

North Yorkshire Council

North Yorkshire Local Access Forum

Minutes of the public meeting held on Wednesday, 22nd May, 2024 commencing at 10.00 am.

Roma Haigh in the Chair, plus Rachel Connolly, Patricia Coulson, Roma Haigh, David Lepper, Samantha Perks, Robert Heseltine and David Jeffels.

Officers present: Ian Kelly (Head of Countryside Access Services), Paul Thompson (Assistant Director Transport) (attended remotely), Andy Brown (Principal PROW Officer), Beth Brown (Principal Definitive Map Officer), Daniel Harry (Head of Democratic Services) (as an observer, to minute number 7); and Dawn Drury (Democratic Services Officer)

Other Attendees: Christopher Dunn

Apologies: Will Scarlett, Jeremy Dunford, Naomi Guthrie and Belinda Ryan.

Copies of all documents considered are in the Minute Book

1 Election of Chair

Resolved – All members voted in favour of Will Scarlett being elected as Chair of the North Yorkshire Local Access Forum.

2 Election of Vice Chair

Resolved – All members voted in favour of Patricia Coulson being elected as Vice-Chair of the North Yorkshire Local Access Forum.

It was proposed, seconded and agreed unanimously that Roma Haigh be elected as Chair for the duration of the meeting.

(Roma Haigh in the Chair)

The Chair thanked the outgoing Secretary, Melanie Carr, on behalf of all the Committee for her contribution and hard work for the forum and welcomed Dawn Drury as the new Secretary.

3 Apologies for Absence

Apologies had been received from Will Scarlett, Belinda Ryan, Jeremy Dunford and Naomi Guthrie.

4 Declarations of Interest

Samantha Perks declared an interest in the Morris Grange application.

5 Minutes of the Meeting held on 24 January 2024

Resolved - That the Minutes of the meeting held on 24 January 2024 be agreed as a correct record and signed by the Chair.

6 Public Participation

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

'I am Christopher Dunn citizen only, and failed applicant to this forum. I am also a much-qualified Draughtsman expert in Plan creation AND Revision.

"Since 2018 following extensive: visits; correspondence; meetings; research; at/with numerous NYC officers/office, also at/with county records at Wakefield; also, ref complaint 101010475003 re PROW 1565/12; also, C Dunn total PROW Killinghall survey Nov. 2022, I suggest NYC system of PROW Definitive Mapping and record are inadequate and inaccurate.

Following my Nov 22 PROW Killinghall survey, CAMS ref 68284 & 58448 (Finger post deficiencies) were issued, but now discharged by your Ms B Brown 01 05 24.

This dischargement by pure accident ONLY highlighted NYC 's 'scheme' of randomly adding paths/suffixes to paths in any or even all parishes, claiming that 'it aided officials and public with PROW identification and/or problems'. This ridiculous system is totally at odds with NYC' s so-called in-house NYC legal Definitive mapping AND PROW Definitive statements, these seemingly ex1952 up to date legal PROW documents are at total odds with your 'adding' system,why?

NYC's by appointment only PROW legal Definitive mapping offerings, displays only an apparent COPY of a 1952 Wakefield records office ORIGINAL PROW Definitive map, (and 1952 Definitive statements?) this offering at Wakefield or North Allerton, shows NO title NOR issue date NOR change column, so if you wish to check the legality of any or every North Yorks PROW, these offerings as of 2024 are totally useless, why? "

In response, Ian Kelly thanked Mr Dunn for his public statement and explained to Mr Dunn and Members that the Council had recently dealt with a complaint from Mr Dunn regarding path numbering on the online Digital Working Copy Definitive Map. As Mr Dunn had already been made aware, Mr Kelly was not able to comment on complaints that were in the process of being responded to, or which had previously been responded to.

Mr Kelly did however inform Mr Dunn that the number of paths in Killinghall had not changed since the original Definitive Map was produced, but it should be noted that the original map did include some paths with branches (one path number with three end points), therefore, to aid identification of each part some of the branches had been renumbered.

