

North Yorkshire Local Access Forum

30 September 2020

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 There have been no consultation requests received or responses issued since the last meeting.

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 Local Plan was adopted in March 2019. Supplementary Planning Documents on Rural Workers' Dwellings and Flood Risk are due to be adopted in 2020.
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. More recently, a new Local Development Scheme (LDS) setting out the timetable for production of the Local Plan was approved in December 2019 – see: www.hambleton.gov.uk/localplan/downloads/file/1/new_local_development_scheme_updated_october_2017
Harrogate	The Inspector's report was issued on 31 January 2020. The report concluded that Harrogate Local Plan was sound subject to main modifications. The report and Schedule of Main Modifications can be viewed at: https://www.harrogate.gov.uk/info/20101/planning_policy_and_the_local_plan/1159/harrogate_district_local_plan_examination Harrogate District's Local Plan 2014-2035 was subsequently adopted on 4 March 2020.

Richmondshire	<p>The Council is running behind with their review of their Local Plan, which was due to be circulated in the early summer. The revised Local Plan will update the policies used to consider new development across the District. A new Local Development Scheme was brought into effect in February 2020, setting out a timetable for the preparation of the Local Plan 2018-2035 documents – see:</p> <p>https://www.richmondshire.gov.uk/media/11465/local-development-scheme-february-2020.pdf</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 was the final part of the Local Plan for the District. It identified commitments and allocations for housing, retail and employment land, and provided 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>A new Local Development Scheme for the period 2019 to 2023 came into effect on 17 September 2019. The scheme identified which Local Plan documents the Council would progress over the next four years, together with the programme for their preparation, and key consultation milestones.</p> <p>As the first stage in the process, Selby District Council ran a six-week consultation ending 6 March 2020 on the Local Plan Issues and Options. The comment received are shown as still being processed and will be made available, along with the Council's responses, on the council website in due course.</p>
Minerals and Waste Joint Plan	<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:</p> <p>https://www.northyorks.gov.uk/minerals-and-waste-joint-planexamination</p> <p>September 2020 - 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 has been 27 notifications of a discretionary dog restriction on Colsterdale Moor, 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 There have been 36 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 Rights of Way Improvement Plan
There are currently no plans to refresh the Rights of Way Improvement Plan. At a point when it is reviewed the LAF will be involved. In the meantime, the County Council has a Local Transport Plan – see: www.northyorks.gov.uk/local-transport-plan.
- 3.5 Rights of way are covered as a key theme in the Executive Summary, and in part 3M in more detail. There are also some links to other sections, for example, walking and cycling (3J), access to services (2C), healthier travel (2E) etc. Part 1 shows the structure of the LTP with links to the relevant sections.
- 3.6 Update on the work of the Countryside Access Service during the Coronavirus pandemic
Kerry Green, Interim Countryside Access Manager has provided an overview of the work of the Countryside Access Service during the coronavirus pandemic period – see Appendix A.
- 3.7 Update on Responses to Planning Applications
The LAF have previously questioned how the Countryside Access Service receives and responds to Planning Applications from the seven district/borough councils. The Service receives applications in a number of different ways - some send emails of any planning applications that they think might affect a right of way; some send an email for every application and the Service has to trawl through them to see if a PROW might be affected; others rely on the Service to check the weekly lists and then decide which applications it may want to comment on.
- 3.8 In terms of applications for larger developments, the Countryside Access Service is sometimes engaged early on and can provide comment and advice on proposals. Other times the Service might only become aware when the application is on the weekly list or by email, and the opportunity to create any benefits to the PROW network are limited - they can only try to ensure that any affected PROW are diverted.
- 3.9 Through the Countryside Access Service response to applications, the service 'informs' the applicant/developer of their duties and responsibilities in respect of PROW, with the district and borough councils as Local Planning Authorities (LPAs) including that Informative in the Planning Permission and explaining to the developer what that means. In the case of diversions necessary because of the planning application, these are generally carried out under the Town and Country Planning Act whilst the development is underway, but this relies on the developer making an application in the first instance. It is not possible for an LPA to impose a 'condition'

that a PROW is diverted as part of a development, as the LPA cannot impose a condition that can be remedied by other areas of law.

