

## Yorkshire Dales Access Forum – 23 October 2007

### The effectiveness of the Yorkshire Dales Access Forum

#### Background

The new Local Access Forum (LAF) Regulations and Guidance notes were issued on 19 March 2007. There is a new section within the guidance on measuring the effectiveness of the forum. The guidance suggests that:

3.9.1 Appointing authorities and forum members will want to ensure that time invested in their forums is worthwhile and that advice makes a positive contribution to decisions affecting the local area. Forums should therefore consider and agree criteria against which to measure their effectiveness (possible measures might be the amount, relevance, range of advice given; feedback from section 94(4) bodies; assessments of where advice has made a difference). This will help forums to improve their effectiveness and make appropriate adjustments where necessary. The information can also be used in preparing the annual report.

3.9.3 As the body that is likely to be the main recipient of forum advice, the appointing authority(ies) are encouraged to assist forums in developing relevant and meaningful criteria which suit the local circumstances.

In addition there has been some discussion amongst forum members as to whether the Forum represents good 'value for money', and is fulfilling its role, and providing a meaningful contribution to access issues in the National Park.

On the basis of this guidance, and members' concerns about having a 'worthwhile' Forum given the cost of running the forum, it is suggested that a set of criteria is agreed to measure the 'effectiveness' of the Forum.

This issue was first highlighted at the Forum meeting in May 2007. At this time it was agreed that officers of the Yorkshire Dales National Park Authority (YDNPA) would put forward some thoughts for members to discuss at their next meeting. To help inform this process, the Secretary contacted LAF secretaries from the North York Moors National Park Authority, North Yorkshire County Council, Cumbria County Council and the Lake District National Park Authority. The responses received are shown in Annex A.

#### Measures of Effectiveness

A dictionary definition of effectiveness is:

'Ability to achieve stated goals or objectives, judged in terms of both output and impact'.

The YDNPA measures its effectiveness in terms of SMART (Specific, Measurable, Achievable, Realistic, Time bound) objectives and clear targets for every individual work programme area. These are set in the National Park Management Plan (5-10 year

objectives) which then cascade to the Best Value Performance Plan (3 year objectives) with individual actions identified each year that will help achieve these objectives. Officers have to report, every three months, as to whether these actions and objectives are 'on target' and if not to say why. As part of the budget setting process each year, officers also have to state the resources required and what this will deliver in terms of objectives, actions and specific performance indicators. This is because, as a public body, we need to account for how we spend public money and measure our outcomes and our performance, as part of this accountability.

The LAF is also a public body but is in the unusual situation of being both independent of the Authority, but still publicly accountable as part of the Authority – as the Authority provides resources and is the 'appointing authority'. As such, the LAF should also have SMART objectives and performance indicators to measure its effectiveness and the outcomes it achieves.

### **Effectiveness in giving advice**

In considering effectiveness, this must be in relation to what the LAF does, its remit is to give advice, as local access forums are advisory bodies. Section 94 of the CROW Act defines their statutory function as being to:

advise as to the improvement of public access to land in the area for the purposes of open-air recreation and the enjoyment of the area, and as to such other matters as may be prescribed.

Section 94 of the CROW Act also states that the statutory function of forums is to give advice to the following bodies:

- the appointing authority(ies)<sup>2</sup>(which will be a highway authority or National Park authority)
- any county, unitary, district or borough council within the area of the forum
- the Secretary of State (in effect this means any Government Department with a Secretary of State, e.g. Defra and MOD, as well as 'executive agencies' such as the Planning Inspectorate and the Highways Agency)
- Natural England
- the Forestry Commission
- English Heritage
- Sport England (the English Sports Council)
- Area of Outstanding Natural Beauty (AONB) Conservation Boards
- Parish and town councils

Advice can be given either in response to a request for advice, or 'pro-actively' by the YDAF taking a lead and providing advice where it thinks it is needed.

There are several aspects relating to the effectiveness of a LAF – the outcome in terms of the amount, relevance, range of advice given; together with feedback from section 94(4) bodies; assessments of where advice has made a difference – as the guidance suggests, as well the effectiveness of the LAF as an organisation.

Measures are already in place to record the advice given by the YDAF to the bodies listed above. The annual report has details of any consultations the YDAF have responded to as well as any formal advice they have given. However, there is, currently, no way of recording what happens with the advice once it has been passed on. Therefore, one measure of effectiveness could relate to the number of times the YDAF gives advice, and whether this advice was acted upon, and the outcome. Therefore, a suggested 5 year objective could be 'by 2012 the YDAF to have engaged with 15 Section 94 bodies and given advice where appropriate'. A suitable performance indicator to measure this could be: 'percentage of advice given by the LAF which has been agreed and acted upon by the recipient organisation' (see Annex B for a full description) with a year on year target of 90% of advice being agreed and acted upon by the recipient organisation. To set this in context, over the past year (2006/07) the Yorkshire Dales Access Forum has engaged with 6 Section 94 bodies and given advice on 8 occasions. In this situation, 'engaged' would be face to face engagement i.e. a member of the YDAF attending a meeting or an Officer of a Section 94 body attending a YDAF meeting or written engagement be that by letter or via a consultation response.

## **Conclusion**

The 'effectiveness' of the YDAF, and the amount of money the Authority spends servicing it, has been a topical discussion since the last meeting. The Authority is always looking to see if it is using public money wisely, and a measure of effectiveness is needed to show what outcomes this money is delivering. As such, agreement is needed on a suitable measure of 'effectiveness'. A few suggestions are put forward in this paper, though having had time to reflect since the last meeting Forum members may have further thoughts or other suggestions.

## **Recommendation**

The Yorkshire Dales Access Forum is asked to consider the following questions:

1. What do the YDAF consider to be a suitable objective for their work area?
2. What do the YDAF consider to be a suitable performance indicator and target in relation to (1)?
3. What actions would the YDAF like to undertake during 2008/09 to help achieve their set objective?
4. What additional actions would the YDAF like to undertake during 2008/09 to help move the YDAF forward?
5. In addition, do the YDAF wish to use the questionnaire in **Annex A** to see how members feel about the forum as a whole?

Rachel Briggs  
9 October 2007

## **Annex A**

### **The effectiveness of Local Access Forums**

#### Response from Cumbria County Council

The best measure of effectiveness is advice as LAFs are advisory bodies. It is then ultimately up to the Highway Authority, National Park, Area of Outstanding Natural Beauty or other body to take that advice on board or not as the case may be.

Other ways of recording this are the Annual Report, any newsletters, meeting minutes, media releases which all give written evidence of a LAF's continuous work.

#### Measure used by the Lake District National Park Authority

In 2005, The Countryside Agency (now Natural England) was asked by the Government to conduct a review of local access forums in England. The idea was that the review would be used to determine how the Countryside Agency, Defra, the Local Government Association and others could better support the work of LAFs, and help to develop their role. A report was published in July 2005 by Gloucestershire University titled the 'Review of Local Access Forums'. (A copy of the report can be made available for those members that have not seen it).

In the report, a table of good and bad practices is listed. The purpose of the table is to identify areas of good and poor practice in the generic sense as apposed to looking at individual circumstances that will inevitably vary.

Having spoken to various other neighbouring authorities, it was suggested by the Lake District National Park Authority that the areas of good practice could be interpreted as a measure of the effectiveness of a LAF and, potentially, a way for the organisational effectiveness of a LAF to be measured. To this end, one option may be to use a questionnaire (based on the good identified by the University of Gloucestershire).

## **Membership**

	Strongly Agree	Moderately Agree	Neither Agree nor Disagree	Moderately Disagree	Strongly Disagree	N/A
New members are not known to the authority through previous involvement.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Members are selected for their diverse and broad knowledge of the issues relating to access.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Volunteers are solicited for related areas (e.g. health, local government expertise).	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Councillors attend meetings frequently and contribute fully.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
There is a good geographical spread of representation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Balance of representation is clearly stated in the terms of reference and is maintained.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Re-appointments are staggered so that continuity can be maintained.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
New members are given a welcome. pack with useful information in context.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

## **Effectiveness**

Targets are set, together with an annual work plan.	<input type="checkbox"/>					
LAF has 'flagship' projects in which it has a close involvement.	<input type="checkbox"/>					
LAF achieves tangible and beneficial outcomes, including feedback from AA on advice offered.	<input type="checkbox"/>					
AA requests advice and asks questions (regarding policy, technical matters etc.), and seeks LAF's support on issues.	<input type="checkbox"/>					

LAF members are willing to assist in resolving site-specific issues.

Members have an integral role in RoWIP preparation.

Members promote the work of LAFs in their other work on access.

### **Meetings**

LAF meetings include site visits.

Outside speakers are frequently invited to speak to the LAF.

Opportunities are provided for informal gatherings during meetings and outside.

Continuity is maintained between formal meetings through, for example, mailings, sub-groups, site visits, etc.

There is contact with neighbouring LAFs and at regional level.

### **Good Practice**

Agenda items are selected on the grounds of relevance – i.e. it is within the LAFs competence and is either something they need to be aware of or is something on which a view/decision is needed.

Sub-groups are formed and report back to the LAF for decisions or recommendations to be agreed.

A list of LAF members (with short biographies) has been published.

The Chair and officers communicate regularly and effectively between meetings.

The Chair decides the final agenda.

Agendas and minutes are available to the public, via AA website.

AA officers listen to the LAF and follow good advice.

AA officers give feedback and feel accountable to the LAF.

Members clearly understand their remit relative to other access groups.

LAF has its own headed notepaper

**Chairmanship**

Encourages LAF to be assertive in deciding their own remit.

Encourages everyone on the LAF to have their say.

Overtly impartial but well informed.

Reins in anyone trying to push their interests or dominate.

Manages business so that meetings end on time.

**Other Aspects**

AA has a budget for operating and administering its LAF.

LAF has a project 'fighting fund' to spend on relevant projects it has prioritised.