Furthermore, the Public Right of Way network had not been modified in any way due to the renumbering, as the modification of Public Rights of Way can only be made through a formal legal process, the details of which were publicly available.

Mr Kelly thanked Mr Dunn for his public statement and apologised if he was not happy with the approach taken by the Council but stated that his concerns had been duly noted. Mr Dunn had been advised by letter that if he was not satisfied with the Stage 1 complaint response then he could request that this be escalated to Stage 2 of the Council's Complaints process, details of which had been provided.

Mr Dunn then asked a supplementary question in relation to the Definitive Map, to which Mr Kelly responded that the Digital Working Copy Definitive Map was available online and reiterated that no modifications to the path numbering had been made.

Beth Brown confirmed that the Definitive Map and Statement had not been amended, however, as some paths had two separate branches with the same number, officers had allocated different numbers to the Digital Working Copy Definitive Map, to make it easier for NYC officers and the public to identify the path number when reporting issues.

The Chair thanked Mr Dunn for his contribution to the meeting.

7 Countryside Access Service Annual Report 2023-2024.

Ian Kelly introduced Andy Brown and Beth Brown, the officers responsible for managing the Access Maintenance and Definitive Map Teams respectively, to the Forum and went on to present the Countryside Access Service (CAS) Annual Report for 2023-24.

Members heard that 2023-24 had been a challenging year for CAS with some key members of the team either absent or leaving the Council, causing a consequential impact on capacity and workload. However, despite this, the service had had some excellent achievements over the twelve-month period to include: -

- Secured temporary funding to bolster existing base budgets on maintenance and improvement projects.
- The ongoing creation of a new national trail on the Coast to Coast long-distance walk, to be opened in 2025.
- Secured capital funding on an ongoing basis for Public Rights of Way (PROW) bridge asset management and urban path maintenance.
- The appointment of a dedicated bridge engineer, which comes with an additional £200k of capital funding.
- Processing high volumes of Definitive Map Modification Orders (DMMO) and Public Path Orders (PPO).
- Effectively utilising volunteers and Path Keeper Groups to manage the network.

In response to a query regarding the work of the volunteers on unclassified roads, it was confirmed that the volunteers were very active, with the Trail Riders Federation being instrumental in assisting with cyclical / routine maintenance such as the clearing of draining ditches and gulleys

Councillor Robert Heseltine praised Mr Kelly for an excellent report and asked that the Forum's best wishes be passed on to Penny Noake on her retirement, and that she be thanked for all her excellent work. Councillor Heseltine then went on to raise concerns and query the impact on the service should the responsibility for maintaining the PROW network in the North York Moors National Park and the Yorkshire Dales National Park be changed to fall under NYC's remit. Mr Kelly confirmed that would be a challenge to the service.

Paul Thompson informed Members that discussions were being held between NYC and the two National Parks regarding the delegation agreements, and that officers would keep Members updated with any new developments.

Discussion took place regarding the PROW bridge assets and the appointment of the dedicated bridge engineer, Paul Tweed. Members noted that NYC had over 2000 PROW bridge assets ranging from small bridges to substantial, complex structures. Mr Kelly explained that the bridge engineer would work closely with colleagues in CAS to deliver a work programme for bridge inspections, repairs and replacement.

Members requested a report on the Council's PROW bridge assets and the attendance of Paul Tweed at a future meeting.

David Lepper stated that he had found the Coast to Coast maps within the report very helpful and enquired if there had been any updates since the last meeting. Mr Kelly

informed Members that although officers from Natural England had been unable to attend the Forum meeting today, they had provided the following update: -

- The government has provided resources to upgrade the current Coast to Coast Path to a National Trail (NT). Bringing the route up to NT standards is being progressed by Natural England and is due to be completed by the end of 2025.
- A safe and accessible crossing is required where the route meets and crosses the A19 at Ingleby Arncliffe to allow the entire route to be classified as a NT. This work is separate to completing the physical route and requires development of a business case for ministerial approval and identification of funding.
- Defra have been undertaking work to refine the long list of possible options identified in 2022, including holding a workshop with North Yorkshire Council and North York Moors. Further technical assessment on shortlisted options will now be commissioned, after which stakeholders will be able to provide views and a business case will be developed.
- A further update would be available at the next Coast to Coast P NT Board (C2CP NT) meeting in July 2024.