- 3.10 There is a cross-directorate group led by the County Council's Growth and Planning team who are actively engaging with the district and borough Planning and Economic Development teams. The aim is to work better together across the two tiers of councils, to try to get better infrastructure and developments across the area, covering things like school infrastructure, bus services, highway capability and design. The Countryside Access Service are raising some of the PROW issues within that group.
- 3.11 Whilst the Countryside Access Service have no control over how an LPA engages with developers, the service is developing plans to proactively contact developers where it is known their plans will affect a PROW. The service will either advise them how a temporary obstruction (e.g. building works on the route) might be minimised to reduce impact on the PROW, or it will advise on their TCPA diversion to get the most beneficial route to users.
- 3.12 LAF members will be aware that there are currently plans for local government reorganisation and if it proceeds this will change the approach to planning applications in the medium to long term.
- 3.13 Regional Forum
The Yorkshire Humber and North Lincolnshire Regional Access Forum last met on 9 September 2020. The Chair of NYLAF and others had significant problems trying to access the online meeting. The draft Minutes from the meeting have not been circulated.
- 3.14 The next meeting of the Regional Forum is on 10 March 2021 at 10am - the meeting location to be confirmed.
- 3.15 2026 / Definitive Map
There are no changes or updates to report.

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

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- Table 1 above shows that from the week that lockdown started and throughout quarter 1 there was a marked increase in customer reports, most notably in reported obstructions, misleading signs, stiles, waymarks and ploughing and cropping. The green bar shows new issue reports, the brown bar shows issues resolved. The total issues logged in this period was 657; the total issues resolved in period was 393. As a comparison, for the same period in 2019, the number of new issues logged was 551, with 728 being resolved.
- In Table 2 below, which covers quarter 2, you can see that the team has made great progress in resolving issues around obstructions and signage as this is what the team focussed on when travel and lockdown restrictions were relaxed. The total number of issues logged in this period was 458, with the number resolved at 463. In 2019, there were 591 logged, and 501 resolved.

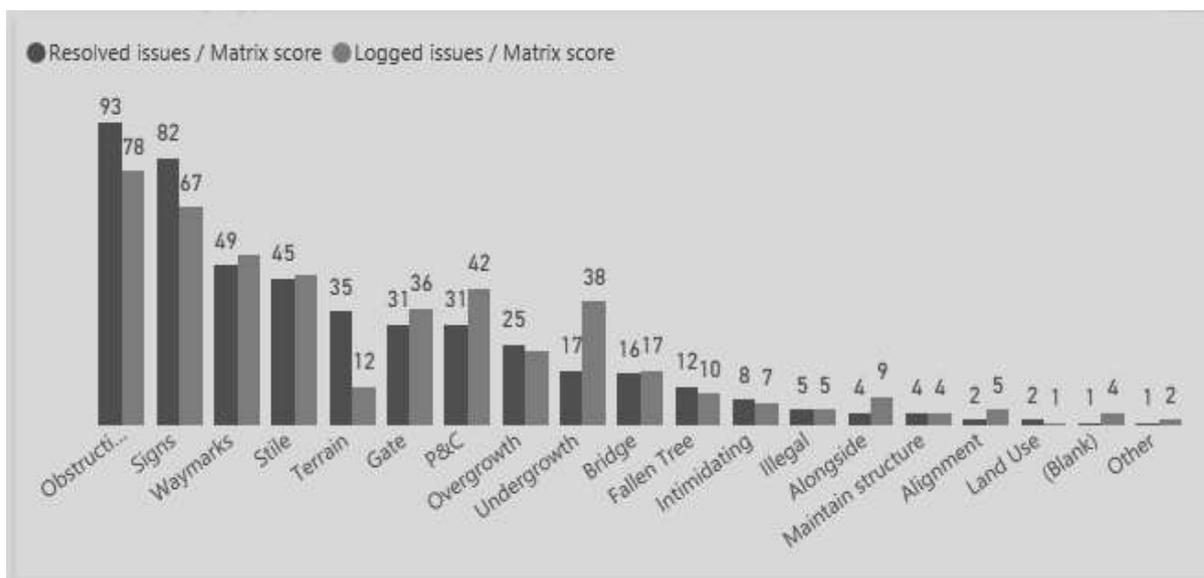
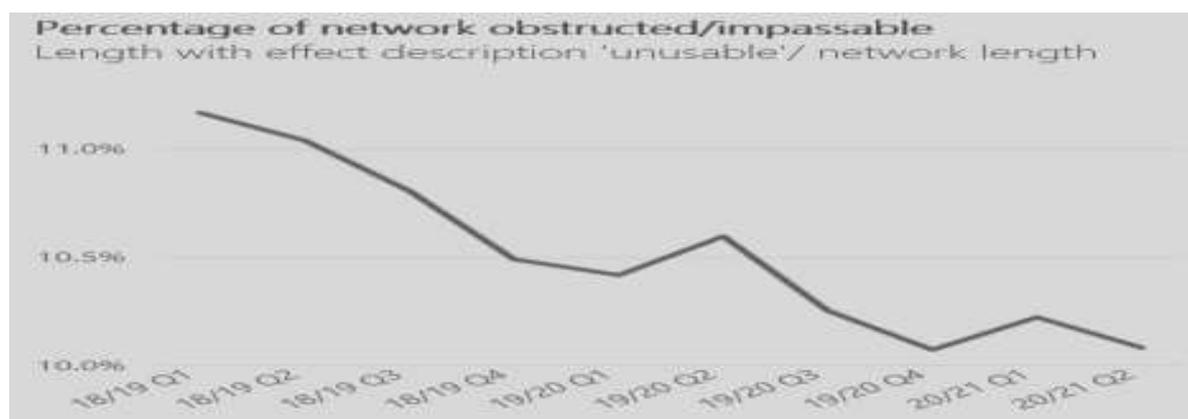