## Annex B

### Example of a Performance Indicator Sheet – as used by the YDNPA

	<b>YORKSHIRE DALES ACCESS FORUM</b>																		
Description	<b>Effectiveness of the Yorkshire Dales Access Forum</b>																		
Objective	By 2012 the YDAF to have engaged with 15 Section 94 bodies and given advice where appropriate																		
Definition	<p>Section 94 of the CROW Act defines their statutory function as being to: advise as to the improvement of public access to land in the area for the purposes of open-air recreation and the enjoyment of the area, and as to such other matters as may be prescribed.</p> <p>Section 94 of the CROW Act also states that the statutory function of forums is to give advice to the following bodies:</p> <p>Number</p> <table border="0"> <tr> <td style="padding-right: 20px;">1</td> <td>• The appointing authority(ies) (which will be a highway authority or National Park Authority)</td> </tr> <tr> <td>5</td> <td>• Any county, unitary, district or borough council within the area of the forum.</td> </tr> <tr> <td>6?</td> <td>• The Secretary of State (in effect this means any Government Department with a Secretary of State e.g. Defra and MOD, as well as ‘executive agencies’ such as the Planning Inspectorate and the Highways Agency)</td> </tr> <tr> <td>1</td> <td>• Natural England</td> </tr> <tr> <td>1</td> <td>• The Forestry Commission</td> </tr> <tr> <td>1</td> <td>• English Heritage</td> </tr> <tr> <td>7</td> <td>• Sport England (the English Sports Council) and catchment local and regional bodies</td> </tr> <tr> <td>75</td> <td>• Parish and town councils</td> </tr> </table> <p>The annual report has details of any consultations the YDAF have responded to as well as any formal advice they have given to Section 94 bodies.</p> <p>Engagement is defined as face to face engagement or written engagement.</p>			1	• The appointing authority(ies) (which will be a highway authority or National Park Authority)	5	• Any county, unitary, district or borough council within the area of the forum.	6?	• The Secretary of State (in effect this means any Government Department with a Secretary of State e.g. Defra and MOD, as well as ‘executive agencies’ such as the Planning Inspectorate and the Highways Agency)	1	• Natural England	1	• The Forestry Commission	1	• English Heritage	7	• Sport England (the English Sports Council) and catchment local and regional bodies	75	• Parish and town councils
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1	• The Forestry Commission																		
1	• English Heritage																		
7	• Sport England (the English Sports Council) and catchment local and regional bodies																		
75	• Parish and town councils																		
	<p><math>N = (a/b) \times 100</math></p> <p>Where</p> <p>N = percentage of advice given by the LAF which has been agreed and acted upon by the recipient organisation</p> <p>a = number of times the advice given by the YDAF to a new Section 94 body is acted upon.</p> <p>b = 97 (number of potential Section 94 bodies with which the YDAF could consult)</p>																		
Measurement Period	Current Financial Year	External Data Source	N/A																

## Yorkshire Dales Access Forum – 22 May 2007

### Establishment of Advisory Groups

At the May 2007 meeting of the Yorkshire Dales Access Forum, a paper was presented on the establishment of advisory groups to look at individual recreational activities. The remit of these groups is to:

- exchange information, and provide a formal mechanism for communication and raising issues of concern;
- advise on the management of specific matters.

The following arrangements have been made for the meetings of the groups:

#### Access on Foot Advisory Group

Meetings: This group is already established. There have been two meetings to date and a report will be made to the YDAF on the minutes of the meeting of 3 October. The next meeting will be held on 5 March 2008 at the Dales Countryside Museum.

Frequency: Twice a year

LAF Membership: Michael Bartholomew and Peter Bradfield

Other Invitees: Ramblers' association with representatives of the following branches:

- Craven
- Richmondshire
- Lancaster/Cumbria

Secretariat: Rachel Briggs

#### Access for All Advisory Group (please note name change from Sub Group)

Meetings: This group is already established and had their last meeting in April 2007. The next meeting will be held on the 13 November 2007 at Bolton Abbey starting at 10.00am.

Frequency: Twice a year

LAF Membership: Phil Woodyer, Michael Bartholomew, Ben Heyes, Ken Miller, Pat Whelan and Judy Rogers

Other Invitees: Disability Action in Richmondshire  
Skipton and Craven Action for Disability  
Open Country  
Natural England

Secretariat: The Access and Recreation Admin Officer

### **Bridleways and Restricted Byways Advisory Group**

Meetings: It has been decided that this group should meet on a six monthly basis – March and September each year. However, since Mark Allum (Access Project Officer), a key officer in mountain biking projects, is on a three month sabbatical from the YDNPA from September, it has been suggested that the first meeting be on 11 March 2008 at Yoredale starting at 6.00pm. The format will be an open evening for all those with an interest.

Frequency: Twice a year

LAF Membership: Pat Whelan and Ken Miller

Other Invitees: British Horse Society (Dales Area)  
British Driving Association  
International mountain bike association (IMBA)  
Natural England (Pennine Bridleway Team)  
Malham trekking centre

Secretariat: Rachel Briggs

### **Airsports Advisory Group**

Meetings: A meeting has been organised for the 19 February 2008 at Yoredale for members to meet each other and for terms of reference to be established.

Frequency: When a specific issue arises.

LAF Membership: Jon Beavan and Paul Tibbatts

Other Invitees: Country Land and Business Association  
National Farmers Union  
Yorkshire Dales Paragliding Club

Secretariat: Rachel Briggs

### **Watersports Advisory Group**

Meetings: A meeting has been organised for the 13 May 2008 for members to meet each other and for terms of reference to be established.

Frequency: when a specific issue arises

LAF Membership: Phil Woodyer and Ben Heyes

Other Invitees: British Canoe Union  
Grimwith reservoir sailing club  
Local fishing clubs  
Environment Agency  
Country Land and Business Association

Secretariat: Rachel Briggs

### **Rocksports Advisory Group**

Meetings: This group is already established as the Climbing Liaison Group. However, at the next meeting the remit will change to include all rock sports. The next meeting will be in December 2007 at the YDNPA Grassington office.

Frequency: Once a year

LAF Membership: Bill Foster and Jon Beavan

Other Invitees: British Mountaineering Council  
Caving Clubs  
Natural England

Secretariat: Rachel Briggs

### **Green Lanes Advisory Group**

Meetings: This group is already established. The last meeting was on 6 September 2007 at the Victoria Centre in Settle. The minutes of the meeting can be seen in the Annex.

Frequency: Four times a year

LAF Membership: Ben Heyes, Jon Beavan, Geoff Wilson and Michael Bartholomew

Other Invitees: Natural England  
Local Landowners  
NYCC  
CCC  
North Yorkshire Trail Management Advisory Group  
Local users

Secretariat: Mark Allum

**Summary of Meetings Dates 2007/08**

	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep
Footpaths		3 <sup>rd</sup>					5 <sup>th</sup>						
Bridleways							11 <sup>th</sup>						TBA
Airsports						19 <sup>th</sup>							
Watersports									13 <sup>th</sup>				
Rocksports				TBA									
Access for All			13 <sup>th</sup>					TBA					
Green Lanes	6 <sup>th</sup>			TBA				TBA			TBA		
YDAF		23 <sup>rd</sup>				26 <sup>th</sup>				17 <sup>th</sup>			23 <sup>rd</sup>

Rachel Briggs  
5 October 2007

## **Annex**

### **Yorkshire Dales Green Lanes Advisory Group Meeting 6 September 2007-09-06 The Victoria centre, Settle**

#### **Notes of Meeting**

#### **Present:**

#### **Chair:**

Dr Malcolm Petyt, YDNPA Recreation Management Member Champion

#### **Members:**

Ben Heyes (Landowner representative & LAF)  
Jon Beaven (Businessman & LAF)  
Michael Bartholomew (GLA& LAF)  
Stuart Monk (NYTMAG)  
Geoff Wilson (TRF & LAF)  
Phil Eckersley (Natural England)

#### **Officers in attendance:**

Jon Avison (YDNPA)  
Mark Allum (YDNPA)  
Doug Huzzard (NYCC)

#### **Apologies:**

Mark Sandamass (Mountain biking)  
Mark Dale (4x4 users)  
Neil Hesletine (Farmer)  
Matt Neale (YDNPA)  
David Gibson (CCC)

### **1. Welcome and introductions**

Phil Eckersley (Natural England) was welcomed to his first meeting.

### **2. Notes of previous meeting and matters arising**

The group were brought up to date with the works being carried out on Ling Gill and Cam High Road, and the use of a temporary traffic regulation order to facilitate this.

### **3. Code of conduct leaflet distribution**

The code of conduct leaflet has now been printed and the Ranger Service will be distributing copies to local garages and cafes used by trail bikers. Group members also suggested a number of other options:

- Petrol stations along the A65
- A number of motorbike retail outlets
- Local B&Bs specialising in accommodation for motorcyclists
- TRAC members
- TRF distribution

GW also suggested a press release with a scan of the cover.

**Actions: SM will follow up local contacts.  
KB to look at a press release**

#### **4. Route assessment report - Windy Pike Lane**

The evaluation report had been circulated and the following key points were highlighted:

- Unsurfaced unclassified county road, and a cul de sac route
- No ecological and archaeological issues identified
- 181 motor vehicle movements per month on average, with the overwhelm majority being agricultural
- Fine views from the route
- Stone track up to the vegetation has a mixture of infill materials
- Section on vegetation surface has no distinct track

#### Recommendation

The advice of the group, which was a consensus, was to continue to monitor the route. In addition it was suggested that consideration be given to the placement of a suitable sign at the Hanlith end informing users that the route was a dead end.

#### **5. Route assessment report – Dead Man’s Hill**

The evaluation report had been circulated and the following key points were highlighted:

- Cross-boundary route – part in the National Park and part in Nidderdale AONB
- The route needs to be considered as a whole
- An unsurfaced unclassified county road, with a satisfactory stone surface for the section in the National Park but badly damaged section on the Nidderdale side
- Some potentially vulnerable habitat and bird species close to route
- Historic route and some important heritage features such as Lodge and reservoirs
- 216 motor vehicles per month on average, approximately split 53% agricultural/47% recreational
- Important cross fell route for all users, giving access to a ridge walk, and other bridleways

SM said that this is an important route for recreational motor vehicle users, and that concerns about vehicles leaving the route need to be treated as an enforcement issue.

DH said that in respect of repairing the route there will be priorities on the unsurfaced network, just as there are on the surfaced road network, and that, following assessment of individual routes there will be cases where a proactive approach is justified.

It was acknowledged that noise from motor vehicles, especially on the Nidderdale side, will affect a wide area.

### Recommendation

The advice of the group is that there is a need to continue to monitor the impact on tranquillity, and there were issues around motor vehicles leaving the route. There is a need to carry out repairs on the zig zag section, and prevent vehicles short cutting on this section. Consideration should be given to place signs warning motor vehicle users that leaving the route could result in restrictions on use being put in place.