Mr Kelly advised that Natural England had offered to provide a one-to-one update with the representative from the North Yorkshire LAF to the C2CP NT External Stakeholder Group, in advance of each of the future NYLAF meetings; this would enable the representative to feedback to the Forum the most current information from those meetings. It was noted that David Lepper was the NYLAF representative on the C2CP NT External Stakeholder Group, and that the next meeting was planned for August 2024.

It was brought to the Members attention that in terms of the Natural England business case for the accessible crossing required on the A19 at Ingleby Arncliffe, all stakeholders would be consulted as part of the process, and therefore it may be prudent to have a Position Statement for the NYLAF in readiness for inclusion.

Members discussed the proposed diversion on the A19 and where the funding would come from for the proposed work. It was confirmed that the red route on the map within the report was only a temporary alignment, and that the work would be funded as a whole by Natural England.

A query was raised in relation to the approach ramp provision for replacement footbridges in terms of the delays to some projects and accessibility from the road for disabled users. At this point the Chair reminded Members that the purpose of the NYLAF was to provide advice at a strategic level. Mr Brown explained that to comply with the Equalities Act legislation the starting point for any PROW installation was that it must be as accessible as practicably possible.

Further queries were raised regarding the costs for a new overbridge at Collier Lane and how the cost compared with the bridge at the A66, and maintenance needs and improvements on Centenary Way, Foss Walk and Ripon Rowel. It was confirmed that the agreement for Centenary Way had been set up with a previous Authority, therefore the route would be maintained. However, NYC was not responsible for the Foss Walk and Ripon Rowel and there were no dedicated resources or funding available to undertake additional work, but if a pattern of demand was shown then officers would endeavour to maintain the area, as part of NYC's statutory duty prioritised against other workload.

Discussion took place regarding the recruitment of volunteers and whether Parish Councils could play a part. The Vice Chair commented that she had never seen simple signs or advertisements, while out walking, which encouraged people to volunteer or that signposted people where to apply should they be interested. The Chair stated that she had noticed

small, laminated signs in another area which appealed for volunteers to maintain the walk. Members heard that NYC employed a dedicated volunteer co-ordinator who involved Parish Council's to recruit volunteers along with the use of the internet for online campaigns and word of mouth. The Path Keeper groups also played a part, as did North Yorkshire Councillors, who each received a Members Locality Budget of £10k annually, to allow them to respond to local needs by recommending funding to support specific activities; the service had had some very good successes through utilisation of Members Locality budgets to undertake improvements on the PROW network that otherwise would not have been affordable with existing service budgets.

Councillor Jeffels queried, as Health and Wellbeing was a high-profile subject at present, had the service seen an increase in the amount of people rambling the countryside. It was confirmed that Strava Metro data which recorded walking, running and cycling activity by their users, had indicated that footfall had increased during the Covid pandemic, but that these numbers had now started to gradually reduce, following trends observed across the country. NYC also had counters on the more strategic routes which showed that the number of users was very good in towns and on the promoted National Trails, and once the Coast to Coast NT opened in 2025, this would attract a lot of publicity and hopefully increase usage of the PROW network.

The Chair thanked Ian, Beth and Andy for their excellent report.

Resolved – That:

- i. Members noted the report;
- ii. Attendance of the new bridge engineer at the January 2025 meeting;
- iii. David Lepper, as representative for the North Yorkshire LAF on the C2CP NT External Stakeholder Group, to attend one-to-one update sessions with officers from Natural England;
- iv. Members to compile a NYLAF Position Statement for the consultation on the A19;
- v. The Coast to Coast update be added to the Forward Plan for the September 2024 meeting;
- vi. Members requested that Mr Kelly provide larger versions of the Coast to Coast maps contained within the report.

