

North Yorkshire County Council

North Yorkshire Local Access Forum

Minutes of the meeting held on Wednesday, 25th January, 2023 commencing at 10.00 am.

Paul Sherwood in the Chair. plus Will Scarlett, Nick Abbey, Dick Brew, Rachel Connolly, Roma Haigh, Graham Lampkin, David Lepper, Kath Topping, Winterburn, Robert Heseltine and David Jeffels.

Officers present: Ian Kelly, Andy Brown, Mike Leah and Melanie Carr.

Other Attendees: Laurie Norris and Christopher Dunn

Copies of all documents considered are in the Minute Book

19 Introductions & Apologies for Absence

There were no apologies given at the meeting.

20 Minutes of the Meeting held on 28 September 2022

Resolved - That the Minutes of the meeting held on 28 September 2022 be agreed as a correct record and signed by the Chair.

21 Public Questions & Statements

There was one public question from Mr Christopher Dunn, as follows:

'I have perhaps 50 years of independent PROW experience from another large rural county - Gloucestershire, and since moving to Harrogate 2018 I have used that PROW knowledge in studying my local 'Paths'. I am also an unsuccessful candidate for this Forum.

The attached survey highlights the many Problems this county has in preserving good, permanent and safe accessibility to all OUR PROW's. NYCC's PROW web page details in great detail, NYCC and Landowner's Authority/duties/legislation and commitments. Despite NYCC's authority; duties; and sympathy re PROW's, I feel that NYCC is failing to ensure safe secure fully accessible PROW's

Will this Forum please instruct the NYCC PROW department to use all the powers/legislation at its disposal to 'bring to book' all those 'errants' who throughout the county without authority block/barb/divert/obstruct/mislead and upset rightful use of the 'Kings Highway', the present 'softly softly' approach to 'errant' landowners Just does not work.

May I congratulate all staff PROW staff at NYCC who at the many times I have met in person, or by phone or by e mail have been most helpful, they just need much more support and funding.'

In response, Andy Brown (NYCC PROW officer) apologised that Mr Dunn's experience of the public rights of way in his area had not met his expectations.

He confirmed North Yorkshire County Council managed the longest network of public rights of way in England. Some of the network around towns and villages and popular tourist destinations were very well used but many paths in some of the more rural parts of the County were not. The Council had to prioritise its workload and target its limited resources to resolving issues that posed the most significant risk and impact on network users. He noted that in 2017, the Council had adopted a prioritisation framework, following extensive consultation with the public, PROW user groups and stakeholders, Local Access Forum, Council Scrutiny and Area Committees.

He also noted that since the abolition of the statutory requirement to survey PROW networks in 2008, the Council had decided not to continue surveying the network to determine where work was required, instead focusing its resource on resolving issues reported by members of the public. Consequently, the Council would not normally accept surveys of the network from external sources as service requests from users of the network. He confirmed that members of the public were able to report individual defects or obstructions via the Council's recently implemented online system, which gave much better efficiency in dealing with reported issues as well as a better understanding of where there was most demand on the network.

However, in response to Mr Dunn's survey, he confirmed the information had been reviewed and those issues that were an obstruction or posed a hazard to members of the public had been identified and logged and would be dealt with in accordance with the framework noted above. Mr Dunn was assured that North Yorkshire County Council had robust maintenance and enforcement procedures in place and would seek to deal with those issues as efficiently as possible.

The Chair thanked Mr Dunn for his contribution to the meeting and noted that the issues identified within Mr Dunn's survey would be addressed. He also confirmed it was not within the Forum's remit to instruct the NYCC PROW department to do something, the Forum could only make recommendations.

22 Attendance of National Farmers Union Representative

The Chair welcomed Laurie Norris, National Farmers Union representative to the meeting.

Laurie Norris provided an overview of the views of farmers/landowners in regard to public access and confirmed that in the main, it was welcomed as long as it was done in a managed way. She acknowledged there were some with a different view but this was usually as a result of a bad experience. She noted that diversions were expensive and often only required on a temporary basis e.g. during calving season. Officers confirmed the diversions and discretionary service was provided by the Authority at a cost with a future plan to recharge those costs to the applicant.

Forum members discussed with her issues around safety, the promotion of safe access, the risks around disease transmission, and their views on different types of fencing used alongside a ROW.

Laurie Norris confirmed the NFU had worked with the kennel club to advise on safety in regard to dog walkers and drew attention to the two recent cases of injury/death a result of cattle, caused by inappropriate interaction during calving season. She also confirmed:

- Farmers took little notice of RoW;
- Her stance on wild camping, noting the right to roam act had been in place for some time;
- Farmers were responsible for maintaining gates and stiles and were concerned about maintenance creep;
- Sheep worrying was a significant issue;

The Forum agreed it required give and take on both sides as well as understanding. They therefore confirmed they would welcome a member of the NFU on the Forum, and Laurie Norris agreed to pursue that possibility with NFU members across the county. She also confirmed she would be more than willing to attend future Forum meetings when requested.

