



## Agenda

- Meeting:** North Yorkshire Local Access Forum
- To:** Councillors Paul Sherwood (Chair), Dick Brew, Janet Cochrane, Rachel Connolly, Roma Haigh, David Lepper, Carol Murray, Will Scarlett, Helen Soutar, Kath Topping, Robert Heseltine, David Jeffels and Vacancy.
- Date:** Wednesday, 29th September 2021
- Time:** 10.00 am
- Venue:** Remote meeting held via Microsoft Teams

Under his delegated decision making powers in the Officers' Delegation Scheme in the Council's Constitution, the Chief Executive Officer has power, in cases of emergency, to take any decision which could be taken by the Council, the Executive or a committee. Following on from the expiry of the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020, which allowed for committee meetings to be held remotely, the County Council resolved at its meeting on 5 May 2021 that, for the present time, in light of the continuing Covid-19 pandemic circumstances, remote live-broadcast committee meetings should continue, with any formal decisions required being taken by the Chief Executive Officer under his emergency decision making powers and after consultation with other Officers and Members as appropriate and after taking into account any views of the relevant Committee Members. This approach will be reviewed by full Council at its July meeting.

The meeting will be available to view once the meeting commences, via the following link - [www.northyorks.gov.uk/livemeetings](http://www.northyorks.gov.uk/livemeetings). Recording of previous live broadcast meetings are also available there.

### Business

1. **Introductions & Apologies for Absence**
2. **Election of Vice-Chair**
3. **Minutes of the Meeting held on 26 May 2021** (Pages 3 - 10)
4. **Public Questions & 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 24 September 2021, 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.

- 5. Update on Active Travel in North Yorkshire** (Pages 11 - 18)  
Purpose: To provide a highways update on the delivery of active travel projects across North Yorkshire.
- 6. Report on the Use of Volunteers in the Countryside Access Service** (Pages 19 - 24)
- 7. Secretary's Update Report** (Pages 25 - 32)  
Purpose: To update LAF members on developments since the last meeting.
- 8. District Council & LAF Project Updates** (Pages 33 - 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.
- 9. Forward Plan** (Pages 35 - 36)  
Purpose – To consider, develop and adopt a work programme for future LAF meetings.
- 10. Other business which the Chairman agrees should be considered as a matter of urgency because of special circumstances.**

#### **Contact Details**

Enquiries relating to this agenda please contact Melanie Carr Tel: 01609 533849 or e-mail:

[Melanie.carr1@northyorks.gov.uk](mailto:Melanie.carr1@northyorks.gov.uk)

Website: [www.northyorks.gov.uk](http://www.northyorks.gov.uk)

Barry Khan  
Assistance Chief Executive  
(Legal and Democratic Services)

County Hall  
Northallerton

20 September 2021

## North Yorkshire County Council

### North Yorkshire Local Access Forum

Minutes of the remote meeting held on Wednesday, 26th May 2021 commencing at 10.00 am.

Present: Paul Sherwood in the Chair, plus Roma Haigh, Janet Cochrane, Rachel Connolly, David Lepper, Barrie Mounty and Will Scarlett.

Apologies: Carol Murray, Helen Soutar, County Councillor Robert Heseltine and County Councillor David Jeffels.

Officers Present: Neil Leighton (Senior Highways Officer); Ian Kelly (Countryside Access Manager); Melanie Carr (NYLAF Secretary);

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**Copies of all documents considered are in the Minute Book**

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#### **311 Introductions & Apologies for Absence**

Following members of the Local Access Forum introducing themselves, the Chair confirmed apologies had been received from Helen Soutar, Carol Murray, County Councillor David Jeffels and County Councillor Robert Heseltine.

#### **312 Minutes of the Meeting held on 27 January 2021**

**Resolved** - That the Minutes of the meeting held on 27 January 2021 be agreed as a correct record and signed by the Chair, subject to an amendment to the first paragraph of Minute No.304 – ‘Public Questions & Statements’. It was agreed the paragraph should be amended to correctly record that Mr Leon Foster was present at the meeting and did read out his own submission.

#### **313 Public Questions & Statements**

It was noted that a statement had been submitted by Mr John Vannuffel as a representative of the Trail Rider Fellowship. The statement had been circulated to Forum members ahead of the meeting due to its length so that they would have ample time to digest the information provided.

In Mr Vannuffel's absence the Chair agreed that the Secretary should read out the statement in line with the County Council's public participation scheme, which allowed three minutes for the presentation of a statement submitted by a member of the public.

The Secretary read out the following:

1.1 We write in response to the publication of a LAF document ‘NYLAF Sub-Group UUR Report’ and provide the following as a means to inform and assist NYLAF in formulating statutory advice.

2.1. North Yorkshire UUR's were surveyed in the 1950's as part of the process of producing definitive maps and statements. Both Parish and County Councils were subject of a statutory duty to include UUR's on the definitive map where it could be reasonably alleged that the UUR was a public path (i.e. bridlepath or footpath) or a

Road Used as Public Path (“RUPP” – a public carriageway mainly used by the public for horseriding/walking).

2.2. Where a UUR was not recorded on the definitive map and statement, there are the following possibilities:

A. The Parish Council and County Council properly discharged their legal duties and found that the UUR was a public carriageway mainly used as a carriageway that could not be reasonably alleged to be a public path or RUPP, or

B. The Parish Council and County Council were aware of the existence of the UUR but made a mistake in deciding to omit it from the definitive map and statement on the basis that it could not be reasonably alleged to be a public path or RUPP, or

C. The Parish Council and County Council were not aware of the existence of the UUR.

2.3. The law presumes that things done by authority are done correctly and properly. Conversely, the law does not presume that something done by an authority is the result of mistake.

2.4. “Ordinary road” is a term used in relation to UUR’s to denote that a road does not fall within the scope of ways that can be recorded on the definitive map and statement. Ordinary road in that context means a public carriageway mainly used by the public for the purposes of carriageway.

2.5 Ordinary roads are not public paths, restricted byways or byways open to all traffic.

2.6. Many definitive paths in North Yorkshire terminate on UUR’s and this demonstrates that UUR’s were surveyed and found to be ordinary roads providing a continuation of the highway network.

3.1. Some UUR’s in North Yorkshire were constructed after mechanically propelled vehicles (MPV) were first used as of right on the highway in 1801.

3.2. By 1831 a Parliamentary Select Committee published its report on the use of Steam Carriages on Common Roads. The report records some 43 items of legislation that provide for MPV.

3.3. The effect of the Locomotives Act 1861 was to ensure that all public carriageways created or constructed in exercise of statutory powers from thereon were intended for use by MPV.

3.4. MPV’s were first driven in 1769. The non-motorised bicycle wasn’t invented and ridden until the “draisne” of 1817 – some 16 years after Trevithick first drove a mechanically propelled vehicle as of right on an English highway.

3.5. The first motorcycle was produced in c.1863. The safety bicycle (where the rear wheel is chain driven) was invented in c.1885.

3.6. Some roads built between 1801 and 1861 were built for MPV.

3.7. Some 27 years after the Locomotives Act 1861 protected the public’s entitlement to use MPV on carriageways, the Local Government Act 1888 recognised non-motorised “bicycles, tricycles and velocipedes” as carriages for the purposes of the Highways Acts.

3.8. The public did not acquire statutory power to create and build roads until the Highways Act 1864. Up to that point, the creation and building of roads was either by private individual, inclosure, or by Act (typically a turnpike act).

3.9. The Highways Act 1864 provided new powers for the public to create and build roads, and also to convert existing soft roads into hard roads. But those powers were exercisable in the context of the Locomotives Act 1861 – all powers to create, build and improve carriageways were exercised with the intention of providing for use by MPV.

At this point after nearly 4 minutes of reading the statement, it was agreed the full statement would be published as an attachment to the Minutes of the meeting, and with the Chair’s agreement that the Secretary would move on the final section to read out the suggested considerations proposed by Paul Huffel as follows:

7.1. TRF respectfully suggests that NYLAF consider:

I. The UUR issue from a foundation of acknowledging the differences between a way, right of way, and the limits and conditions on entitlement to use a right of way.