8 Secretary's Update Report

Considered –

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

Rachel Connolly suggested that in terms of the evolving North Yorkshire Council's Local Plan that a request be made, via the Secretary, to the Assistant Director for Planning that it would be beneficial for the Forum Members, as consultees, to be kept involved as the Local Plan progresses.

Resolved – That

- i. The update be noted;
- ii. The Secretary make a request to the Assistant Director for Planning that the LAF are kept involved and appraised of any future developments within NYC's Local Plan.

9 Liaison and LAF Sub-group and Individual Updates

Considered –

The report of the Secretary giving LAF members the opportunity to update the Forum on Council liaison and other LAF representative project activity since the last meeting.

In addition to the information provided within the report, Rachel Connolly provided an update on the A1 upgrade. Members heard that National Highways (NH) were not sympathetic to non-motorised users, with few of the provisions promised at Public Inquiry achieved.

One safety issue had been corrected at Tunstall Bridge, the signs which had originally been installed in the wrong place had been moved, however there were still issues outstanding, but it had been confirmed that there would be no further mitigation measures taken.

Andy Brown highlighted that CAS had engaged with local landowners, with the support of NH, to request some improvements to the principal bridleway network on land alongside the A1, but none of the landowners approached would agree to the creation of new bridleways on their land. Therefore, without the evidence for a Creation Order, this was not something that CAS could progress further, unless NH were to purchase additional land.

The Chair requested that the minutes reflect the Forums concerns and dissatisfaction with the behaviour and actions of National Highways, who it was felt did not take their responsibilities seriously. This was reflected by few of the provisions which had been promised by National Highways at the Public Inquiry, actually achieved for the A1 upgrade. It was also felt that North Yorkshire County Council had not provided robust support at the time.

In terms of Bedale by-pass, Mr Kelly advised Members that CAS had thoroughly investigated the matter with landowners but had now exhausted all avenues of enquiry and had not been able to secure a Creation Agreement. In response to a question by Rachel Connolly regarding the possibility of obtaining a Creation Order, Mr Kelly explained that he would be feeding the information back to colleagues in the Highways Team, and that he would keep Members apprised of the situation.

Members discussed the planning sub-group update report, and in particular the need for standardisation across the 7 area offices following the local government review. Rachel Connolly informed Members that the standardisation was an ongoing process; each area has the same software, but that it was used differently at each area office. It was noted that the planning sub-group had put together a "blueprint" report based on the East Riding of Yorkshire Council's method of Local Plan organisation and their treatment of access which had been sent to the Assistant Director for Planning. The Chair requested that this report be re-sent. Finally, the Secretary was asked to amend the wording in appendix 2 of the report, second paragraph, to read "7 area offices", and then forward the document to the Assistant Director of Planning for information and comment.

Resolved - That

- i. The additional information provided at the meeting be noted, alongside the written updates provided in the report;
- ii. The Forum's dissatisfaction with the failings of National Highways in regard to the A1 upgrade be put on public record;
- iii. Members to be kept informed regarding the need of a Creation Order for the Bedale by-pass;
- iv. The Secretary amended the wording in appendix 2 of the report, second paragraph, to read "7 area offices", and then forward appendix 2 and the "blueprint" report to the Assistant Director of Planning for information and comment.

10 NY Local Access Forum - Draft Revised Terms of Reference

Samantha Perks presented the draft revised Terms of Reference (TOR) for the NYLAF.

It was noted that at the last meeting of the Forum, the TOR sub-group had agreed to review the TOR, this work had since been completed with the amended document and recommendations circulated to all members for comment; this now formed part of the agenda pack.