## **6. Route assessment report - Turbary Road**

The evaluation report had been circulated and the following key points were highlighted:

- The route passes through SSSI/SAC but no vulnerable features have been identified on the route itself;
- Earthwork features near the route could be vulnerable to increased usage;
- This is a high level traverse route with great views, and very few signs of human influence along its length;
- There is water erosion on the walled track, and some bad damage on the vegetation section;
- 48 motor vehicles per month on average, approximately split 56% agricultural and 44% recreational use;
- Average of 2.3 motorcycles per Sunday;
- Currently not a through route for 4x4s;
- Route provides limited connections for walkers in terms of footpath network (but does provide access to Open Access land).
- Very important caving area
- Very remote and tranquil area

JB believes that this may not be a through route from an historical perspective. This led to a long debate but no conclusions could be drawn.

Cavers do take motor vehicles along the route, to get nearer the caves - predominantly the first walled section.

### Recommendation

There was consensus amongst the group, that this route needs some form of restriction. But no consensus could be reached on the type of TRO, with both a full TRO and a seasonal TRO being considered. It was also suggested that any TRO could create a one way system, and should apply to 4x4s all year round.

## **7. Route assessment report - Stake Road**

The evaluation report had been circulated and the following key points were highlighted:

- No vulnerable ecological or archaeological issues on the route itself, but some vulnerable features close to the route;
- Historic route with good views along its length;
- Overall the route is in good condition;

- 385 motor vehicles per month on average, with approximately 75% of this being agricultural use; [did the group discuss the location of the counter?]
- A long route with good connections to the bridleway network for cyclists and horse riders.

### Recommendation

The advice of the group was to continue to monitor the route, and to carry out minor repairs at the Kidstones end, and to continue to carry out regular maintenance along its length.

## **8. Route assessment report – Long Lane (Helwith Bridge)**

The evaluation report had been circulated and the following key points were highlighted:

- The route passes through an SSSI but Natural England see no vulnerable features - unless vehicles leave the track;
- No vulnerable archaeological features identified;
- Great views of Pen-y-Ghent but quarries are major landscape detractor;
- Noise from the road and quarries affect the lower part of the route;
- There is some minor damage to the route surface, but no deterioration over time has been apparent
- 125 motor vehicles per month on average, with approximately 77% of this being agricultural
- Part of the route is Pennine Way, and offers a short route to the summit to Pen-y-Ghent, and is well connected to the rights of way network
- Upper section of route is tranquil with a very good track surface

### Recommendation

The advice of the group was to continue to monitor the route.

## **9. Update report on the West Cam Road route**

The West Cam Road had previously been considered by the group, and since that meeting a second logger had been placed on the upper section. The vehicle logger data shows:

- On the upper section there is an average of 113 motor vehicles per month, with 70% of these being motorcycles. Motor vehicle use on the upper section is predominantly recreational.
- On the lower sections there is an average of 222 motor vehicles per month, with 35% of these being motorcycles. The lower section has higher levels of agricultural use.

SM believes that levels of use on the West Cam Road will reduce if the Cam High Road (Gearstones) is closed.

MA pointed out that Cam High Road (Gearstones) will be closed to motor vehicles by a TTRO through to February 2008 for periods when contractors are working on site.

## Recommendation

The advice of the group was to continue to monitor the route, and in particular to look at the impact of the TTRO placed on the Cam High Road. In addition it was agreed that the badly damaged section of the route needs to be repaired.

## **Other points raised**

JA explained when the Authority expects to receive TRO powers, and the possible process for consulting on any orders.

**Action: KB to circulate regulations to group when received.**

GW questioned whether it would be possible for ANPA or ENPAA to write to the motor cycle industry concerning the need to reduce noise from motorcycles.

**Action: JA/KB to look at possibilities**

GW questioned whether any of the routes being considered were used as part of trials events, as this can sometimes help interpret vehicle logger data. It is not believed that any of the 15 routes so far considered are used by trials events, but this may be a factor on forthcoming routes.

## Yorkshire Dales Access Forum – 23 October 2007

### **Powers to make Traffic Regulation Orders and YDAF as statutory consultee**

#### **Background**

The National Park Authorities' Traffic Orders (Procedure) (England) Regulations 2007 came into effect on 1<sup>st</sup> October 2007. This enables the Yorkshire Dales National Park Authority to make traffic regulation orders (TROs) using powers under sections 22BB and 22BC of the Road Traffic Regulation Act (RTRA) 1984. These powers were introduced by Section 72 of the Natural Environment and Rural Communities Act 2006, by virtue of The Natural Environment and Rural Communities Act 2006 Commencement Number 1 Order 2007. (A copy of the Regulations can be found at [www.defra.gov.uk/wildlife-countryside/issues/public/index.htm](http://www.defra.gov.uk/wildlife-countryside/issues/public/index.htm) and Statutory Instrument at [www.opsi.gov.uk/si/si2007/20072542.htm](http://www.opsi.gov.uk/si/si2007/20072542.htm) )

#### **About the new powers**

These new powers will enable National Park Authorities to make TROs within a National Park on roads (or ways) which are shown on the definitive map and statement as public footpaths, public bridleways, restricted byways and byways open to all traffic and other carriageways with a predominantly unsealed surface. The TRO may be of unlimited duration, experimental or temporary.

The powers are part of a package of measures introduced by Government to help control excessive or inappropriate use of mechanically propelled vehicles away from the ordinary roads network. TROs can restrict all or certain specified types of users. They can restrict use to certain times or certain seasons, or ban use altogether where appropriate and can be used to prevent problems from happening, not just stopping a problem once it has already occurred. If a National Park Authority identifies a TRO as a possible management option, the next stage is to consult with all relevant bodies and organisations listed in Schedule 1 of the Regulations, this includes the Yorkshire Dales Access Forum.

#### **Yorkshire Dales Green Lanes Advisory Group**

As Members are aware the Authority has set up a Yorkshire Dales Green Lanes Advisory Group. The key task of the group is to consider individual route assessments and to provide advice on the management measures that could be used in relation to recreational motor vehicles on individual routes with possible or proven rights for these vehicles. This group sits outside of the statutory process laid down by Part 2 of the Regulations. Its role is to assist in gathering views and information, at an early stage, to help the Authority decide the appropriate management for an individual route and whether it should instigate the statutory process for considering making a Traffic Regulation Order. The group consists of:

- 4 YDAF members
- 4 co-opted members (representing various interests not covered by the YDAF Members)
- 1 officer representative from North Yorkshire County Council
- 1 officer representative from Cumbria County Council
- 1 officer representative from Natural England
- 1 YDNPA member 'champion' as chair of the group

It is important to emphasise that the advice of the group is 'non-statutory', and as has been discussed at the Forum meeting on 18 July 2006, whilst it has clear links to the YDAF, and the Forum receives notes of the meeting - for information - it is not a sub-group of the YDAF. (The minutes of the meeting of 18 July 2006 record that 'MB asked if the advisory group would be a group that the YDAF would lead on or a group the YDAF would join, and would it be accountable to the YDAF or the National Park Authority? JA said that the group would be a group the YDAF would join and that the group would advise the National Park Authority and would not be accountable to the Forum'.)

This last point is particularly important as the Guidance on Local Access Forums in England issued by the Secretary of State (2007) states:

4.6.2 The purpose (and status) of a sub-group meeting should be agreed beforehand: If it is intended that it will lead to the submission of advice directly to a section 94(4) body (i.e. without first reporting back to a normal forum meeting) then it will need to be conducted in full accordance with the Regulations (open to the public, availability of agenda, minutes and reports, etc) and meet any local requirements for a quorum. In effect this means that the meeting must be a *bona fide* meeting of the forum. A meeting which does not comply with the statutory requirements (or quorum) will not constitute a meeting of the forum and cannot give advice to a section 94(4) body - instead its deliberations should be reported back and discussed at the next forum meeting.

### **The YDAF as statutory consultee**

The YDAF is a statutory consultee under section 4, 18 and 20 of the Regulations; this means it will be formally consulted where the Authority is considering a TRO under these Regulations. These sections relate to permanent, experimental and temporary TROs. The latter is in relation to a 'road' only (I am currently seeking clarification on what is the legal definition of a 'road' in this context).

#### Temporary TROs

Temporary TROs are most often used to allow physical 'works' to a route to be undertaken, and for the route to stabilise afterwards. The Authority currently makes temporary TROs under powers delegated to it by the Highway Authorities; these powers and Regulations pertaining to them do not include consultation with the Local Access Forum. However where a temporary TRO is made under part 4 of the National Park Authorities' Traffic Orders (Procedure) (England) Regulations 2007, in relation to a 'road' the YDAF will be consulted. The statutory consultation period for temporary TROs under these Regulations is 'not less than 7 days'.

### Other TROs

In essence the process for making other TROs contains two rounds of public consultation, firstly on the Authority's general intention to consider making a TRO on a specific route (no timescale specified for consultation period in the Regulations) and secondly on the specific details of the TRO to be applied ie on the actual notice of its proposal (consultees have 21 days to respond from date of notice, and the Order cannot be made in less than one month after the notice is published).

Before deciding to make a permanent or experimental Order the National Park Authority must consider all representations from consultees and other people making representations.

### **Issues for the YDAF to Consider**

The YDAF needs to consider how it wishes to deal with the consultations, outlined above, as they are unlikely to coincide with YDAF meeting. In discussing this matter Members should note that the Head of Park Management has been given the authority under the Authority's 'Scheme of Delegation' to begin consultation on the possibility of making a TRO on any individual route in accordance with these Regulations. It is anticipated that consultation on the first routes to be considered for a TRO will be during December. The response to the initial consultation, on the possibility of making a TRO, being considered at the Access Committee on 17 January 2008.

### **Questions to the YDAF**

How does the YDAF wish to deal with statutory consultations under the National Park Authorities' Traffic Orders (Procedure) (England) Regulations 2007?

Kathryn Beardmore  
10 October 2007

## Yorkshire Dales Access Forum – 23 October 2007

### Secretary's Report

#### Purpose of the Report

The following report brings together, in one place, a collection of items for Members consideration and information.

#### Appointment of Yorkshire Dales Access Forum Members

The Local Access Forum (England) Regulations state:

*“A member of a local access forum shall be appointed for not less than one and not more than three years.”*

The Yorkshire Dales National Park Authority (YDNPA) decided that the initial period of appointment of individual members be staged, so that approximately one third of the Forum membership is renewed annually. Since that decision, it has been determined that appointments should be made for a period of three years to ensure that experience and understanding of Forum matters are retained within the Forum over time.