II. That UUR's and Byways Open to All Traffic are not open to all traffic. As with all highways, they are only open to traffic that travels for a legitimate purpose and does not commit a common-law nuisance or other offence.

III. Not all horse and cart traffic was/is entitled to use all carriageways, as some use will amount to nuisance. It is possible in certain circumstances for a motorcycle to be entitled to use a carriageway but not a horse and cart – e.g. where the road is narrow, or where the road passes over a weak bridge that can safely accommodate motorcycles but cannot bear the greater weight and impact of horse and cart.

IV. That a source of conflict rests in a fundamental misunderstanding as to what highways are for. As outlined herein, highways – roads if you will – primarily exist to facilitate travel by the public. They are not for particular classes of user. All classes of user have an equal entitlement to use the road, and that entitlement is limited and subject of conditions. Those conditions include a duty of care and consideration to other road users.

V. The UUR network has already been surveyed and found to be ordinary road. The question is as to whether mistakes occurred on a case-by-case basis. There is no presumption of mistake. There is a presumption that authority discharged its duties properly.

VI. That the UUR network is comprised of a variety of roads, some of which originate in the motoring era and/or were improved for use by MPV at public expense in exercise of statutory powers.

VII. That the MPV pre-dates the non-motorised bicycle and the pre-existing entitlement to use MPV on the highway was protected by statute from 1861.

VIII. "Share With Care" approach helps all users to enjoy the road. Responsible riders and drivers (whether or not in MPV or on bicycle/horse/carriage) take care to share the roads with others. It is wholly unacceptable for responsible users to be met with abuse and unfair treatment from those who have a false sense of greater entitlement to use the road.

IX. Trailriding is a traditional and proper countryside pastime that traces its roots back to the late 1800's and was established prior to the first world war.

The Chair noted his thanks for Mr Vanuffel's public statement submitted in support of agenda items 5 - Countryside Access Service Unsurfaced Unclassified Roads (UURs) Management Review; and 6 - Sub-group Review of NYCC's UUR Statement, and the Forum agreed to take it into account as part of their consideration of those agenda items.

## 314 Secretary's Update Report

Considered –

The report of the Secretary, which updated on developments since the last meeting. Specific attention was drawn to:

- The proposed amendments to the Forum's terms of reference, as detailed in Appendix B of the report around the formation of sub-groups;
- The options for the future recruitment of Forum members, as detailed in section 4 of the report. The Chair confirmed he had looked at how other LAFs carried out recruitment. He also highlighted the need to encourage landowners to apply. It was noted other Local Access Forums had members who were able to contribute from a Business and tourism perspective, and others had members who were able to contribute on disability or environmental issues. Members agreed the members' range

of interests needed to be as diverse as possible, and the Secretary confirmed that the diversity of the membership had always been a key factor in the criteria for the consideration of applications. It was also suggested that the new volunteer co-ordinator in the Countryside Access Service team, may be able to identify volunteers who would also be interested in being a Forum member. The Secretary confirmed there were currently two vacancies on the Forum and members agreed a more informal approach to recruitment might assist in generating more interest, and that the process may benefit from having a long-standing Forum member involved in that more informal approach as described in the paragraph 4.5 of the report. Finally, it was suggested a press release on the role of the Forum could be issued, or whenever a press release was issued on a related subject by the County Council, the opportunity to raise the profile of the Forum should be taken. Janet Cochrane agreed to draft and circulate a press release for Forum members' consideration.

- The draft 'Shared Use' position statement submitted by the Yorkshire & Humber Regional Access Forum at Appendix C – some Members agreed it was a fair and valid statement and therefore were minded to adopt it. However, Neil Leighton, Senior Technical Officer in NYCC Highways drew attention to the fact that the County Council's own position statement on the usage rights of UURs differed from what had been proposed, and therefore would conflict with that of NYLAF's if it chose to adopt the Yorkshire & Humber Regional Access Forum's position. It was therefore agreed that consideration should be given to both agenda item 5, which detailed NYCC's position on UURs & agenda item 6 – the sub-group's review of NYCC's position, before a decision was taken on whether or not to adopt the Regional Forum's position statement on Share Use, and it was agreed to defer the decision to the Forum's next meeting in September 2021;
- The draft position statement on 'Preliminary Involvement in Major Projects' at Appendix D. The Chair confirmed the statement had originally been drafted in response to a feasibility study for a major development on the A59, i.e. at an early stage in the development before detailed information was known. He also confirmed that subsequently after its submission, a number of amendments to the statement had been proposed. The Chair suggested those amendments would make the statement less generic and therefore not suitable for issue at an early stage in response to other major projects in the future. Members agreed to defer the signing off of the position statement to a later meeting to allow further consideration of any additional amendments required.

**Resolved – That**

- i. The update be noted;
- ii. The proposed amendments to the Forum's terms of reference, as detailed in Appendix B of the report be agreed;
- iii. A more informal approach be taken for future recruitment;
- iv. A press release raising the profile of NYLAF and encouraging members of the public to join, be drafted by Janet Cochrane and circulated for members' consideration;
- v. The Yorkshire & Humber Regional Access Forum's position statement on UURs be re-presented at NYLAF's next meeting for further consideration of its adoption.
- vi. Work continue on the draft Position Statement on 'Preliminary Involvement in Major Projects' and that it be re-presented for sign off at the next Forum meeting in September 2021



Considered – A report of the Countryside Access Manager providing a progress update following the transfer of management responsibility for the maintenance of the entire UUR network within North Yorkshire County Council, including the two National Parks. from Highways & Transportation to the Countryside Access Service (CAS) in July 2018.

Ian Kelly presented the report and provided an overview of partnership working with the two National Parks, user group liaison (understanding their priorities and issues), community engagement and use of individual and third party volunteers. He went on to outline the process of enforcement undertaken by CAS and provided an understanding of NYCC position on the status of UURs.

It was noted that:

- The Highways Authority was the only one able to restrict access;
- Temporary Traffic Restriction Orders (TROs) were an essential tool for CAS enabling works to be undertaken and allowing time for works to bed in, repair and recover;
- There was currently 11 temporary TROs currently in place by the Highways Authority and 12 permanent TRO's, informed by CAS;
- The County council's website now included a record of all live temporary and permanent TROs;
- CAS was now moving into a phase of being able to plan ahead the works to be included in the annual maintenance programme;
- Representatives from a most user groups attended the regular user liaison group meetings;
- A Countryside Volunteer Co-ordinator was now in place within the CAS team;
- The spectrum of use of the volunteers was broad with further opportunities expected;

The report detailed NYCC Highways' position on UURs and attention was drawn to paragraph 7.2 of the report that outlined how that was interpreted practically on the ground.

Attention was also drawn to the images in the report, which illustrated the types of remedial works undertaken by CAS as part of their UUR projects, utilising funding from Highways.

Finally, Ian Kelly provided an overview of the next steps, as detailed in the report and confirmed he would welcome the views of NYLAF to assist in the development of an appropriate route prioritisation model to inform future UUR maintenance programmes.

Forum members thanks staff in CAS for the remedial works undertaken to date and noted that many routes became inaccessible due to flooding / drainage problems, and the problems that a blocked ditch could cause elsewhere. They questioned how many years it would take to complete all of the works in the pipeline based on the annual budget available. In response, Ian Kelly confirmed it was not that straightforward, as completed works also required an ongoing cyclical maintenance routine, which the budget also needed to cover.

In regard to NYCC Highways' position on UURs, it was confirmed that CAS did not have the capacity to take a pro-active approach; the DMMO process helped to identify where action needed to be prioritised. The backlog in maintenance was difficult to assess for UURs.

It was also confirmed:

- The backlog in maintenance was difficult to assess for UURs.