The Chair thanked Laurie Norris for her attendance and contribution.

Resolved – that the update be noted.

23 Local Government Reorganisation - Verbal Update

The Chair welcomed Mike Leah, Assistant Director - Travel Environmental and Countryside to the meeting.

Mike Leah shared the Council's new management structure arising from Local Government Organisation – see: [Council structure – newcouncilny.co.uk](https://www.newcouncilny.co.uk)

He went on to provide a more detailed overview of the specific service areas of interest related to the remit of the Forum, and a verbal update on the ongoing work across the Authority to prepare for vesting day on 1st April 2023. This included a brief overview of the aims for future years i.e. year one - to plan the activity required to transform service delivery and create synergy, and thereafter the implementation of those plans, and the development of a Combined Authority over the next five years.

Finally, he confirmed there would be little change in the CAS budget apart from an inflationary rise.

Forum member agreed they would welcome the attendance of the new Assistant Director for Planning at their next meeting in May 2023.

The Chair thanked Mike Leah, Assistant Director - Travel Environmental and Countryside for his attendance at the meeting, and it was

Resolved – That:

- i. The update be noted
- ii. The new Assistant Director for Planning be invited to attend the next Forum meeting in May 2023

24 Secretary's Update Report

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

Attention was drawn to the highway's updates on the A66 and A59. In regard to the A66, the Chair confirmed there were to be a number of drop in events in the coming weeks. In regard to the A59, it was noted the two cycle routes planned to run alongside sections of the road, were progressing following a study funded by the LEP. In both cases funding options were being sourced.

Forum members noted the Coast to Coast National Trail Route update, in particular the options being considered for a crossing on the A19, which included looking at potential

diversions that may be required to promote a safe route, while a preferred option of a bridge capable of accommodating horse riders and cyclists was pursued. It was noted that Natural England was working with National Highways on those options and was not yet at the stage to consult. Forum members agreed they would like to invite a representative from Natural England to attend their next meeting in May 2023.

Resolved – That

- i. The update be noted;
- ii. A Natural England representative be invited to attend the next Forum meeting in May 2023

25 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, Rachel Connolly confirmed the creation of a new RoW along the eastern section of the Bedale bypass required agreement from the landowners, without which it would have to go to the Council to sign a creation agreement.

Consideration was given to the draft final report arising from the Sub-Group Waymarking Review. David Lepper introduced the report and drew attention to the recommendations, shown at Annex A. Forum members also noted the recreational paths discussion paper provided at Annex B which had been provided to further inform the sub-group review. Forum members agreed the discussion paper should go to the Regional Forum for their consideration. David Lepper drew attention to the alternative approaches by others e.g. by the Yorkshire Dales National Park. He also suggested CAS could seek the assistance of local groups/societies/organisations to maintain waymarking.

Andy Brown (RoW Officer) confirmed CAS looked at waymarking holistically and used enhanced waymarking showing route name and logo on enhanced routes. Ian Kelly (CAS Manager) suggested it was a matter of prioritisation and differentiating between CAS's statutory obligation and what would be nice to do.

It was confirmed that Ordnance Survey were informed of changes to the definitive map as an when they occurred, and sometimes sought confirmation from the Highways Authority whether a route was on a right of way.

The Chair raised the issue of the ongoing Sub-Group Review on planning and confirmed he had recently met with officers to discuss the role of the Forum on planning matters. Andy Brown (RoW Officer) provided an overview of the current working relationship between CAS and Planning and confirmed that both National Parks would retain their roles as Planning Authorities post vesting day for the new North Yorkshire Council.

A draft 'Memorandum of understanding between North Yorkshire County Council and NYLAF on matters of planning' was circulated at the meeting, and Will Scarlett and Rachel Connolly provided a verbal update on their progress with the review and drew attention to some draft recommendations/suggestions identified to date. It was agreed that work on the review should continue, with a draft final report to be presented at the Forum's next meeting in May 2023.

Resolved – That:

- i. The additional information provided at the meeting be noted, alongside the written updates provided in the report.

- ii. The discussion paper on Recreational Paths be forwarded to the Regional Forum for their consideration
- iii. The draft final report from the Waymarking Sub-Group Review be signed off together with the arising recommendations and submitted to CAS for their consideration and feedback.
- iv. Work on the Sub-Group Review on planning be continued, with a draft final report presented at the Forum's next meeting in May 2023

26 Work Programme

Considered – Members considered the Forward Plan provided at Appendix 1 to the report, and in particular the proposed items of business for the next meeting of the Forum in May 2023. Taking account of the discussions at the meeting, it was

Resolved - That alongside the items of business already listed, the following items be added to the Work Programme for the May 2023 meeting:

- Election of Chair & Vice-Chair
- Attendance of Natural England Representative – Coast to Coast National Trail Update
- Attendance of new NYC Assistant Director of Planning
- Planning Sub-Group Draft Final Report

The meeting concluded at 12.47 pm.