On 31 December 2007, six of the current members will have completed their full term of office and will no longer serve on the Forum. Areas of representation are affected as follows; two users, two from land management and two representing other interests. There has also been a resignation from the Forum thus creating a further vacancy in the other interests category.

It is appropriate to remind Forum Members that the YDNPA may re-appoint a person who ceases to be a member of the Forum following the completion of their term of office. However, it is expected that any such Forum Member would be required to make an application according to the appointment procedure. The appointment process is as follows:

<b>Key action/events</b>	<b>Dates</b>
Advertise vacancies in local press and YDNPA website	2 November 2007
Closing date for written applications	23 November 2007
Interviews/workshops to be held	7 December 2007

The suggested programme above assumes that new appointees will officially start their Forum duties from 1 January 2008.

## Access Committee Dates and Venues

Date	Venue	Time
25 October 2007	Yoredale, Bainbridge	10.00
17 January 2008	Grassington	10.00
17 April 2008	Yoredale, Grassington	10.00
17 July 2008	Grassington	10.00
16 October 2008	Yoredale, Bainbridge	10.00

Any member of the Yorkshire Dales Access Forum can attend the Access Committee as a member of the public. Please contact Rachel Briggs for a copy of the agenda and supporting papers.

The agenda items for the next Access Committee on 25 October are expected to be:

- Head of Park Management report
- Definitive Map Team quarterly report
- TRO Guidance and Regulations

## North Yorkshire Rights of Way Improvement Plan

See **Annex**.

## Cumbria Rights of Way Improvement Plan

As part of the ongoing work to implement the Cumbria Rights of Way Improvement Plan; Cumbria County Council has produced a "Draft Action Plan". Members of the Local Access Forum have been sent a copy of this and are asked to send any comments they have to Andy Ryland, the National Park Authorities Transport and Visitor Management Officer, by 14 November.

## CRoW Act Restrictions and Exclusions

The Yorkshire Dales National Park Authority have not received any requests for restrictions or exclusions since the meeting in May.

Rachel Briggs  
4 October 2007

## **Annex**

# **North Yorkshire Rights of Way Improvement Plan Public Consultation & Plan Adoption Process**

### **Purpose of Report**

*To provide an overview of responses which have been received from the public following consultation on the draft Rights of Way Improvement Plan for North Yorkshire together with the process for plan adoption.*

### **Background**

Local access forums are required to provide input into the production of Rights of Way Improvement Plans (RoWIPs). There are three local access forums in North Yorkshire, one for North Yorkshire outside the National Park Authority areas and one each for both the North York Moors National Park and Yorkshire Dales National Park.

One Rights of Way Improvement Plan is being prepared for the whole of the County which will be gradually integrated with local transport planning in North Yorkshire. This report provides a brief overview of responses which have been received as a result of the public consultation on the draft plan which was held between 1<sup>st</sup> April and 30<sup>th</sup> June 2007 and an overview of the plan adoption process.

### **Current Position**

A total of 250 responses have been received as a result of the public consultation by a variety of methods including by telephone, post, e-mail, postal response form and online response form as well as in person.

### **General Response**

Overall comments resulting from the public consultation have been favourable. Many people were impressed by the quality of the plan and it's easy to read and well set out information providing a comprehensive and usable document.

Natural England felt that particularly effective elements were the Strategic Environmental Assessment of the plan which they were interested in with regard to being promoted as best practice, the diversity of funding quoted together with a reality check of what money can actually buy and the inclusion of Landscape Character Areas to demonstrate the variety of landscapes in North Yorkshire.

### **Improvement Plan Versus Existing Duties**

Many people appeared to interpret the statutory guidance for Improvement Plans as including existing statutory duties with regard to rights of way. These being to maintain rights of way and keeping the Definitive Maps and Statements relevant to North Yorkshire under continual review. Some respondents felt that all outstanding

issues with regard to these statutory duties needed to be brought entirely up to date and funding provided to achieve this. This is not what Improvement Plans are intended to do. They are framework documents, much like a Local Development Framework or Local Transport Plan which set the context for future change to the rights of way network by better information, better management and new routes in carefully selected locations which are likely to make a significant difference to people. Rights of Way Improvement Plans bring a new paradigm into play. They do not focus on historic need but on likely future need, building upon but not conflicting with existing duties.

### **Strategic Versus Specifics**

There appears to be a general misunderstanding about how specific Improvement Plans should be. Many people felt that the plan lacked detail about individual projects including targets and indicators. The plan is a strategic document. More detailed plans and targets on individual schemes including costing and timescales will be published in an Annual Business Plan as per statutory guidance.

### **Linking To Broader Policy Objectives**

Comments received from some respondents indicate that they view this plan purely in isolation of the role that rights of way improvements play in delivering other policy agendas. Some people wished to remove or reduce what they perceived as 'social engineering' from the plan. Statutory guidance requires that the plan must be prepared in the context of other plans and strategies and more importantly prepared in a more interlinked way in order to secure funding partnerships (paragraph 2.4.7, Defra statutory guidance). The plan is also about meeting the needs of people with a wide range of interests, abilities and expectations, not just the needs of existing users, many of whom did not appreciate this wider view.

### **Assessing the Needs Of Different Stakeholders**

Many comments were received from equestrian users who felt that the plan did not adequately address their needs at assessment stage, in objectives, policies or actions and in recognising the economic value of equestrian pursuits. The plan has an interlinked series of objectives, policies and actions which address the needs of all classes of user including horse riders. The plan contains specific actions which look at ways in which to address bridleway availability, fragmentation and the safety of vulnerable users.

One or two comments were received from disabled people who supported the approach adopted by the plan in avoiding making any judgements about people's ability. The plan therefore looks at ways of reducing physical barriers but also involving people in improvements which affect them and providing better information.

One or two land interests felt that the plan was biased and did not address their needs, the needs of rural areas and favoured tourism over agriculture. This plan has listed the requirements of land interest, something which many other Rights of Way Improvement Plans do not. It has taken account of the needs of agriculture, forestry, heritage and conservation in its objectives, policies and actions. Issues such as responsible enjoyment, the provision of guidance and advice, partnership

work and the setting up of a diversion scheme which might consider diversion around farmyards are all considered by this plan. The supporting Strategic Environmental Assessment also considers the positive and negative impacts of the plan, seeking mitigating measures in relation to negative impacts.

### **Sustainable Management And Vehicular Users**

Of those who responded about the use of motorbikes and four by four vehicles in the countryside, most requested an end to unlawful use and either a reduction or removal of such vehicles from the countryside. Some people felt that the plan did not address the issue of 'green lanes' at all. This was countered by three respondents who felt that the plan had an anti vehicular bias and discriminated against the needs of disabled people who enjoy recreational motoring.

There appears to be general misunderstanding about the exact remit of this plan with regard to recreational motoring in the countryside. There is also continuing confusion among the public about what 'green lanes' actually are and the general use and misuse of the term which is a colloquialism.

This plan only has a direct remit over byways open to all traffic, the only right of way which has vehicular rights. Unsurfaced unclassified roads are part of the rest of the highway network and are under the remit of a Local Transport Plan.

This plan conforms to statutory guidance. It recognises that there is demand for recreational motoring in the countryside and it considers ways to manage this demand. It has no remit over European or national legislation such as the NERC Act 2006 which has had an impact on the availability of local highways for vehicular users.

Better management is one of the central aims of a Rights of Way Improvement Plan. The plan considers that all rights of way are a resource which needs to be better managed in order to ensure their continued enjoyment by future generations.

RT roads were mentioned by a number of respondents who suggested that they should be moved under the definition of local highways. RT roads are a route over which there is a public right but which were maintained by land owners up to local Government re-organisation in return for a rebate on local taxes. As such they do not fall under the definition of local highway network.

### **Network Development**

There was a general debate about whether the rights of way network was too long, too short and its fundamental role. Respondents raised various issues about the impact of both the current network and any development of it upon the environment, heritage, land interests and the rest of the transport network. This plan has been prepared in a way which recognises all these issues. It has been prepared within the context of a Strategic Environmental Assessment. Implementation will rely upon balancing a range of issues.

## **Funding Improvements**

There was a discussion about who would pay for improvements. Some people felt that the plan is ambitious and aspirational. There were many suggestions about where money should be spent, including upon existing statutory duties. The plan has been prepared in a way which demonstrates how rights of way deliver a range of policy agendas, linking with particularly relevant policy areas.

## **Plan Adoption**

A full consultation report is being prepared for the submission of this plan to the County Council. This plan is being presented to the County Council Scrutiny Committee, County Council Executive and Full County Council. It will also be presented to the relevant committees of the two National Park Authorities. A range of views are therefore still to be considered before the plan is finally agreed for adoption. The timetable is as follows:

5 <sup>th</sup> September	Scrutiny Committee NYCC
25 <sup>th</sup> September	County Council Executive NYCC
10 <sup>th</sup> October	Full County Council Meeting NYCC
22 <sup>nd</sup> October	North York Moors National Park Authority, Access & Information Committee
28 <sup>th</sup> October Committee	Yorkshire Dales National Park Authority Access

## **Recommendation**

It is recommended that:

- a) This report is received for information.
- b) The Local Access Forum considers its future role in assisting in the implementation of this plan.

### Contact Officer:

Angela Flowers  
Policy Officer  
Planning Policy Section  
Development and Countryside Services  
01609 532774

## Yorkshire Dales Access Forum – 23 October 2007

### Chairman's Report

#### Responding to Consultation Papers

A significant workload since our last meeting has been informing members and co-ordinating responses to consultation documents, and, in close liaison with Vice Chairman Mike Bartholomew, drafting the responses on behalf of the forum.

Since the meeting in May we have responded to consultations on:

1. The implementation of the right to apply for orders to extinguish or divert public rights of way.
2. The activation and expiry of fire prevention restrictions under the CROW Act 2000.

The level of engagement by forum members with these consultation exercises continues to be very low which results in response coordination being less onerous than it could be, but also in the responses possibly being less representative of the forum's and our community's views than they should be.

Members have been circulated with copies of each consultation response.