- UURs were recorded on the List of Streets, and not on the Definitive Map;
- the DMMO process would have to be followed in order to add a UUR to the Definitive Map
- There was also a backlog of 162 DMMO applications at present – reference was made to the change in process detailed at the last NYLAF meeting
- In regard to usage rights on UURs, the following types of evidence were required by the North Yorkshire Highway Authority to prove higher rights:
  - Routes which were improved and adopted under the Agriculture (Improvement of Roads) Act 1955;
  - Inclosure Awards - routes described as 'public carriage roads';
  - Tithe Awards - routes referred to as 'public roads', often described as being in the 'ownership' of the 'Surveyor of the Highways';
  - Turnpike, railway and canal company, Deposited Plans subject of an Act of Parliament - routes described as 'public carriageways' or Turnpike roads;
  - Other legal orders or creations under statute;
  - Evidence of dedication by landowners and the extent of such dedication.
- The maintenance budget for UURs had dropped as a direct result of a cut in Local Transport Plan funding from central Government;

Finally, Neil Leighton provided an overview of RTs and how they were maintained, and confirmed that approximately 30 UURs were RT routes.

The Chair thanked officers for their update and Members agreed to note the report.

### **316 Sub-group Review of NYCC's UUR Statement**

Considered:

Janet Cochrane introduced her report which provided an overview of the sub-group's review of NYCC's UUR statement. She drew attention to the information provided by Mr Vanuffel which represented the views of the Trail Riders Fellowship, and confirmed the sub-group had also received some informal input from the British Horse Society.

It was noted the sub-group's report had been drafted prior to seeing the UUR Management Review report at agenda item 5. The sub-group members acknowledged that in light of that report and the additional information provided at the meeting, there was further work to do and agreed they would be happy to continue their review

Ian Kelly, Countryside Access Manager confirmed the service was looking to develop a prioritisation model for the maintenance of the existing UURs and would welcome a steer from the LAF on that model.

It was noted that as part of their review, the Sub-group had already agreed it would be helpful to survey and classify all UURs. Janet Cochrane was pleased to note the use of volunteers in that task but questioned the scoring matrix used for assessing UURs. The Chair agreed further information was required on how UURs were currently scored and Ian Kelly reiterated his request for input on developing a set of criteria.

Rachel Connolly suggested that an easier and less expensive way forward would be to agree a simplified approach of maintaining stoney roads for vehicular use and for earthy roads to have TROs put on them to retain them for non-vehicular use.

Neil Leighton, NYCC Senior Highways & Transportation Officer drew attention to NYCC's agreed legal position statement on UUR usage, and confirmed all UURs were on the List



of Streets; the List of Streets did not define usage rights - the Definitive Map defined usage rights. He accepted it would be up to the LAF to have its own interpretation and decide whether it wanted to agree a position statement that differed from the County Council's.

**Resolved:**

That the sub-group continue its work on reviewing NYCC's UUR position statement in order to inform the LAF's decision on whether or not the LAF should have its own UUR position statement.

**317 Sub-group Review of the County Council's webpages relevant to NYLAF**

Considered:

Will Scarlett introduced his report on the Sub-group's review of the County Council's webpages relevant to NYLAF.

He highlighted the work undertaken as detailed in the report and the draft recommendations presented for the LAF's consideration. David Lepper suggested that a map to clearly define the area covered by North Yorkshire LAF would be a useful addition to the webpages and it was noted that the addition of a visual representation of the area was already covered by the draft recommendations.

The Chair thanked the sub-group for their work and it was

**Resolved** – That:

- i. The draft recommendations in the report, be agreed by the Forum.
- ii. The agreed recommendations be submitted to the Countryside Access Service for its consideration, with a request for feedback on implementation.
- iii. The sub-group be dis-banded

**318 District Council Liaison & LAF Sub-Group 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.

In addition to the information provided for the report, the Chair confirmed he had received an invitation to attend a virtual A66 project meeting on 27<sup>th</sup> May 2021, and would provide feedback on that meeting in due course.

Barrie Mouny provided a verbal update on the Selby District and confirmed that Selby District Council had recently put out a statement on a number of village/small town improvements. He noted that they had each been aimed at improving pedestrianisation, but none had included opportunities for out of town parking. He suggested that surrounding rural communities would have difficulty in accessing those pedestrianised centres.

Rachel Connolly confirmed she had now received a long awaited feasibility study from Highways England for the A1 upgrade. She also drew attention to a number of outstanding areas of work for Highways England.

**Resolved –**

That the additional information provided at the meeting be noted, alongside the written updates provided in the report.

**319 Work Programme**

Considered –

Members considered the Forward Plan provided at Appendix 1 to the report, and invited members to identify any additional items of business to be added.

David Lepper suggested the addition of two future items:

- A presentation on DEFRA's new Environmental Land Management Scheme (ELMS) which includes the possibility of creating new access opportunities
- An update on Volunteers who work on rights of way

It was noted that an update on volunteers was scheduled to come to the next meeting of the LAF in September 2021.

Ian Kelly confirmed that the development of a Policy on the prioritisation of DMMOs had yet to be completed, as the Service were still awaiting feedback from applicants.

Finally, Roma Haigh confirmed she wished to stand down as Vice-Chair. It was agreed that members should contact the Secretary if they were interested in taking up the vacant post.

Members thanked Roma for her contribution both as Vice-Chair and previously as Chair and it was

**Resolved – That:**

- i. NYLAF's work programme be updated to include a future update on ELMs.
- ii. Roma Haigh's resignation as Vice-Chair be accepted

The meeting concluded at 12.28 pm.

**North Yorkshire County Council**

**Local Access Forum**

**29 September 2021**

**Active Travel in North Yorkshire**

**Report of the Corporate Director – Business & Environmental Services**

**1.0 Purpose of Report:**

- 1.1. To provide a highways update to Members of the Local Access Forum, with a focus on the delivery of active travel projects across North Yorkshire.

**2.0 Background**

- 2.1 Walking and cycling are the cheapest, healthiest and least polluting forms of travel. Most journeys involve some element of walking, whether it is a walk from home to work, walking to the bus stop or even walking from the car park to the shops. Good walking and cycling links to public transport facilities can integrate different transport modes and further encourage sustainable travel and ultimately reduce car use.
- 2.2 For many people, cycling is also a healthy and environmentally friendly mode of travel. Compared to walking, the extra speed of cycling makes longer trips feasible and can offer a suitable means of travel for those who cannot or choose not to drive (e.g. children and those on low incomes). Providing for and encouraging more walking and cycling as an alternative to driving can also make a significant contribution to boosting social inclusion and to reducing congestion and its environmental and economic impacts.
- 2.3 The County Council is therefore committed to continuing to provide for and promote walking and cycling as a mode of travel for 'utility' trips to access local services.

**3.0 Active Travel Fund**

- 3.1 In February 2020 the Department for Transport (DfT) announced that it would be committing £5bn to walking, cycling and public transport over a period of 5 years. The funding was split into two pots, £2bn for walking and cycling and £3bn for public transport.
- 3.2 Following the Covid-19 lockdown in March 2020, the DfT made some of this funding available through the Emergency Active Travel Fund (EATF) to provide temporary infrastructure to aid social distancing. As a result, schemes were rolled out across the country.
- 3.3 In Tranche 1, the total indicative allocation from the DfT to North Yorkshire County Council (NYCC) was £266,000, but only 50% funding was awarded following their assessment of our Tranche 1 bid. The County Council added match funding of £133,000 to complete all of the schemes set out in the Tranche 1 bid given the importance of the proposed measures to the Covid-19 recovery strategy.