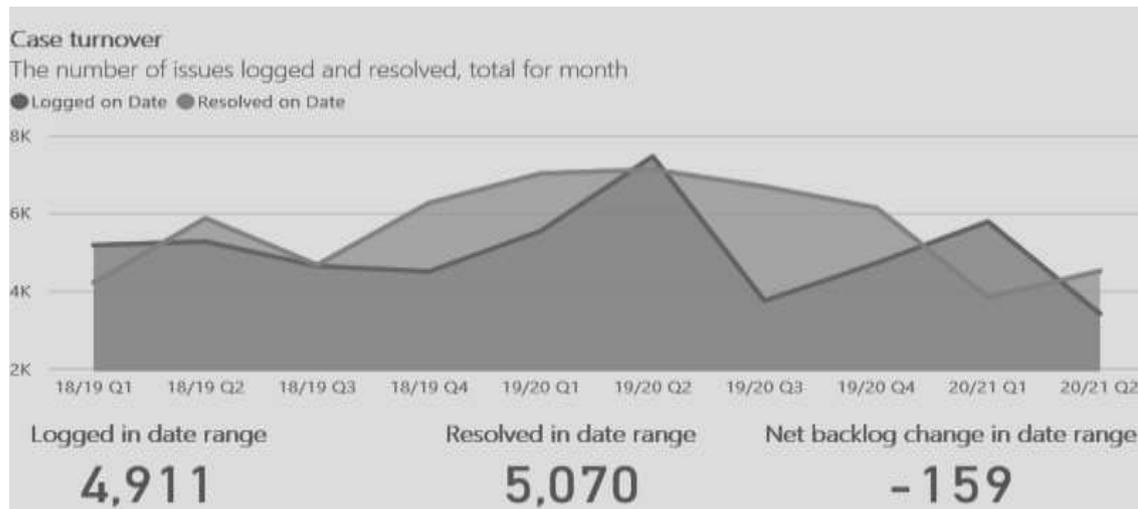
Table 2: Total Issues by Type – 01/07/2020 to 16/09/2020 (Q2)

- Looking at the network condition (% of network obstructed), data shows that the trend has been improving in recent years, and the condition is now almost back to pre-covid levels. The two preceding years are shown by way of comparison.

Period	% of network obstructed
2018/19	10.49%
2019/20	10.07%
23/3/2020 – 30/6/2020 (Q1)	10.22%
1/7/2020 – 16/9/2020 (Q2)	10.08%



8. Table 3 below shows case turnover for 2018/19, 2019/20 and from 1 April 2020 to 16/9/2020. It can be seen that the CAS team have been resolving more issues than are logged in that time, with the exception of Q1 2020 when the coronavirus restrictions were in force and more issues were reported than resolved. In quarter 2, as the team adjusted to the new working practices, they were again resolving more than reported and it is anticipated that they will soon revert to pre-covid resolution levels.



Kerry Green

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