Members will remember that back in April we responded in some detail to the DEFRA consultation on 'The Power for National Park Authorities to make Traffic Regulation Orders – section 72 of the Natural Environment and Rural Communities Act 2006'. DEFRA invited views on the detail of regulations enabling National Park Authorities to make Traffic Regulation Orders to regulate traffic on Public Rights of Way and roads with a predominantly unsealed surface. This is primarily to help control excessive and inappropriate use of mechanically propelled vehicles away from the ordinary road network within National Parks. The power to apply these TROs was granted to National Park Authorities on 1 October 2007 and is supported by an extensive guidance document. In our response of April we asked DEFRA to consult us again on the content of the guidance, but it is evident that DEFRA didn't agree. The guidance can be seen at - <http://www.defra.gov.uk/wildlife-countryside/issues/public/npguid-tro.pdf>

#### Access Committee Liaison

I was pleased to attend the Yorkshire Dales National Park Authority Access Committee meeting on 26 July, at which I formally presented the Forum's Annual report to the committee. The report was well received and attracted a couple of useful questions.

The next meeting of the Committee will take place at Yoredale, Bainbridge on 25 October, commencing 10.00. Please remember that Access Committee meetings are meetings in public and that consequently we are welcome to attend. Additionally, please note that Access

Committee training sessions are now open to Access Forum Members. However, the training taking place following the Access Committee meeting on 25 October is for the induction of the new Access Committee Members and so is for Access Committee Members only. Training on the Definitive Map has been reprogrammed until after the Access Committee, at Grassington, on 17 January. A regular and significant item on the Access Committee agenda is the Quarterly report of the Definitive Map Team. The processes of creating, diverting, extinguishing and adding routes on the Definitive Map is to many people a black art, and I'm sure that Access Forum members will find this training session, in January, very useful.

### **Cumbria CC's Rights of way Improvement Plan (RoWIP)**

Cumbria's RoWIP was launched at a rural ceremony on 9 July. Neither me nor Vice Chairman Mike Bartholomew were available to attend the launch and ex Chairman Jon Beavan kindly stood in as representative of this forum. Cumbria County Council is now in a period of investigating funding opportunities and partnership building.

### **Liaison with Northern Regions Local Access Forums**

Natural England, in conjunction with the Local Government Association (LGA), encourages LAFs to form loose regional groupings, with one local highway authority (LHA) in each of the eight regions acting as a co-ordinator and regional liaison point for matters affecting LAFs. Recently, Simon Boyd (Cumbria County Council's Countryside Access Partnership Officer) has taken on this role in a voluntary capacity to help provide support and improve communication between LAFs within the NW region. I attended a meeting of the Cumbria LAF on 27 September.

### **Lake District National Park Local Access Forum.**

At a meeting of the Lake District National Park LAF on 23 July, I was asked to be chair of that forum. It is not appropriate for me to be chair of two forums in anything but the short term (even if I had the energy to be so) and consequently I won't be a candidate for chair of this forum next year.

Geoff Wilson  
4 October 2007

## Local Access Forums and Discovering Lost Ways

Natural England wants to ensure that the Discovering Lost Way (DLW) project delivers value for money public benefits and is in tune with what our stakeholders want. To help us achieve this we are seeking the views of local access forums (LAFs) on the future scope and direction of the project. If you are a LAF member, please have a look at the questions on page 2 and provide us with your views. We value the advice that LAFs can provide, as we want our decisions to be properly informed.

Legislation in the Countryside and Rights of Way Act 2000 means that any historic rights of way not recorded<sup>1</sup> on the definitive map by 2026 will be extinguished. The Department for the Environment Food and Rural Affairs (Defra) asked the Countryside Agency to facilitate the researching of historic documents and claiming of unrecorded rights to prepare the way for this change. Responsibility for the project was passed to Natural England in October 2006.

During 2007 Natural England is conducting a review, through a series of "Pathfinder" projects and a programme of structured stakeholder engagement. The purpose of the review is: -

- To evaluate the existing DLW delivery framework
- To better define Natural England's role in this work
- To define the optimal and most cost effective approach to enable the delivery of identified public benefits

We are looking for solutions that are: -

- Achievable & realistic- simple, pragmatic
- Integrated – locally relevant, adding value, works with partners

<sup>1</sup> Defra intend to introduce regulations during 2007 that will safeguard all claimed routes from extinguishment.

- Effective & efficient – Avoid waste, focus on where we can obtain optimum benefit

## Pathfinders

As part of developing the way forward for the project, we are testing several approaches to translating research into routes on the ground. These 'Pathfinder projects' are using research already completed in certain areas as well as trying out new approaches in other areas.

The first two Pathfinder projects, in Cheshire and Shropshire, are using the results of completed research in the form of case files to examine how best to get discovered routes onto the map. In Cheshire, we are making a small number of applications for definitive map modification orders whereas in Shropshire we are examining how a local authority might use evidence without anyone making a formal application.

Work in Nottinghamshire, under Pathfinder 3, is examining how we might focus research so that we concentrate on getting evidence of routes that will provide the greatest public benefit. We are also looking at how best to involve local people in this process.

Pathfinder Project 4, in Herefordshire, involves a sub-group of the local access forum helping to develop the base map before the Archive Research Unit enters the county. This group will meet with local people (such as footpath users and parish councils) to establish local priorities and needs and will coordinate local research activity.

Finally, as part of Pathfinder 5, we are looking at ways that local people can be involved by

- Talking to established local volunteer groups already engaged in lost ways research. We want to see if their work could be built into the future development and delivery of the project.

- Seeking the views of local access forums on the scope and future direction of DLW and their role in the process.

This will link in to other work underway in developing a database of surveying authorities to provide a resource of information reflecting local circumstances.

The outputs from these projects will all contribute to the review at the end of this year to determine the way forward for the DLW programme.

## Is there a role for LAFs in DLW?

Pathfinder 4 will give us an insight into the role that a LAF could effectively have in the project but we are keen, through Pathfinder 5, to gauge a wider body of opinion on how LAFs could contribute to the delivery DLW so that it reflects local needs and circumstances.

It will only be possible to talk directly to a small number of LAFs before the outcome of the review is reported to Ministers in December but we wish to extend the opportunity to all LAFs to comment on what they consider to be the scope and future direction of DLW. We are particularly interested in how you see your LAF engaging with the project.

We have posed a series of questions that we would like you to consider and comment upon. We are keen to capture your views not only on what the LAF could/ should be doing in response to the 2026 cut-off date but also on the contribution that lost ways could make to the overall access experience in your area.

The purpose of these questions is to trigger discussion on the wide range of issues that surround the recording of historic rights of way and the management and maintenance of a network that meets today's needs. We hope that you will think "outside the box" and help us to identify and clarify the potential benefits (and disbenefits) of DLW and what needs to change to achieve these.

## The Questions

**It is 2020 and you have just come back from a day out with friends using the rights of way in your favourite bit of countryside. You are delighted with what you experienced. Why – what did you experience? How did the maps you used contribute to that experience?**

**Given the current situation and procedures for recording routes on the definitive map what needs to change to enable you to enjoy your great day out in 2020?**

**Local access forums have been set up to give advice on public access.**

**What role do you see the LAF having in DLW?**

**If this required the LAF becoming more involved in route specific discussions how could this be handled?**

**What relationship do you see between DLW and the ROWIP?**

## Deadline for comments

As already mentioned we are required to report to Ministers in December on the operational delivery of the project post 2007/08. If you would like the views of your LAF to inform this report then your comments must be submitted to Natural England **no later than 30 October**. We realise that, given the tight timetable, it might not be possible to consider this matter at your next meeting and it might be necessary to provide a response via correspondence.

The report to Ministers is likely to be the start of a process so any comments received after the 30 October deadline will still be of value in determining how this work is taken forward by Natural England.

Your comment should be sent to Lorna Stafford on the email below.

## Stakeholder Workshops

In order to inform the review of DLW, we are undertaking a programme of stakeholder engagement. Through a series of three independently facilitated workshops we are gathering views from a wide range of interests looking at the options for delivering DLW and the roles that Natural England and partners could play. In addition, a Technical Working Group is also meeting to consider more detailed issues focussing on the researching process, and feeding this into the review as well. The knowledge, interest and ideas from stakeholders will all help to inform and influence the future of DLW.

## DLW staff changes

Welcome to Amanda Earnshaw who is now acting as Major Project Manager for DLW and is based in Newcastle. Lorna Stafford is temporarily supporting the Stakeholder Engagement team in place of Victoria Nicholls who has left the team to continue her studies. We also wish Eleanor Brown all the best in her new role in Geology.

## Contact details:

**Sue.Shipston@naturalengland.org.uk**  
(tel 01242 533302) (Mon-Weds)

**Lorna.Stafford@naturalengland.org.uk**  
(tel 01242 533343)

Or write to:  
Discovering Lost Ways  
Natural England  
John Dower House  
Crescent Place  
Cheltenham  
GLOS GL50 3RA

Website address: <http://www.naturalengland.org.uk/leisure/access/default.htm>

We also have an information line for Discovering Lost Ways available for members of the public and volunteers. Please encourage any volunteers that you know of who are interested in the project to register their interest with the information line using the contact details below.

Email: [dlw@countryside.gov.uk](mailto:dlw@countryside.gov.uk)

Or write to:  
Discovering Lost Ways  
PO Box 725  
Belfast BT1 3YL

Tel: 0845 60 50 148

## Yorkshire Dales Access Forum – 23 October 2007

### Is There A Role For Local Access Forums In Discovering Lost Ways?

#### Summary

Natural England (NE) has posed five questions to Local Access Forums as a means of triggering discussion on a wide range of issues that surround the recording of historic rights of way and the management and maintenance of a network that meets today's needs. NE are asking forums to think 'outside the box' in order to help them identify and clarify the potential benefits (and disbenefits) of the Discovering Lost ways programme and what needs to change to achieve them.

It is worth bearing in mind that we are now 27% of the way from CROW Act 2000 to the 2026 cut-off date and these questions are only now being asked of us.

#### Proposal

That the Yorkshire Dales Access Forum gives advice to the chairman and vice chairman on the responses it wishes to make to questions posed by Natural England on the role of LAFs in the Discovering Lost Ways project. (Note: Comments have to be submitted to Natural England no later than 30<sup>th</sup> October).

#### Background

The Discovering Lost Ways (DLW) project arose from the Countryside and Rights of Way Act 2000. It is a national project aiming to increase and improve the rights of way network available for people to access and enjoy the natural environment.

Every surveying authority in England – usually the county council – must maintain a definitive map of public rights of way. The definitive map and statement forms the legal record of public rights of way (that is, footpaths, bridleways and byways).