- 3.4 Further, the DfT announced a second round of funding known as the Active Travel Fund (ATF). The fund was renamed with the removal of the word ‘emergency’ due to the longer timescales involved in approving the fund and for the subsequent delivery. Active Travel funding is available to spend in 2021/22, and is intended to enhance streets, while providing space to enable non-motorised users to observe social distancing.
- 3.5 Tranche 2 funding is to be used to support both temporary, low-cost schemes, and permanent schemes with a short lead-time, so long as they meet the criteria outlined below.
- Can it be delivered in 20/21? (this subsequently changed to 21/22 because of a delay in announcing the funding allocations)
  - Does it replace a well-used bus route?
  - Does it provide a segregated cycle /pedestrian route or close roads to traffic?
  - Does it cater for BOTH cycling AND walking?
  - Can it be delivered for less than our indicative allocation of £1.065m?
- 3.6 This was a challenging set of criteria and a significant number of potential schemes had to be ruled out because of deliverability or cost. The schemes put forward to be funded were those that best fit the EATF criteria.
- 3.7 NYCC made an ambitious bid for £1.465m of funding for five schemes, requesting more than our £1.065m indicative allocation, after assessing 300 schemes across the county, including some received from the public, interest groups and county councillors. The final amount awarded to NYCC was £1,011,750, which was only £53k less than our indicative allocation or 95%. The letter from the DfT set out that the amount awarded is split 80/20 between capital and revenue; £809,400 capital, £202,350 revenue.
- 3.8 The schemes in the Tranche 2 bid were:
- |   |       |
|---|-------|
| • Oatlands Drive, Harrogate                     | £215k |
| • A59 (Maple Close, Harrogate to Knaresborough) | £250k |
| • Victoria Avenue, Harrogate                    | £250k |
| • Guisborough Road. Whitby                      | £250k |
| • Market Place, Helmsley to Kirkdale Lane       | £500k |
- 3.9 Following a report to the BES Corporate Director and BES Executive Members on 8<sup>th</sup> December 2020, the route from Helmsley to Kirkdale Lane was removed as it was an additional scheme, which was over and above the allocation. This left four remaining schemes to be taken forward to consultation.
- 3.10 Two phases of consultation were carried out in February and March 2021 and following some public opposition to the proposed Oatlands Drive scheme it was removed from the programme for delivery in 2021/22 and instead more detailed feasibility work will be carried out into the options available for this area. The remaining three schemes will be delivered by March 2022.
- 3.11 A further round of the Active Travel Fund was announced in mid-June 2021 with bid submissions submitted in early August 2021. Following input from stakeholders and analysis of potential schemes against the tranche 3 criteria the following capital schemes have been identified as appropriate to take forward:

Scheme name	Description	Cost
Kildwick to Silsden + Airedale	<p>Proposal to improve a 3km stretch of towpath (1km in Bradford, 2km in North Yorkshire/ Craven) between Kildwick and Silsden. This funding will cover the construction of the NYCC section.</p> <p>This scheme is ready for construction subject to funding. The scheme would be led by Canals and Rivers Trust, using their project managers. The scheme will improve access to recreation for leisure and health purposes.</p> <p>In Airedale we will deliver enhancements to aid accessibility to the Kildwick to Silsden link. The improvements include Improved connectivity from Cross Hills to towpath (at Priest Bank Road), including widening of the pedestrian underpass under roundabout and provision of ramped access onto canal at Cononley Lane End / A629.</p>	£800k + £100k
Ripon West Sustainable Travel Corridors	Delivery of features to reduce design speeds to encourage trips by active modes in the Clothierholme Road / Kirby Road area of Ripon. This scheme would have benefits for a number of schools in the area and also provide access to the town centre from residential areas and any future developments in the area. Measures could include footway-widening, provision of crossing facilities and traffic calming measures (including speed reduction).	£550k
Helmsley Marketplace to Kirkbymoorside	This would be used as development funding to undertake feasibility work for a fully segregated foot/cycleway between Helmsley and Kirkbymoorside alongside the busy A170 to enhance access to employment and facilities for residents, tourists and workers.	£50k
Knaresborough to Flaxby Green Park Industrial Site	This would be used as development funding to undertake feasibility work for a fully segregated foot/cycleway (approximately 7km long) between Knaresborough and Flaxby Green Park alongside the rail line to provide access to key employment and residential sites along the route. Links to wider plans to deliver a cohesive route to York.	£50k
Brayton to Selby route	Brayton to Selby Corridor was included in the Phase 2 Selby LCWIP to the outline design stage. We will develop this work to detailed design stage. The corridor features a direct radial route connecting Brayton to both Selby town centre and the rail station. The route encompasses prestige and primary walking/cycling routes (as defined in the Selby LCWIP) and the central location of the corridor means many trips will either end within or make use of any associated interventions. This corridor connects potential growth sites and links existing key employers and education facilities, a hospital and shopping destinations as well as the rail and bus stations, maximizing permeability into the town centre, whilst aligning with district aspirations. This scheme directly links to the existing Transforming Cities Fund project and will encourage new trips from a new residential development.	£95k
	<b>Total</b>	<b>£1.645M</b>

- 3.12 In Tranche 3 there is a total of £239m capital funding available to all Local Authorities across the UK. NYCC has not been given an indicative allocation for this round of funding but authorities have been told to expect a similar level of funding to that received in 2020/2021. Our indicative allocation was £1,331,000 for Tranches 1 and 2 combined. The funding announcement is expected in autumn and our allocation must be spent before March 2023.
- 3.13 Furthermore the Government is looking to partner with four Local Authorities, in the UK, which have areas of poor health and low physical activity rates to take part in a pilot to provide cycling and walking interventions as part of a social prescribing offer (pilots must be supported by the local Clinical Commissioning Groups and Primary Care Networks).
- 3.14 NYCC has submitted an Expression of Interest to take part in this pilot project.

#### **4.0 Local Cycling and Walking Infrastructure Plans**

- 4.1 In 2017, the government released its first Cycling and Walking Investment Strategy, which outlines the government's ambition to make cycling and walking the natural choice for shorter journeys. Local Cycling and Walking Infrastructure Plans (LCWIPs) were identified in the strategy as a new strategic approach to identifying cycling and walking improvements at a local level. The LCWIP is designed to facilitate a long term approach to developing networks, but also designed so that the document can be updated and revisited throughout the 10 year period of its lifespan.
- 4.2 The key outputs of an LCWIP are:
- A cycle and walking network plan identifying preferred routes
  - A prioritised programme of infrastructure improvements of future investment
  - A report setting out the narrative behind the prioritisation of routes
- 4.3 NYCC intends to develop and adopt an LCWIP for each of the principal towns in the county. The aim of these is to identify the main cycle and walking improvements in a town to enable the county council to bid for government funding and/or to secure funding contributions from developers.
- 4.4 At the present time the following LCWIPs have been developed or are in the process of being developed:
- Harrogate and Knaresborough
  - Scarborough
  - Skipton
  - Selby, Tadcaster and Sherburn in Elmet (in partnership with Selby district council)
  - Malton and Norton (in progress)
  - Northallerton
  - Catterick and Catterick Garrison (to be commissioned in 21/22)
  - Ripon (funded through developer S106 contributions)
- 4.5 There is no direct funding available to deliver the LCWIP priorities but It is becoming increasingly clear that the DfT expect Local Authorities to be developing them and that future funding pots will be available for schemes that have been identified through this process. Additionally, having the LCWIP in place with network plans for each area allows NYCC to be in a much better position to request S106 funding from developers towards new infrastructure.



## 5.0 Capability Fund

5.1 On the 3 March 2021 the Department for Transport (DfT) notified all Combined and Local transport authorities of their indicative revenue funding allocations for 2021/22 under the new one year Local Authority Capability Fund with NYCC receiving an allocation of £207,683.

5.2 The Local Authority Capability Fund replaces the Access Fund, previously offered to a subset of authorities. It supports the commitment made in Gear Change, the Prime Minister's Cycling and Walking Plan in July 2020, to increase the capabilities of local authorities to plan good active travel infrastructure, including building more expertise and undertaking more evidence-based planning.

### 5.3 LCWIP Review and Update

5.3.1 The following LCWIP Phase 2 documents were produced pre-Local Transport Note (LTN) 1/20, the most recent cycle infrastructure guidance (see Section 6 below). To ensure that the designs comply with current guidance review and updates are required as follows:

- Scarborough LCWIP – designs have been produced for four corridors. These will require review against LTN and potential updating.
- Selby District LCWIP – designs have been produced for five corridors in Selby and one in Sherburn. These will require review against LTN and potential updating.
- Harrogate CIP – designs have been produced for four corridors. The proposals in HCIP assumed a reduction in motor vehicle traffic due to delivery of the Harrogate Relief Road. When the Relief Road option was rejected following public consultation, we undertook a review of the appropriateness of the designs as part of the HTIP workstream (Oct 2020) to assess whether they could cater for the resultant traffic growth. This covers off most of the review, but the designs will require updating to ensure LTN compliance.