Members considered the recommendations, and requested that the following amendments be made at:-

- 1.1, the three references to “Area of Outstanding Natural Beauty” be amended to read National Landscapes, and again at Annex A;
- 3.3, the word “physiological” be replaced with the word, physiographical;
- 4.1, Recruitment of new members to be added to the list;
- 5.5 remove altogether;
- 5.6, the words “where possible” to be added to the end of the sentence - A reasonable balance of members representing different interests should be maintained -----;
- 7.7, in the sentence - In the event of an equality of votes the Chair may exercise a second or casting vote - the word “equality” to be removed and replaced with equal number;
- Annex A, the Police be added;
- Annex B, first bullet point, the words “and practical” be added after appropriate.

Members then discussed the process for approving the communications sent out by the Secretary on the NYLAF’s behalf and the wording at 12.1. The wording for the TOR was agreed by the Members, and the Chair requested that the Secretary record a list of communications sent for inclusion within the Secretary’s report for future meeting agenda packs

Councillor Hesletine queried if there was a requirement for the NYC Legal department to comment on the amended TOR, the Secretary confirmed that the matter had been referred to the Head of Democratic Services and Scrutiny, who had confirmed that NYLAF had the authority to set their own TOR.

In response to a query at 6.1 where it stated that Members of the Appointing Authority would not be eligible for the positions of Chair or Vice Chair of the LAF, it was explained that this rule was contained within the guidance for LAF’s, set by the Secretary of State.

Resolved – That:

- vii. Members noted the report;
- viii. The Secretary would record a list of the communications sent, to be included in the Secretary’s report;
- ix. The amendments listed above be made to the draft TOR;
- x. The Terms of Reference item be added to the Forward Plan for the September 2024 meeting.

11 Yorkshire, Humber and North Lincolnshire Regional Access Forum - Minutes from 13 September 2023

Considered:-

Members queried if the minutes from the 13 September 2023 were from the last meeting of the RAF, as they were of the opinion that Will Scarlet had attended a RAF meeting on 6

March 2024. The Secretary confirmed that a meeting of the RAF had taken place on the 6 March 2024, and the minutes from that meeting had been circulated to Members outside of the agenda pack, as the minutes of the meeting had still been in draft form, and therefore, not accessible to the public, at the present time.

It was noted that on page 57 of the agenda pack it stated that the LAF would not be able to object to some aspects of an Improvement Scheme, Rachel Connolly highlighted that a LAF were not able to raise an objection, the LAF can only strongly recommend and advise.

Resolved – That:-

- i. Members note the report;
- ii. The Secretary re-circulate the minutes of the RAF meeting from the 6 March 2024.

12 Forward Plan

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 September 2024.

Mr Kelly suggested that one Member act as the representative for the NYLAF and attend the meetings of the RAF, to enable them to feedback the information from the meetings. The Chair stated that this would be a decision for Will Scarlet, however, while a decision was taken the Vice Chair agreed to attend the meetings.

In relation to the Local Transport Plan, Mr Kelly informed Members that colleagues in the Highways Team had expressed an interest in engaging with the NYLAF. It was explained that things had been held in abeyance due to the Mayoral Election in May 2024, however, by September 2024 the team would be in a position to provide an update.

Resolved – That

- i. Patricia Coulson would attend RAF meetings as the NYLAF representative until further notice;
- ii. Alongside the items of business already listed, the following items would be added to the Forward Plan:-

25 September 2024

- Coast to Coast as a standing item;
- Attendance of the Assistant Director of Planning to provide an update following LGR and the re-structure of the Planning Teams;
- Natural England – Environmental Land Management Scheme (ELM's) (Provisional, depending on the information contained in the RAF minutes of the 6 March 2024);
- NYLAF Terms of Reference;
- Regional Access Forum;
- Recruitment;
- Local Transport Plan.

29 January 2025

- Attendance of the new dedicated bridge engineer, Paul Tweed.

13 Any Other Items

There were no other items.

The meeting concluded at 12.16 pm.