Provisions in the Countryside and Rights of Way Act set a deadline of 1 January 2026, after which it will not be possible to apply for footpaths and bridleways, or higher rights, to be added to the definitive map on the basis of historical documentary evidence (historical is classed as pre-1949). The introduction of the cut-off date is aimed at bringing clarity for landowners and users of the countryside about what rights actually exist. After 2026 new rights of way will be able to be added to the definitive map resulting from agreement, creation or presumed dedication (20 years unchallenged use).

The government asked the Countryside Agency - now part of Natural England - to coordinate the work necessary to research rights of way not currently shown on the definitive map and submit those with sufficient evidence to local authorities, before the cut-off date. This does not create any new rights – it is simply about gathering historical

evidence for what already exists but, for various reasons, is not shown on the definitive map.

Following the creation of Natural England, it was recommended that a fundamental review of the DLW project should be carried out. This is due to a report in December 2007. The aim of the review is to develop options for delivery that are aligned to Natural England's Strategic Direction and will achieve optimum public benefit. The objectives of the review are:

- To review and evaluate the existing DLW delivery mechanisms
- To define Natural England's role in this work through analysis of evidence and through stakeholder engagement
- To define the optimal and most cost effective approach to enable delivery of identified public benefits.

The review has two main components:

- A series of 'pathfinder' projects designed to evaluate different ways of transforming research into routes on the definitive map, and also to look at ways of refining the research process so that we optimise local public benefit, and
  - A structured programme of stakeholder engagement based on a series of workshops.
- The first two pathfinder projects, in Cheshire and Shropshire, are using the results of completed research in the form of case files to examine how best to get discovered routes onto the map. In Cheshire, it is intended to make a small number of applications for map modification orders whereas in Shropshire evidence is being examined which might be used by a local authority without anyone making a formal application.

In Nottinghamshire, under Pathfinder 3, a study is being conducted into how research may be focused on getting evidence of routes that will provide the greatest public benefit.

In Herefordshire the local access forum (established under the Countryside and Rights of Way Act 2000) have set up a sub-group to prepare for the Discovering Lost Ways project before the Archive Research Unit enters the county. In Pathfinder 4, Natural England is working with this sub-group to help assess how early local consultation with local people could lead to a more efficient research process.

Finally, as part of Pathfinder 5, Natural England is looking at ways that local people can be involved by talking to established local volunteer groups already engaged in lost ways research. NE wants to see if their work could be built into the future development and delivery of the project. They are also intending to seek the views of local access forums on the scope and future direction of DLW and their role in the process. This will link in to other work underway in developing a database of surveying authorities to provide a resource of information reflecting local circumstances.

The outputs from these projects will all contribute to the review at the end of this year to determine the way forward for the DLW project. The findings from this work will be used to determine the way forward for the project.

The outcome of the review of the project will be presented to the Natural England board, who will provide advice to Defra. Ministers will decide on the future direction of the project.

## Questions for the Forum to Answer

Imagine it is 2020 and you have just come back from a day out with friends using rights of way in your favourite countryside. You are delighted with what you experienced. Why – what did you experience? How did the maps you used contribute to that experience?

1. Given the current situation and procedures for recording routes on the definitive map, what needs to change to enable you to enjoy your great day out in 2020?

Considering Local Access Forums have been set up have been set up to give advice on public access:

2. What role do you see the LAF having in DLW?
3. If this required the LAF becoming more involved in route specific discussions how could this be handled?
4. What relationship do you see between DLW and the RoWIP?

## Points for consideration

Why do we use a rights of way network? Is it to get benefit from the exercise? To gain pleasure from the countryside / landscape that RoWs provide access to? To enjoy using a historic route /line of communication? Any other reason? What anyone may wish to be achieved by the DLW project will depend on their reason/s for using the rights of way that exists today and the lost ways that the DLW project may discover between now and 2026. One extreme view is that the project should focus ONLY on researching and claiming routes that help create a RoW network that serves the needs of 21<sup>st</sup> century users; but this view may make some sweeping presumptions concerning what those needs are.

In simple terms question 1 seems to be asking if the DLW project should research and claim routes that create a 'network' to meet certain needs; what may be termed an 'exclusive' programme. Or should the project be attempting to identify documentary evidence supporting claims for ALL rights of way that have not yet been included on the definitive map; what may be termed an 'inclusive' programme? We have to remember that if an 'exclusive' approach is adopted any historic routes that are not claimed as RoWs by 2026 will no longer be able to be claimed.

Should there be a presumption that an inclusive project could never be delivered given finite resources? Should this be acceptable, given the promise which appeared to be given by the CROW Act 2000?

Question 2 seems to be asking us to suggest how local access forums may be used to facilitate the DLW project.

If an exclusive approach is adopted then LAFs could advise on the form of RoW network that they wish DLW to try to deliver in their areas.

LAFs could also be the basis for preliminary research in a locality in advance of the arrival of DLWs team of 'professional' researchers?

Do we have the resources / skill / time / inclination to assist the process in any way?

Question 3 appears to be anticipating that irrespective of whether an 'exclusive' or an 'inclusive' approach is adopted there will be the same level of opposition to RoW claims that exists today. Could LAFs assist the claim process by acting as a local arbiter / broker in what is in many instances is a hostile claim / objection / inquiry procedure?

Question 4 asks the question that many of us may have been asking ourselves. Do we see any relationship between the two programmes? Does one complement the other? Should DLW simply feed into the RoWIP? Should DLW stand independent of the RoWIP?

Geoff Wilson  
10 October 2007

Background Papers: Natural England Discovering Lost Ways E-Bulletin, September 2007.

## Yorkshire Dales Access Forum – 23 October 2007

### Cumbria Countryside Access

#### Purpose of this Report

The purpose of this report is to make Members aware of Cumbria County Council's re-drafted proposals for the partnership called 'Cumbria Countryside Access.'

#### Background

At the January 2007 LAF meeting, Members received Cumbria County Council's proposals to create a partnership with the Lake District National Park Authority, Carlisle City Council, and the Yorkshire Dales National Park Authority called Countryside Access: Cumbria. The Yorkshire Dales National Park Authority is delegated Highway Authority for rights of way on behalf of Cumbria County Council for the parishes of Garsdale, Dent and Sedbergh.

The Forum made the following comments:

- More general information on how the partnership would work in practice needed to be provided.
- More information needs to be provided on how the partnership and working groups will be resourced;
- The Yorkshire Dales National Park Authority needs to ensure they have a place on the partnership.

These views were endorsed by the Access Committee and it was concluded that it was important for the Authority to play its full part in 'Countryside Access Cumbria'.

#### Proposed Partnership Arrangements - "Cumbria Countryside Access"

In the light of the consultation responses Cumbria County Council have now produced a revised suggestion for the partnership – now called Cumbria Countryside Access. These proposals are reproduced in full in the **Annex A**.

These are largely similar to the previous proposals but with much more detail in relation to aims, key tasks, and membership and remit of the individual elements of the partnership which is helpful. The aims of the partnership are now clearly stated. The key activities of the partnership are also clearly laid out and are very wide ranging (see **Annex B**).

The proposals also identify two new tasks in relation to the partnerships activities:

- 'In carrying out these activities the partners will use integrated information, management and performance monitoring systems, procedures and standards. CCA will present a uniform and consistent interface to users and stakeholders.'
- 'An annual action plan which will include specific targets for performance management will be prepared for the Board'.

In terms of how the partnership will operate in practice, this is similar to the original proposals. There will still be an 'operational steering group' of officers from the relevant local authorities supported by a number of individual 'task groups' reporting to the steering group, which will look at specific issues. The operational steering group will be overseen by the partnership board which will be made up of members of the relevant local authorities and the three local access forums, including the YDAF.

### **Nominations for Local Access Forum Representation**

If you feel that you have the skills and qualities required for the vacant positions, outlined in sections 6 and 7 of **Annex A**, then please write a brief nomination and let Rachel Briggs have it before commencement of the 23 October meeting. In terms of time commitment it is anticipated that both the Task and Sub Groups will meet quarterly with work targets to be achieved between meetings. It is anticipated that meetings will move around the County, and/or be at a location most convenient for members of the group, (by mutual agreement).

Members are asked to stand as willing candidates to represent all LAFs across the county (Cumbria Local Access Forum, Lake District Local Access Forum, and Yorkshire Dales Access Forum) in terms of the Maintenance and Promotion Task Groups. It is expected that these positions will have three nominations (one from each LAF), and then the LAF Chairs will have to decide who is best suited. For the Improvement Task Group, a single member of each LAF is required.

#### **Maintenance Task Group – Countywide LAF Representative required – 1 position available (representing all three LAFs).**

“To ensure the rights of way network is accessible and open to the public and maintained to a consistent high quality and standard“, and “to facilitate and manage access to open country and registered commons”.

#### **Improvement Task Group – YDAF Representative required – 1 position available.**

“To develop and improve access to the countryside so as to meet a wide range of users needs”, and “to broaden access opportunities for all and to encourage wider participation”

#### **Promotion Task Group – Countywide LAF Representation required – 1 position available (representing all three LAFs)**

“To promote enjoyment, awareness and understanding of the countryside access resource”, and “to encourage community involvement in managing access to the countryside”

#### **Time Limited Sub Groups – YDAF representation may be required on each.**

Initially two sub groups will be established: an MPV Sub Group and an Access for All Sub Group. The sub group membership will be ultimately decided by the appropriate Task Group that they are linked to. It is hoped that the Task Groups will think it appropriate for LAF members from each of the three Forums in Cumbria to sit in on each sub group so therefore two nominations are sought from the YDAF.

Geoff Wilson  
4 October 2007

## Annex A

### CUMBRIA COUNTRYSIDE ACCESS PARTNERSHIP ARRANGEMENTS

#### 1 Introduction

It is intended that whilst the respective statutory duties and responsibilities of the Signatory Organisations will be fully recognised, a partnership approach will be applied to countryside access activities and projects within Cumbria.

The Partnership will be named “Cumbria Countryside Access” (CCA).

#### 2 Overall Aim of the CCA Partnership

- 2.1 The overall aim of the CCA partnership is: “To work together across Cumbria to manage, develop and improve access to the countryside, to ensure that the services and facilities provided by all the partners are of a consistent high quality and standard, and that overall provision is integrated and coordinated.”
- 2.2 Reaching agreement by consensus will be the goal for any decision making by the partnership.