5.3.2 The budget for this element is £30,000

### 5.4 Bikeability Training for School Pupils

5.4.1 The DfT has very recently invited NYCC to accept a one year contract for 2021/22 with a grant offer of £168,165 to provide up to 3637 places. The DfT grant contribution per pupil trained is increased to £45 per place.

5.4.2 Delivery costs in 2021/22 for 3637 places will be approximately £247,300, leaving a shortfall of £79,000. This figure includes increased salary costs, following the pay award in August 2020.

5.4.3 For the programme to continue, funding will be required to meet the shortfall, either through a full charging scheme or another source.

5.4.4 It was agreed at the BES Exec Members meeting in March that the current delivery model is continued and the funding shortfall be met with a BES contribution of £43,000 together with fee charges of £10 per place, producing income of approximately £36,000. It is suggested that the fees that were intended to be met by schools are now covered by the Capability Fund.

5.4.5 The budget for this element is £36,000

5.5 Travel Plan development, review and delivery and marketing and communication

- 5.5.1 It has been recognised that more could be done to develop, review and deliver travel plans related to developments across the County. It is suggested that the Capability fund is used to pay for two full time Sustainable Transport Officers (STOs) to be based within the Road Safety team. The STOs would:
- i. Work with developers at application stage to embed sustainable and active travel ethos into design and build.
  - ii. Review TP at application stage and monitor existing travel plans.
  - iii. Promote sustainable and active travel.
  - iv. Promote school and business Modeshift Travel Plans.
- 5.5.2 This package will also include continuing the active travel communications and marketing through the Open North Yorkshire brand. This will include travel information packs, residential engagement/travel surveys and online/outdoor/radio promotion.
- 5.5.3 The budget for this element is £141,683. This is made up of:
- £96,000 – 2 x Sustainable Travel Officers (including on-costs)
  - £3000 – Membership to Modeshift Stars travel planning tool
  - £42,683 – Active Travel Marketing and promotion
- 5.5.4 NYCC were successful in bidding for the full allocation of Capability funding and delivery of the various elements is starting in September.

## **6.0 LTN 1/20**

- 6.1 Local Transport Note 1/20 replaced LTN 2/08 and LTN 1/12 (Shared Use) in July 2020.
- 6.2 The latest Local Transport Note (LTN 1/20) provides guidance on delivering high quality cycle infrastructure. Underpinned by 22 summary principles, Local Authorities and developers are now expected to use LTN 1/20 in the design of their schemes, regardless of whether they are seeking Government funding. Those schemes seeking funding which do not follow this guidance will not be funded. A new inspectorate, Active Travel England will enforce these new standards as well as grading Highways Authorities on their active travel performance, in respect of sustainable travel outcomes. This assessment will be considered when allocating funding for future local transport schemes.
- 6.3 Key principles:
- Cyclists must be separated from volume traffic, both at junctions and on the stretches of road between them;
  - Cyclists must be separated from pedestrians;
  - Cyclists must be treated as vehicles, not pedestrians;
  - Routes must join together; isolated stretches of good provision are of little value;
  - Routes must be direct, logical and be intuitively understandable by all road users;
  - Routes and schemes must take account of how users actually behave;
  - Purely cosmetic alterations should be avoided;
  - Barriers, such as chicane barriers and dismount signs, should be avoided;
  - Routes should be designed only by those who have experienced the road on a cycle.
  -
- 6.4 Important changes from LTN 2/08:

- For the first time ever DfT has firmly set out what is considered acceptable for direct government funding.
- There is no longer a 'hierarchy of provision' as there was in LTN 2/08, instead there is a very clear message about the reallocation of highway space. This should not be at the expense of pedestrian space or comfort, and cycle traffic should be separated from motor traffic in high speed/volume situations.
- Cycle traffic should be separated at junctions, using dedicated space or signal time.
- There is a presumption of inclusive design – a strong emphasis throughout the document that we need to consider young people, older people and disabled people using a variety of cycles and trailers.
- Only schemes with a minimum score of 70% under the Cycling Level of Service (CLoS) tool, no critical fails and under the Junction Assessment Tool (JAT) no red scored turning movements will generally be considered for funding.

## 7.0 Developer Design Guide

- 7.1 North Yorkshire County Council, in its capacity as Local Highway Authority (LHA), is statutory consultee to the planning process on highways matters.
- 7.2 Following planning approval, NYCC works with developers (charging a superintendence fee for the service, as a percentage of the total calculated bond value for highway works), to ensure that roads are designed and constructed to a standard which enables it to confidently adopt the new infrastructure and accept it as highway maintainable at the public expense.
- 7.3 It is critical to this process that the advice given by the LHA when undertaking its duties as statutory consultee to the planning process is impartial, being technical in nature and involving a consideration of the evidence provided by developers to the local planning authority (LPA), in line with national and local guidance, to enable the LHA's substantive response.
- 7.4 The technical advice given by NYCC officers is free from political opinion. This is vital to ensure that colleagues from LPAs who base their reports on NYCC recommendations are assured that the NYCC position is robust, and would stand up to any challenge at appeal.
- 7.5 It Therefore, NYCC guidance and specification must be based on current best practice and permit advice to be consistently offered to LPAs across the county area.
- 7.6 The present NYCC guidance was last reviewed in 1994. In recent years, there have been significant changes to the National Planning Policy Framework (NPPF). Work to review NYCC guidance, to ensure that responses and recommendations issued by NYCC in its capacity as LHA are reasonable and in line with current planning practice and legislation is presently underway.
- 7.7 At the time of writing, existing NYCC Highway Design Guidance is being reviewed. The review will be based on the existing national highway design guidance, given by the Design Manual for Roads and Bridges and also the newer document Manual for Streets, which was not in existence when the last full review of the NYCC guidance was undertaken. It has however become an integral part of residential design since its introduction in 2007, (its stipulations having instead been incorporated through additional interim guidance notes and a matrix stipulating when the use is appropriate).

- 7.8 Work to refresh the design guidance has been progressing for some time with the majority of chapters now drafted. During the time of drafting however a national refresh of the Manual for Streets has commenced. Consequently many of the draft chapters are being revisited before being shared more widely with interested parties in order for any significant amendments to be incorporated to the new guidance prior to publication.
- 7.9 There are chapters however that will be largely unaffected by the manual for Streets review, these are continuing to be progressed and will be published as stand-alone design notes following engagement with LPAs and subsequent consideration by BES Executive Members. These chapters are those concerning Drainage, Streetworks processes for developers and Commuted Sums.
- 7.10 NYCC is also updating its specification and standard details documents, to accompany this work.
- 7.11 It is currently planned to take the chapters on Drainage, Streetworks and Commuted Sums to the November meeting of BES Executive Members subject to satisfactory completion of the engagement process with LPAs and other relevant stakeholders.
- 7.12 Chapters where NYCC design guidance will have an impact on accessibility and movement will be circulated to the LAF for comment. Similarly standard details will be shared and comments invited. This will be after the review of the Manual for Streets.

## **8.0 Local Access Forum Engagement**

- 8.1 In addition to the engagement described in 7.12 Network Strategy teams are keen to engage with the LAF on projects that would be of relevance to the group. For example, the Transport Planning team will continue to contact the LAF to discuss LCWIPs and there will be an opportunity for the group to comment on the Catterick LCWIP when it gets underway in the next few months.
- 8.2 Where timescales do not fit in with the normal meeting calendar of the LAF we will contact the chair via the NYCC Democratic Services to gather views.

## **9.0 Conclusion**

- 9.1 Walking and cycling are increasingly becoming the focus of DfT funding pots and with a number of LCWIPs in place or in development NYCC will be in a good position to access this funding. With a strong national focus on decarbonisation and the move away from traditional petrol / diesel vehicles, walking and cycling will also play a part in removing short trips from the highway network.

## **10.0 Recommendations**

- 10.1 That Members of the Local Access Forum note the delivery of active travel schemes across North Yorkshire and the desire to engage with the Forum on matters of interest to them.

