be assumed by the Council to be correct in the absence of evidence to the contrary. Thus, the Council actually does know the status of most of the roads on the NSG reputed to be of unknown status.
14. I also feel that there is a need for a further examination of over 100 roads that the North Riding removed from the record without due process. Of course, the Council would have been entitled to do this had it discovered that there had been a mistake in previous records and the road did not exist at all or was merely a public path. But there is rarely any record of any decisions and one would naturally assume that the information supplied by the rural districts in the era when roads were painstakingly maintained by hand would have been accurate. My suspicion is that the records became regarded by the Surveyor's staff as records of road that actually were maintained, rather than those that were required to be maintained. As motor transport took over in the countryside, most roads were given improved surfaces but others were effectively abandoned and removed from the record.

John Sugden
29/10/19

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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.

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

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

~~XXXXXXXXXX~~ 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.

Author: Samantha Raine
Transport Planning
Business and Environmental Services
North Yorkshire County Council
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]

North Yorkshire Local Access Forum

20 November 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
Vacant	Craven District
Barrie Mounty	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
Helen Soutar	Harrogate District
County Councillor David Jeffels	Scarborough District Regional Access Forum
Vacant	2026

- 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 following updates have been provided by Rachel Connolly:

Hambleton District Council

Hambleton are in the throes of writing their draft Local Plan, so I made an appointment and spent a constructive time going through the Hambleton report which had just been written, and discussing what the LAF expected from their policy team according to the training given by Natural England. They found this really useful and will be issuing their Plan for response in due course.

Hambleton District Council have had various planning responses and an in-depth response to their draft Local Plan. Feedback has been positive about the Forum's input.

Richmondshire District Council (RDC)

The LAF has submitted two reports on planning applications since the last meeting, the most significant of which is the proposed motorway service area adjacent to the Catterick north interchange on the A1(M). This response was also sent to NYCC highways – unusually – in order that they might appreciate the strong case for rejecting the access plan, and highlights the difficulty for the district council when advice from us and the county council might disagree. As I write NYCC have failed to give their input to date, leaving planners and applicants with uncertainty as the committee date draws nearer.

Ministry of Defence – Catterick Garrison

There are some very major developments in the pipeline for the Ministry of Defence, all of which will need planning permission from RDC and will need to conform to the National Planning Policy Framework regarding 'Access'. However, this will not be for another year and the manager was unwilling for the LAF to have input at this stage and said we would be treated as any other consultee when the time came. One of the issues I have with the MOD in Catterick is that they have made cycle-only paths through the garrison patch – this is a defined area of Crown Estate with particular self-determining powers, as opposed to the civilian area which surrounds it; the MOD areas beyond the Garrison are under the management of someone different. However, although Crown Land, their planning comes under the local district council i.e. RDC.

The cycle-only paths exclude horses which then have to mix with traffic (including tanks) on the roads, with the result that no-one dares ride round the garrison now. I asked if there was a likelihood of them changing their policy in line with government advice, non-discrimination and equality of safer travel in the meantime, and the answer was a categorical NO!

Highways England (HE)

HE came for a day's discussion and site visit regarding the local access roads. Various proposals will go forward to NYCC regarding improvements that they could suggest, funded by HE, as there was recognition that HE had failed NMUs to some degree on this project, together with agreed actions that HE could affect themselves to remedy some of the defects. Visitors were surprised and shocked to see the neglect of the verges on the LAR. HE will have discussions with NYCC.

Verge Cutting

At the last meeting it was expected that the BHS representative would be contacted by NYCC with a similar letter to the one sent to the Forum, but she heard nothing. Therefore, she asked me to liaise with the area highway manager to discuss where mowing was needed as I had more knowledge of this than she did. Consequently, we looked at the maps and had what seemed a useful plan to go forward. A further site meeting has been arranged and negotiations are still ongoing

3.2 The following update has been provided by Helen Soutar:

Report on the A59 Kex Gill new alignment public information event

Paul Sherwood and I attended the open public consultation events held over 3 days at the beginning of October. I attended the Huberstone Farm event on the 2nd October and Paul attended the Harrogate event on the 3rd October.

North Yorkshire County Council has been working on developing the new alignment of the A59 at Kex Gill, between Harrogate and Skipton, due to landslips and instability. The sessions were staffed by NYCC project officers and gave opportunity to discuss design, view plans, photo montages and a very useful 3D computer generated model.

The new section of A59 will follow the path of the Roman road on the opposite hillside to the present road, this is a bridleway now. The new bridleway will broadly follow the new road but from the maps available on the link below it appears to be 50m or more away from the road and is often separated from the new road by banking and dry-stone walls. There will be 2 bridleway underpasses with mounting blocks provided for horse riders. The old A59 will be a shared bridleway and farm access until it links onto the new bridleway. The rest of the old A59 will not be maintained due to stability issues. The road junction will be improved near the popular water authority carpark for Fewston Reservoir and Blubberhouses church making a safer junction and improved access to the carpark

The full detailed proposals are available at www.northyorks.gov.uk/a59-kex-gill-re-alignment .

It's interesting to note under frequently asked questions:

Q. Will pedestrians, cyclists, equestrians and other non-motorised users be able to enjoy the local area?

A. We will be engaging with the local access forum on the details of this – As far as I know the LAF has not t been directly involved in the consultation yet, but I am new to the Forum so if other members know more please let me know.

In general discussions at the consultation event with the project manager he said overall people were generally happy with the proposals and that they had received no indication of any complaints or objections to date (beginning October). The events seemed very well attended with many user groups represented even in the short space of time I attended.

4.0 LAF projects

- 4.1 The following update on 'Getting Out and About Together' (GOAT) has been provided by Cllr David Jeffels:

The aspiration of the LAF to take forward a project designed to enhance the learning experience of primary school age children through outdoor visits in their locality, has been on the drawing board for some time, and officers in NYCC's Countryside Services Department have studied possible opportunities.

However, because of constraints on budgets and staff resources, it has not been possible at this stage to take forward the initiative as was originally envisaged. Members of LAF however, obviously remain committed to the concept that enabling children to get out into the local area to study nature, wildlife, local history and heritage because all our communities have much to offer them.

Despite the council's constraints, schemes have been taken forward at Selby and Scarborough, focusing on health the environment and heritage and a further scheme is being progressed at Ripon on the theme of "Discoveries on Your Doorstep".

Officers are enthusiastic about the prospects of getting our primary schools involved in outdoor pursuits, as are members of the LAF because such activity has much to achieve in terms of generating interest by primary age children in their environment and encouraging them in activities through the GOAT idea which will benefit the youngsters in their wider curriculum such as geography, history, mathematics, heritage, essay writing and reading etc.

In summary, derivations of the GOAT scheme are still alive and as the member of the LAF who agreed to take it forward, members can be assured that it is still 'work in progress' on my part but the pressure on staff and budget has meant it cannot be pursued in its original concept though I shall be taking an active interest in the Ripon scheme from which it may be possible to expand its objectives to other communities.

- 4.3 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

North Yorkshire Local Access Forum

20 November 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 one finale meeting arranged for this municipal year – 25 March 2020. NYCC's corporate calendar for 2020/21 is currently being finalised and the agreed meeting dates for that period will be circulated in due course.

3.2 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.

3.3 The current work programme is attached at Annex A. Forum members are encouraged to suggest possible items of business for future meetings.

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

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
Suggested Future Items	<ul style="list-style-type: none"> • 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 • Draft NYCC Active Travel Strategy • Attendance of North Yorkshire Police