#### 3 CCA Partnership Aims

- 3.1 The key aims of the CCA Partnership will be:
  - 1) To promote enjoyment, awareness and understanding of the countryside access resource
  - 2) To ensure the rights of way network is accessible and open to the public and maintained to a consistent high quality and standard
  - 3) To facilitate and manage access to open country and registered commons
  - 4) To develop and improve access to the countryside so as to meet a wide range of users needs, and ensure this work is coordinated and linked.
  - 5) To broaden access opportunities for all and to encourage wider participation
  - 6) To encourage community involvement in managing access to the countryside
- 3.2 The key policies and guidance which will drive the CCA partnership will be the Cumbria Countryside Access Strategy and the Cumbria Rights of Way Improvement Plan (ROWIP). Other relevant policies and guidance are listed at Appendix A.

## **4 CCA Partnership Activities**

4.1 The partnership will be responsible for undertaking a range of activity within the following broad areas of countryside access work. These relate to the six aims set out in section 2. Initially this will include the following set of activities, to be reviewed annually and amended where needed as the work of the partnership moves forward:

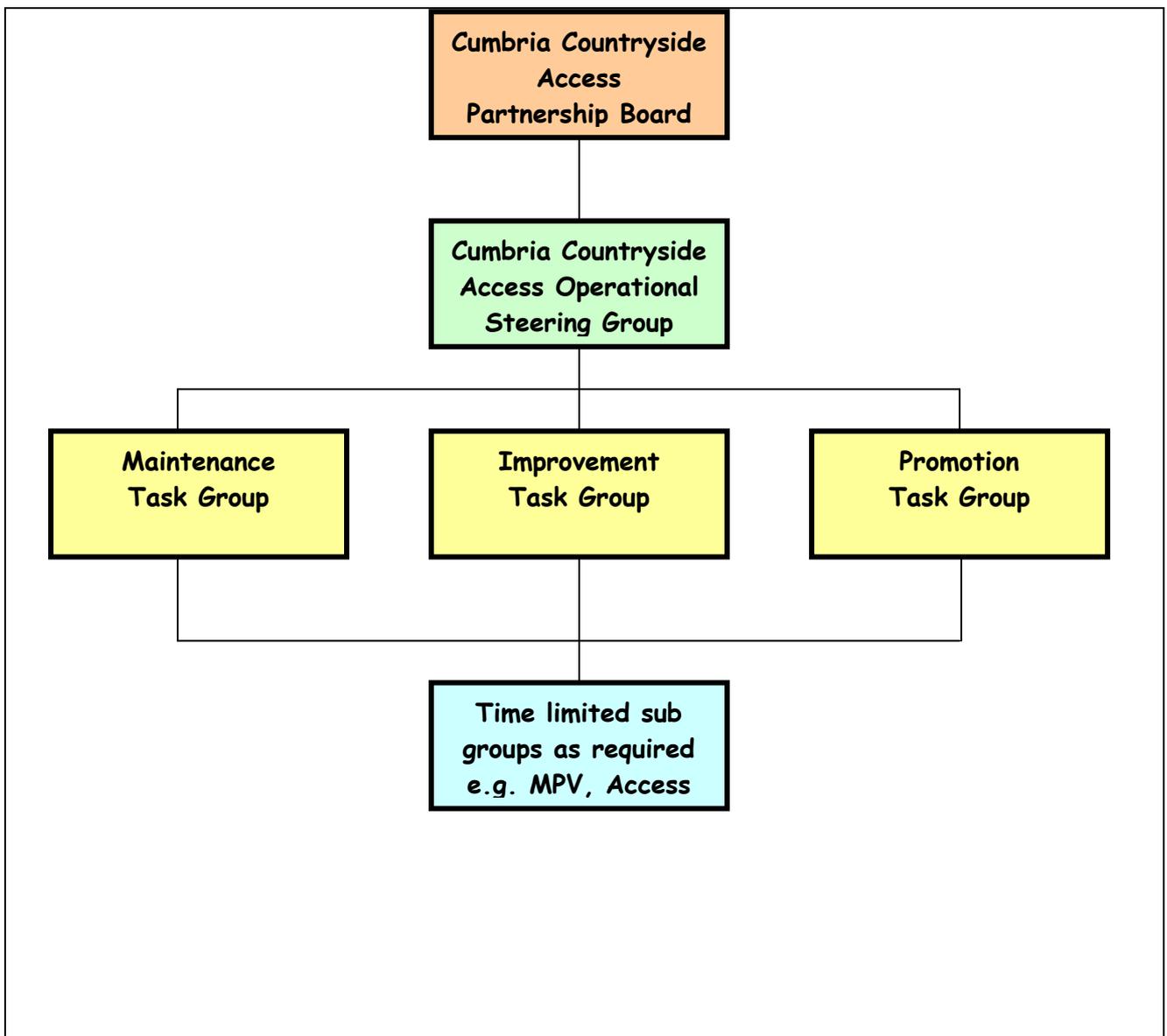
- a) **Countryside Volunteering**  
Parish Path Initiative  
Wider network for training etc
- b) **Development of the PROW Network**  
Implementation of the ROWIP  
Miles without Stiles
- c) **Open Access Management**
- d) **Performance Management**  
Innovation, Best Practice
- e) **Promotional Activity**  
Communication [including Web Sites]  
Routes [e.g. Cumbria Way, Coast to Coast]  
Interpretation, Information [including maps and leaflets],  
Events  
Health and well being
- f) **Rights of Way Management**  
PROW Maintenance – surveys, surfaces, structures, bridges, vegetation, signage  
National Trails and other long distance routes  
Definitive Map – modifications, diversions  
Enquiries - route queries, obstructions  
Motorised Vehicle Access
- g) **Strategic policy development**  
Coastal Access

4.2 In carrying out these activities the partners will use integrated information, management and performance monitoring systems, procedures and standards. CCA will present a uniform and consistent interface to users and stakeholders. An annual work programme which will include specific targets for performance management will be prepared for the Board.

## **5 Structure of the Partnership**

5.1 The proposed CCA structure will be as below with a separate Partnership Board, Steering Group and supporting Task Groups.

- 5.2 The Partnership Board will meet following every two meetings of the Operational Steering Group (OSG).
- 5.3 The OSG and Task Groups will meet every 2 months.
- 5.4 The Partnership Board and OSG will be serviced by Cumbria County Council.
- 5.5 The Task Groups will be serviced by their own secretariats drawn from members of each Task Group.
- 5.6 The structure and arrangements for CCA will be reviewed after one year of operation to ensure it is working effectively.



## **6 CCA Partnership Board Remit and Membership**

- 6.1 The Partnership Board will be responsible for;
- agreeing policy, procedures and standards
  - relevant matters placed before it by the Operational Steering Group (OSG)
  - considering and approving the annual action plan
  - receiving performance monitoring reports and
  - making recommendations as appropriate to the constituent authorities
- 6.2 The Partnership Board will consist of 8 elected / appointed members drawn from the following organisations;
- Cumbria County Council (2)
  - Lake District NPA (2)
  - Yorkshire Dales NPA (1)
  - **Chairs of the 3 Local Access Forums (3)**
- 6.3 The Partnership Board will meet following every two meetings of the Operational Steering Group.
- 6.4 The meetings will be attended by a mix of Partnership Board members and OSG officers. Members may however choose to meet on their own prior to or following the meeting.
- 6.5 A balanced quorum of members will be required for decisions to be validated or approved (to be set out in a simple constitution).
- 6.6 The CCA partnership will actively seek an independent Chair.
- 6.7 Cumbria County Council will provide the secretariat for the Board.

## **7 CCA Operational Steering Group Remit and Membership**

- 7.1 The OSG's remit will be:
- to advise the partnership board
  - to agree on the development of policy, procedures and standards
  - to ensure that measures are delivered effectively and efficiently
  - to keep the partnership action plan under review
  - to take advice from the Task Groups
- 7.2 The OSG will consist of the following officer representatives:
- Cumbria County Council [chair] (2)
  - Lake District National Park Authority [vice chair] (2)
  - Yorkshire Dales National Park Authority (1)
  - District Council Representative (subject to consultation with all DCs) (1)
  - Member representative of all 3 LAFs (1)
  - **The chairs of the three Task Groups (to report back on their work) (3)**

- 7.3 The OSG will meet every 2 months, and that part of its every third meeting be to attend as part of Partnership Board meeting.
- 7.4 A balanced quorum of officers will be required for decisions to be validated or approved (to be set out in simple constitution).
- 7.5 To ensure continuity in the work of the group any substitutes must be first agreed with the Chair.
- 7.6 Cumbria County Council will provide the secretariat for the OSG.
- 7.7 The work load of the OSG will be shared by the officers – both input to the agenda and development and presentation of papers.
- 7.8 The OSG will be informed by three Task Groups: Maintenance, Improvement, and Promotion. The Task Group Chairs will attend and report back to the OSG meetings.

### **CCA Task Group Remit and Membership**

There will be 3 main Tasks Groups with the following responsibilities and membership:

7.9 **Maintenance Task Group - responsible for CCA aims 2 and 3.**

“To ensure the rights of way network is accessible and open to the public and maintained to a consistent high quality and standard”, and “to facilitate and manage access to open country and registered commons”

#### **Maintenance Task Group Membership**

Cumbria County Council  
 Yorkshire Dales National Park Authority  
 Lake District National Park Authority  
 Capita Symonds as agents of Cumbria County Council  
 Carlisle City Council  
 Natural England  
**LAF representative (one representing all three LAFs)**  
 Chair of MPV sub group & other sub groups as appropriate  
 Secretariat: Cumbria County Council

7.10 **Improvement Task Group - responsible for CCA aims 4 and 5.**

“To develop and improve access to the countryside so as to meet a wide range of users needs”, and “to broaden access opportunities for all and to encourage wider participation”

#### **Improvement Task Group Membership**

Cumbria County Council  
 Lake District National Park Authority  
 Yorkshire Dales National Park Authority  
 Cumbria Local Access Forum  
 Lake District Local Access Forum  
**Yorkshire Dales Local Access Forum**  
 Natural England  
 Chair of Access for All Sub Group

Secretariat: Lake District National Park Authority

**7.11 Promotion Task Group - responsible for CCA aims 1 and 6.**

“To promote enjoyment, awareness and understanding of the countryside access resource”, and “to encourage community involvement in managing access to the countryside”

**Promotion Task Group Membership**

Cumbria County Council

Cumbria Tourism

Ramblers Association

Natural England

LDNPA

YDNPA

AONBs

ECCP

**LAF Representative (one representing all three LAFs)**

The National Trust

The Forestry Commission

The Tourism and Conservation Partnership

CPRE (Cumbria)

Secretariat: North Pennines AONB

**7.12 Operation of Task Groups**

- a) The membership of the Task Groups will be determined by the OSG and be drawn from organisations expressing an interest in being involved. It will be a requirement that organisations submit named representatives.
- b) The agenda and papers of all three Task Groups will be made available to its combined membership, to give members the opportunity to make representation on any issue to the appropriate Task Group chair.
- c) The function and role of individual Task Groups will be reviewed as required by the OSG.
- d) The creation of time limited sub groups will be determined by the OSG. Initially two sub groups will be established: an MPV Sub Group and an Access for All Sub Group.
- e) Membership of sub groups will be determined by the relevant Task Group, however any issues concerning membership will be resolved by the OSG

**8 Communicating The Work Of The Partnership**

- 8.1 Communicating the work of the partnership in an open and transparent way will be an essential part of keeping everyone with an interest in countryside access informed and engaged in its work. This will require a range of communication methods to meet the varied needs of this wide audience. An important initial activity for the Promotions Task Group will be to establish a CCA communications plan.