KARL BATTERSBY  
Corporate Director – Business & Environmental Services

Author of Report: Louise Neale

**North Yorkshire County Council**  
**North Yorkshire Local Access Forum**

**29 September 2021**

**Overview of the use of volunteers and third party volunteer groups within the Countryside Access Service**

<b>1.0 Purpose of the report</b>
1.1 To advise members of the LAF on the current use of volunteers and potential ideas for future development.

## **2.0 Countryside Volunteers**

2.1 The Countryside Access Service (CAS) currently has almost 100 Countryside Volunteers across the county supported by a dedicated Volunteer Co-ordinator. They assist the delivery of the service covering a variety of activities include the following:

### **2.2 Inspecting reported issues**

The CAS receives in excess of 2000 reported issues on the Public Right of Way (PROW) network per annum. Inspecting issues that have been reported by the public where not enough information has been provided is the primary role of the volunteer. The volunteers gather intelligence so that the PROW officers can make informed decisions on the most appropriate action to take.

### **2.3 Waymarking**

Volunteers resolve waymarking issues directly, by adding new waymarks, refreshing old waymarks, and removing those not on the definitive line.

### **2.4 Erecting notices**

Volunteers erect and remove notices for temporary closure of the PROW network associated with development and/or emergencies, together with notices relating to Orders undertaken by the Definitive Map Team.

### **2.5 Surveys**

Volunteers assist with cross-county surveys for projects such as the Urban Path Project, and the bridge survey, which is currently in progress.

### **2.6 Practical maintenance**

A number of reported issues can be resolved directly by volunteers with clearance of vegetation around stiles, gates, signposts or bridges. Volunteers are also encouraged to undertake proactive maintenance, to prevent issues being reported. This could be in the form of clearance of vegetation as described above; clearing drains/culverts from obstructions & debris so water can flow freely; or minor repairs to bridges or signposts.

## **3.0 Path Keeper Scheme**

3.1 The scheme has been developed to allow member groups to carry out a range of tasks on the network proactively, without needing express permission from CAS. Some of the tasks

include minor repairs on bridges, straightening leaning signposts, clearing vegetation, and maintaining drainage ditches.

- 3.2 The Path Keeper Agreement also allows for and encourages groups to raise funds for larger projects such as resurfacing paths, or upgrading furniture. This is particularly relevant to Parish Councils, who have access to Locality Budgets, for example.
- 3.3 The aim of the scheme is that local Parishes and groups can actively contribute to the maintenance of their local paths, which will prevent issues from developing, and allow the Access Maintenance team to focus on the more complex cases in their areas.
- 3.4 There are presently 19 groups signed up to the scheme across the County. These include a mixture of Parish Councils, Ramblers Association and Walkers are Welcome groups, local interest groups, and other user groups such as horse riders, and the Trail Rider Fellowship (TRF) / Green Lane Association (GLASS). The Probation Service in the Scarborough area is also a member, utilising their Community Payback Service.
- 3.5 The TRF are a good example of a very active group - assisting on the Unclassified Unsurfaced Road (UUR) network cutting back dense vegetation and fallen trees, and clearing, repairing, and creating drainage ditches to prevent water damage and preserve the surface terrain.
- 3.6 The Probation Service were also very active pre-Covid, spending almost 1700 hours on Featherbed Lane near Whitby uncovering ancient trods that had become lost under built up earth/grass. This is a great example of a project that had a lot of local interest and importance, but that the CAS service did not have the resource or remit to carry out. The Path Keeper Scheme has in this and other cases provided positive links between NYCC and local communities to improve and preserve access to the countryside.
- 3.7 See Appendix 1 for examples of practical work the Countryside Volunteers and Path Keeper Groups have carried out.

#### **4.0 Facts and Figures**

- 4.1 In 2020/21, volunteers completed 1143 issue inspections, and directly resolved 106 issues. Along with some proactive work and hours undertaking the Urban Path surveys, they contributed a total of 1800 hours.
- 4.2 In the same year, Path Keeper groups contributed 190 hours – clearing vegetation, litter picking, adding dog gates to stiles, and installing waymark posts.
- 4.3 It should be noted that activities of the Countryside Volunteers and Path Keeper groups have been severely hampered due to imposed restrictions on meeting in groups due to Covid-19. For now though, activities are returning to 'normal'.

#### **5.0 Future Developments**

- 5.1 CAS is in the process of developing a customer on line reporting portal, which will allow the public to report issues with more accurate information. This may reduce the need for so many volunteer inspections. With more volunteer capacity available, it is envisaged that volunteers can be encouraged further to undertake more proactive work, and in particular, be more proactive in maintaining assets belonging to NYCC – namely bridges, steps and signposts.



- 5.2 There is possible scope to allow volunteers to undertake more practical work than currently undertaken, for example repairing gates or stiles as part of the Council's 25% contribution to repairs and maintenance of landowner assets.
- 5.3 Explore the use of volunteers to assist with archival research / validation of historical evidence as part of the Definitive Map Order making processes.
- 5.4 Seek to expand the scope of volunteers and 3rd party groups to assist with routine small scale maintenance works across the UUR network.
- 5.5 Work closely with the Nidderdale AONB to establish volunteer led surveys of the UUR network and expansion across the County to inform future work programmes.
- 5.6 Seek to expand the Path Keeper scheme to many more Parishes and other local groups through the development of a promotional campaign.
- 5.7 Subject to available funding, explore opportunities to allow groups to do more, by emulating previous schemes such as the Parish Paths Partnership, where funding was made available to groups wanting to carry out maintenance projects.

## **6.0 Recommendation**

- 6.1 It is recommended that NYLAF Members take note of the content of this report.

IAN KELLY

Countryside Access Manager, Transport Waste and Countryside Services

Author of report: Arrietty Heath, Volunteer Coordinator

**Appendix 1** – Examples of practical work carried out by Countryside Volunteers and Path Keeper Groups

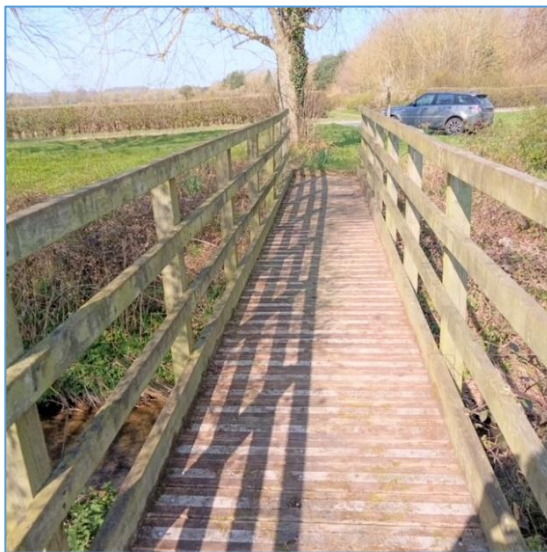
**Appendix 1** - examples of practical work carried out by Countryside Volunteers and Path Keeper Groups



steps cleared of vegetation by a volunteer



a signpost recovered from the hedgerow by volunteers



A bridge cleared by a volunteer as part of the bridge survey





A new waymark post installed by the Rydale Bridleways Path Keeper group



A blocked gate cleared of overgrowth by the TRF/GLASS Path Keeper group



Two photos showing examples of the work carried out by the Probation Service Community Payback Scheme on Featherbed Lane

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## North Yorkshire Local Access Forum

29 September 2021

### 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 four consultation requests received since the last meeting:

July 2021 - Minerals & Waste Joint Plan – Main Modifications;  
 - Selby District Local plan Additional Site 2021

August 2021 - Scarborough District Local plan – Draft Residential Design Guide  
 - Thirsk Station

#### 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	In Craven, the Plan was adopted in November 2019 and a provisional date of October 2023 was set for the publication of results of a formal review of the Craven Local Plan, in order to meet the Government's requirement for a review to be completed 5 years after its adoption i.e. by Nov 2024.
Hambleton	The Hambleton Local Plan was submitted to the Secretary of State (Planning Inspectorate) for examination on 31 March 2020.  The estimated timetable for progressing to the adoption of the Plan is as follows: <ul style="list-style-type: none"> <li>• Estimated examination period March 2020 to February 2021</li> <li>• Receipt of inspector's report March 2021</li> <li>• Estimated date of adoption April 2021</li> </ul> The Council's website has no further updates.
Harrogate	The council formally adopted its Local Plan with new settlement policies on 9 December 2020.

Richmondshire	<p>The Local Plan 2018-2035 will be a single document and comprise of a review of the adopted Local Plan Core Strategy 2012-2028 and will provide site allocations, area strategy for Catterick Garrison, land use designations, revised Development Limits for settlements identified in the settlement hierarchy and detailed development policies. It will include an updated and revised Proposals Map.</p> <p>Examination Hearings took place in Spring 2021, followed by a 'Preferred Options' consultation which ran for 8 weeks from 28 May 2021 until 23 July 2021. The Council is now preparing the Pre-Submission Draft (Regulation 19). This is the final stage of the process before submission of the Local Plan to the Secretary of State. The Pre-Submission consultation will be held in winter 2021.</p>
Ryedale	<p>Ryedale District Council are in the process of reviewing their Local Plan which covers the period 2012- 2027. A two-month 'Call for Sites' consultation concluded on 5 July 2021.</p> <p>Community consultation and consultation with stakeholders began in August 2021. Once they have a group of potential allocations, an options consultation will be undertaken in the spring of 2022 to explore the choices, informed extensively by the initial consultation, evidence base collection and analysis and interactive development of the distribution strategy.</p> <p>Proposed site allocations are expected to be published in September 2022.</p>
Scarborough	<p>Scarborough Borough Council formally adopted their Local Plan 2011/32 on 3 July 2017. A consultation on the first stage of the review (the Issues and Options stage) concluded in late 2020 and work continues on the review – see: <a href="https://www.scarborough.gov.uk/review-of-the-scarborough-borough-local-plan-2011-32">Review of the Scarborough Borough Local Plan (2011/32)   SCARBOROUGH.GOV.UK</a></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>In line with the Scheme, a six-week consultation on the Local Plan Issues and Options ended 6 March 2020, and a six week consultation for the Preferred Options Local Plan 2021 concluded on 12 March 2021.</p> <p>Most recently, a Local Plan Evidence Base Consultation started on 3 September 2020 and is due to run until 15 October 2021. We currently have no District Liaison for Selby so it would be helpful if this role could be allocated to a member of the Forum at this meeting, so that this latest consultation could be considered.</p>



<p>Minerals and Waste Joint Plan</p>	<p>The Minerals and Waste Joint Plan, prepared by North Yorkshire County Council, City of York Council and North York Moors National Park Authority, was submitted to the Secretary of State for independent examination. Elizabeth Ord LLB (Hons) LLM MA DipTUS was appointed as the Planning Inspector to undertake the Examination and public hearings were held between 27th February and 13th April 2018, and 24th and 25th January 2019.</p> <p>Through the Examination several policies and supporting text in the Minerals and Waste Joint Plan were identified where a Main Modification was required to address concerns identified by the Inspector or other representations to the Joint Plan, or to reflect changes in evidence or national planning policy and a schedule was prepared for consultation.</p> <p>The Main Modification consultation started on Wednesday 21st July 2021 and closed on Wednesday 15th September 2021.</p> <p>All previous documents and evidence reports that underpin the Minerals and Waste Joint Plan, can be viewed online at: <a href="http://www.northyorks.gov.uk/examination">www.northyorks.gov.uk/examination</a>.</p> <p>The Examination is a continuous process running from the date of submission through to the receipt of the appointed Planning Inspector's Report. The representations provided relating to the Schedule of Main Modifications consultation will be considered by the Inspector while she is writing her report.</p>
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### 3.2 Open Access Restrictions

The Forum is consulted on a range of restrictions under the Countryside and Rights of Way Act 2000. Since the last meeting, there has been one discretionary dog restrictions, 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.

3.3 There has also been two discretionary '28 Day' restriction under Section 22 of the Countryside and Rights of Way Act 2000 - 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 Chair previously circulated via email a brief outline of the last meeting of the Yorkshire Humber and North Lincolnshire Regional Access Forum held on 8 September 2021. The draft Minutes from the meeting circulated to Forum members via email by the Chair on ? 2021.

3.5 The next meeting of the Regional Forum will be held on the 9 March 2022 at Leeds Civic Hall (Covid restrictions permitting).

### 3.6 2026 / Definitive Map

There are no changes or updates to report.

## 4.0 **Draft Position Statements**

4.1 The Forum has two position statements in draft still awaiting a decision regarding their adoption. The first, the Yorkshire & Humber Regional Access Forum's position statement on

shared use. It was offered to Local Access Forums within the Region for them to consider for adoption, either as written or modified to suit local circumstances – see Appendix A.

- 4.2 At the last meeting, this was considered alongside NYCC's position on UURs, together with a report on the sub-group's review of NYCC's position. As no consensus was reached on a way forward, it was agreed the sub-group review should continue and the decision around adoption deferred until this meeting.
- 4.3 The second draft position statement on 'Preliminary Involvement in Major Projects' was also considered at the last meeting, but again no decision was reached and instead its sign off was deferred to allow further engagement with Forum members. This resulted in a number of amendments and an updated version is now being presented for consideration and sign off – see Appendix B..

## **5.0 Report Recommendations**

5.1 The Local Access Forum is recommended to:

- i) Note the update report;
- ii) Agree a way forward in regard to the two draft Position Statements at Appendices A & B.

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

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

### **Appendices:**

Appendix A – Draft Position Statement on Shared Use

Appendix B – Draft Position Statement for Preliminary Involvement in Major Projects

## Yorkshire & Humber Regional Access Forum

### POSITION STATEMENT – SHARED USE

This Position Statement has been approved by the Yorkshire & Humber Regional Access Forum. It is offered to Local Access Forums within the Region who may wish to consider it for adoption either as it stands or modified to suit local circumstances.

#### Scope

This Position Statement covers all users entitled to use public rights of way, namely:

**Public Footpaths** – Pedestrians.

**Public Bridleways** – Pedestrians, horse riders, cyclists.

**Cycle Tracks** – Pedestrians, cyclists.

**Restricted Byways** – Pedestrians, horse riders, cyclists, carriage (horse drawn vehicles) drivers.

Landowners, farmers, and their employees and agents going about their normal business are permitted to use public footpaths, bridleways and restricted byways in mechanically propelled vehicles.

**Byways Open to All Traffic (BOATs)** – As for Restricted Byways plus all mechanically propelled vehicles.

**Unsurfaced County Roads (UCRs)** (also known as Unclassified Unsurfaced Roads (UURs) and Green Lanes) – There are no recorded rights but it is assumed that they are vehicular highways and so can be used as per BOATs.

Mobility scooters and powered wheelchairs are permitted to use all the above types of public rights of way.

**Greenway** – a corridor of land reserved for recreational use, promoting environmental preservation and access to nature – is a neutral term and does not give ownership to one particular group unlike “Cycleway”, “Bridleway” or “Footpath”.

#### Issues arising from shared use

The use of the public rights of way network by different users can often lead to tensions because of **safety considerations**. For example walkers and horse riders raise issues such as the speed of cyclists, lack of any audible warning when being approached from behind, and failure of cyclists to give way to walkers and horse riders as required by Section 30 of the Countryside Act 1968. The recent introduction of e-bikes, with their potential higher speeds and their increased weight, presents additional safety considerations. An e-bike is classed as a cycle so long as it has pedals to propel it, the electric motor cuts out if travelling at more than 15.5 mph (25 km/hour) and the power does not exceed 250 watts.

Another area of tension is the **damage by mechanically propelled vehicles to the surface of higher status routes (BOATs and UURs)** often making them impassable to non-motorised users. In addition, the increased use of mountain bikes is also helping to create ruts which will be exacerbated with increased use of e-bikes.

### **The Forum's position**

Local Access Forums are charged with providing advice on improving public access (whether on foot or by horse, cycle, canoe, mechanically propelled vehicle or by any other lawful means) to land for the purposes of open-air recreation and for any other lawful purpose. Consequently, the advice given by Forums should not favour any particular group or groups over any other.

The Forum's position on Shared Use is in three parts.

**1. The existing public rights of way network** – Many user groups have introduced campaigns and produced leaflets to encourage responsible use of multi-user routes both to foster safety and to prevent surface damage. The Forum will encourage:

- All reputable organisations representing user groups to keep putting the message out to their members in the responsible use of all shared use public rights of way.
- Local highway authorities to introduce/improve signage where appropriate.
- The introduction of traffic regulation orders (TROs) to mitigate the damage to higher status routes by mechanically propelled vehicles.
- Where possible the replacement of stiles by gates on footpaths to facilitate use by the less mobile walker and those needing to use mobility scooters and powered wheelchairs.

**2. Creation of new Greenways** – The Forum will advise that the design should:

- Be wide, level across its width, and with a suitable surface such as Flexipave ([www.kbiuk.co.uk](http://www.kbiuk.co.uk)), Nu-Flex ([www.nu-flex.co.uk](http://www.nu-flex.co.uk)) or Consolid ([www.consolid.co.uk/sports-and-leisure](http://www.consolid.co.uk/sports-and-leisure))
- Have good visibility along the line of the route
- Be well signed
- Have good connectivity and link into the public rights of way network.

**3. Upgrading footpaths to bridleways** – Although the Forum supports the improvement of the path network for the benefit of all users, all proposals should be on a case-by-case basis.

### **Draft Position Statement**

To be used for preliminary involvement for major projects, (e.g. the recent York-Knaresborough and the Stokesley-Guisborough 'corridors') and to be incorporated with general development & planning queries.

In effect we need an assurance from developers and/or planners that they will:-

- Ensure that existing public rights of way are retained to the same or better surface standards applicable to the level and classification of usage.
- In situations where partial resurfacing of a route is a requirement, an example being where an existing rural 'footpath' is subsumed as part of a development and therefore becomes a 'pavement', this should be carried out to an acceptable standard commensurate with the type of usage. Surface is more critical if the existing public right of way is a 'bridleway' catering for equestrian & cycle use and becomes subsumed into a development as a 'road'. Surfacing and structures/street furniture are to comply with the requirements of the Equalities Act 2010.
- All structures (gates etc) are to be constructed with suitable materials and specification that complies with BS5709:2018 and to comply with relevant requirements of s147 of the Highways Act 1980. A stile is no longer considered acceptable for a new location, due to the requirements of the Equalities Act 2010.
- When it is necessary to divert or re-route sections of public rights of way these should be carried out to the local highway authority and/or national standards with acceptable 'approved' surfacing materials to a standard commensurate to the type of usage (pedestrian, cyclist, equestrian) etc.
- Any temporary diversions or re-routing, during the construction phase should try to alleviate excessive additional distance, although the shortest alternative may not necessarily be the best - in many cases a longer route (away from a busy road, or around the perimeter of a field rather than across it) can be more pleasant for the user. All proposed temporary diversions or re-routing is to be correctly negotiated with the local highway authority and/or rights-of-way department. And any temporary diversion or closure during construction phases to be to a minimum time scale and in agreement with the local authority.
- Any re-alignment or alterations to the public roads network should not cause the existing public rights of way network to be severed or terminated, a suitable and safe means to be negotiated for onward travel applicable to the level and classification of usage of the public right of way. Major roads are specifically hazardous for all forms on non-motorised user, pedestrian, cyclist, horse rider & carriage driver.
- New housing and commercial/industrial developments need suitable safe access for non-motorised users (pedestrians, cyclists, equestrian users) to facilitate access to local shopping, local services and relevant public transport services. Railway stations and other public transport hubs need safe & secure bicycle storage facilities.

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- Many proposed housing and commercial/industrial developments are on 'green field' sites, possibly in areas with few existing public rights of way. It is important for people to have access to countryside on their doorstep for enjoying informal recreation, walking, riding, or cycling. If a new community is being created and existing public rights of way are lacking, then new access should be created for local circular walks and rides, for dog walkers, families with pushchairs etc, to be able to gain access to the local natural environment close to where they live.
  
- Public rights of way on new developments need to utilise and interlink with the existing public rights of way network to enable longer-distance recreational use of the existing public rights of way network, and not to be specifically for 'local' use.

Issue 6 PAS 3<sup>rd</sup> September 2021



## North Yorkshire Local Access Forum

29 September 2021

### 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
Will Scarlett	Craven 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 Selby District

- 2.2 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:

- A1 Upgrade Facilities for NMUs. After several years of HE promising improvements for linkages for NMUs there has been no sign of action. Two years ago various initiatives were detailed, but communication between NYCC and HE lacks any serious direction it would seem as emails and phone calls to inquire about progress go unanswered (everyone WFH) both parties appearing unaccountable. Frustrating.
- Catterick Garrison/MOD Constructive contact made, with agreed LAF contact in due course to discuss access details within the 'new vision' garrison along with RDC.
- Richmond District Council continues to send weekly planning lists to spot any that might have an NMU impact. They also flag up cases by email to me from time to time, but personal contact by phone is difficult, Covid impacting their management badly.
- Hambleton District Council have been exemplary during Covid and are effectively back in business. Contact is made by me every six weeks or so to see if they need Forum input/advice. Currently waiting for a review of cases after which they will be in touch. They are also critical and frustrated by NYCC's handling of work during the pandemic. And a past example: a cycle link Aiskew/Bedale has plans agreed by Sustrans and ready funding, and is backed by Hambleton, but the project faces lack of will/interest by NYCC to progress it.

Incidentally, from time to time I have contact over access issues with Durham County Council, and during the past difficult months they have been available on phones and staff have continued to work on rights of way sites. In this way they have been able to keep on top of their workload.

- A66 - Waiting to hear the results of the NMU workshop and user-experience which I helped organise on the section nearest Scotch Corner. This is not a section to be upgraded, but will feed into HE understanding of NMU needs and difficulties. As 'observer with local knowledge' I listened in to the upgrading meetings and sent the Forum a report as Paul could not be there.

#### 4.0 Other Updates

- 4.1 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

29 September 2021

### 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 The Forward Plan is attached at Appendix A, which lists the agreed meeting dates for the coming municipal year.

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 next scheduled meeting is 26 January 2022.

#### **4.0 Recommendation**

- 4.1 Forum members are asked to agree the work programme for the January 2022 meeting, taking into account the discussions and suggestions made at this meeting.

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

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

Appendix A – Work Programme

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# NORTH YORKSHIRE LOCAL ACCESS FORUM

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## Forward Plan 2021/22

Date of Meeting	
<b>Standing items</b>	<ul style="list-style-type: none"> <li>• Minutes</li> <li>• Matters Arising</li> <li>• Public Questions and Statements</li> <li>• Consultations</li> <li>• Secretary's Update Report</li> <li>• District Council Liaison Updates</li> <li>• Forward Plan</li> </ul>
<b>26 May 2021</b>	<ul style="list-style-type: none"> <li>• CAS UUR Management Review</li> <li>• Feedback on Sub-group review of CAS related webpages on Council website</li> <li>• Feedback on Sub-group review of NYCC's UUR Statement</li> </ul>
<b>29 September 2021</b>	<ul style="list-style-type: none"> <li>• CAS Update on Use of Volunteers</li> <li>• Highways Update on:               <ul style="list-style-type: none"> <li>- Active Travel Fund;</li> <li>- Capability Fund and Travel Plans;</li> <li>- Latest Government guidance (inc cycling)</li> <li>- Developer Design Guide;</li> <li>- Any further funding opportunities.</li> </ul> </li> </ul>
<b>26 January 2022</b>	<ul style="list-style-type: none"> <li>•</li> </ul>
<b>Suggested Future Items</b>	<ul style="list-style-type: none"> <li>• Rights of Way Improvement Plan</li> <li>• In-depth discussion on Reinstatement</li> <li>• Draft NYCC Active Travel Strategy</li> </ul>