8.2 As a starting point information about the work of the partnership will be:

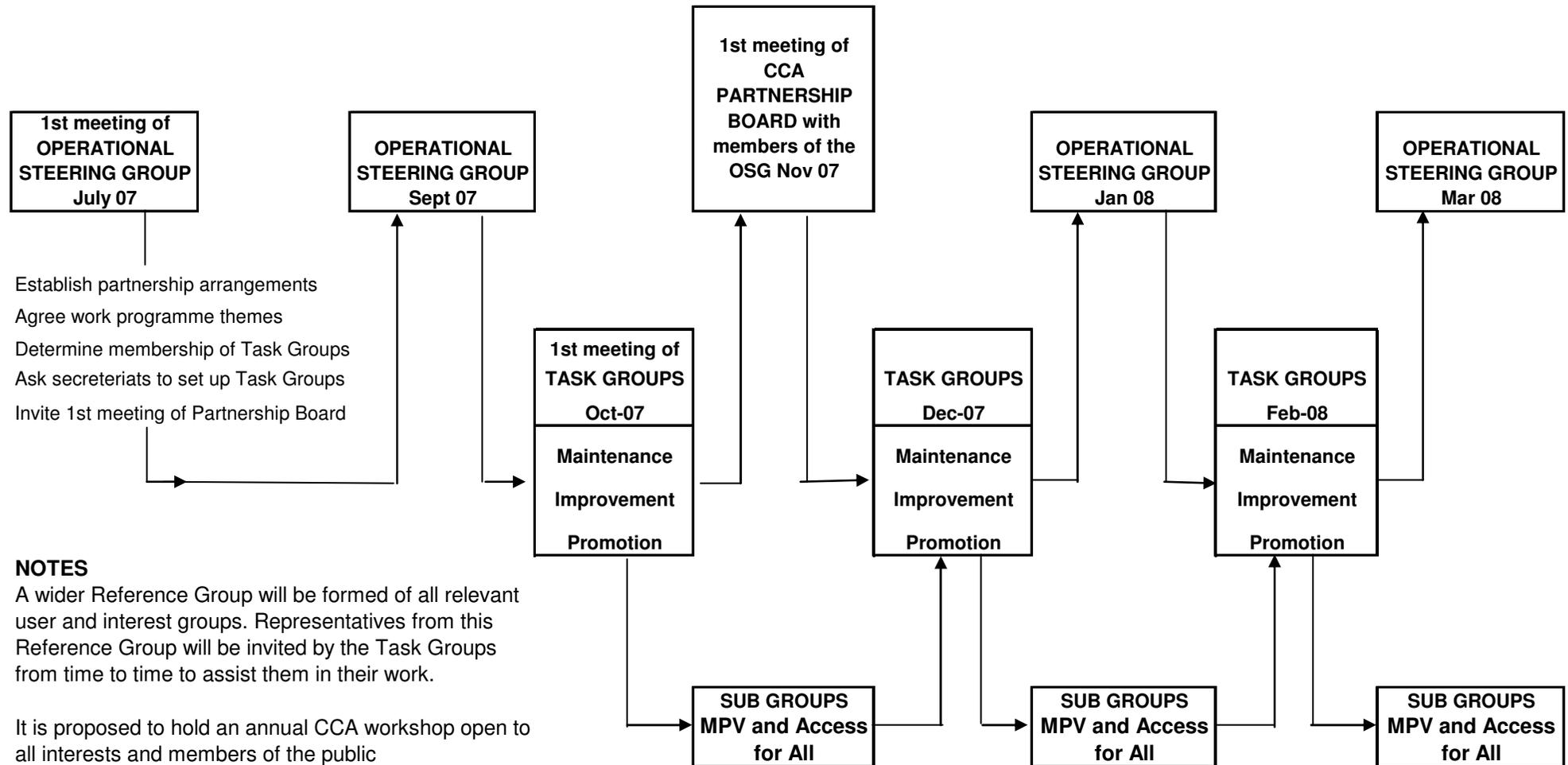
- a) Posted on a dedicated CCA web site, with web links to each of the partners. This will include the minutes from partnership meetings and other relevant information that may be of interest to users.
- b) Disseminated and discussed with the three Local Access Forums in Cumbria, who will be an important two-way reporting conduit.
- c) presented and discussed at a yearly public workshop in Cumbria open to anyone with an interest in countryside access. Its purpose will be to update users about the work of CCA, discuss specific topics of interest, and get broader feedback from users about this work.
- d) Shared with a wider reference group which will represent a broad range of interests and be involved in all consultations. Initially membership will include the organisations listed below.

8.3 **Membership of wider reference group**

Moorland Association  
United Utilities  
Hadrians Wall Heritage  
National Farmers Union  
Country Landowners & Business Association  
Ramblers Association  
Federation of Cumbrian Commoners  
British Horse Society  
Cumbria Bridleways Society  
Royal Society for the Protection of Birds  
Cumbria Association of Local Councils  
Sustrans  
British Mountaineering Council  
Cumbria Wildlife Trust  
The Woodland Trust  
CTC – National Cyclists Organisation  
Farming and Wildlife Advisory Trust  
The Game Conservancy Trust  
The Environment Agency  
Defence Estates (MOD)  
Disabled Ramblers  
English Heritage  
DEFRA  
Natural England  
British Canoe Union  
Eden Rivers Trust  
Cumbria Group Trail Riders Fellowship (Cumbria TRF)  
Land Access Recreation Association (LARA)  
Hierarchy of Trails Group (HoTR)

## Annex B

### KEY ACTIVITIES OF THE CUMBRIA COUNTRYSIDE ACCESS PARTNERSHIP



#### NOTES

A wider Reference Group will be formed of all relevant user and interest groups. Representatives from this Reference Group will be invited by the Task Groups from time to time to assist them in their work.

It is proposed to hold an annual CCA workshop open to all interests and members of the public

A CCA website will be set up with a message board to allow communication and discussion between all interests on countryside access matters



**Unapproved Minutes of Meeting of  
Yorkshire Dales Local Access Forum  
Held on Tuesday 22 May 2007  
Yoredale, Bainbridge**

Present: Geoff Wilson (GW), Jon Beavan (JB), Bill Foster (BF), Michael Bartholomew (MB), David Gibson (DG), Ben Heyes (BH), Pat Whelan (PWh), Richard Johnson (RJ), Paul Tibbatts (PT), Ken Miller (KM), Peter Bradfield (PB), Phil Woodyer (PW)

YDNPA Officers present: Alan Hulme (AH), Rachel Briggs (RB) – LAF Secretary, Kathryn Beardmore (KB), Jon Avison (JA)

The meeting started at 6.00pm.

**1. Election of Vice Chair**

The item of election of a Vice Chair was forwarded from the meeting of the 8 January 2007, where no majority vote was cast. On this basis, it had been agreed that the election of Vice Chair would be postponed until the next meeting (22 May).

GW asked for nominations for the position of Vice Chair. DG nominated MB. There were no further nominations. GW asked if there were any questions for MB, there were none. MB was invited to be Vice Chair.

<b>MB elected as Vice Chair of the Yorkshire Dales Access Forum for the period of one year from January 2007.</b>
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**2. Welcome**

GW welcomed the following observers to the meeting:

Ian Burgess (IB) – Access and Rights of Way manager, NYCC

Kristin Whalley (KW) – Council for the Protection of Rural England

Veronica Boulton (VB) – Local user

Malcolm Petyt (MP) – Vice Chair of the National Park Authority and vice-chair of the Access Committee for the Yorkshire Dales National park Authority (YDNPA)

### **3. Apologies**

Apologies were received from: Adrian Pickles (AP), Deborah Millward (DM) and Judy Rogers (JR).

It was also noted that Anne Lawrence had resigned from the YDAF due to work commitments. GW asked for it to be noted that her input to the work of the forum was greatly appreciated.

### **4. Approval of Minutes**

MP noted that on page 2 of the minutes, the roles of Chair and Vice Chair of the Access Committee were printed the wrong way round.

**The minutes of the previous meeting were approved as a true record of the meeting.**

#### Matters Arising from the Minutes

JB explained to members that the Craven District Council Active Recreation Focus Group had met but that his invite was sent at the last minute and therefore he was not able to attend.

GW asked whether a representative from the YDNPA had been appointed to replace Jerry Pearlman on the YDAF. JA told members that the Authority will consider this matter at the next Authority meeting in July 2007.

### **5. Public Question Time**

A question had been passed to the Secretariat before the meeting by Veronica Boulton (VB). Public questions to the forum are governed by the Yorkshire Dales Access Forum's standard procedures. This was explained to VB who was invited to present her question. A copy of the question can be viewed in Annex 1.

GW thanked VB for the well considered and comprehensive question and pointed out that the question related well to the workshop held at the previous meeting looking at the management of open access.

KB observed that the Ordnance Survey (OS) had taken all access point information off the latest edition of the OS maps 1:25,000 including those which had been previously shown at Bolton Abbey. It was also unclear why the OS showed some information in relation to permitted paths but not others.

KM thought it was the sort of issue that would be best explored by one of the proposed liaison/working groups (under Item 10), probably the access on foot group.

**It was proposed that the issue be explored by the relevant liaison group.**

## 6. Chairman's Report

GW presented a written report featuring matters that he had dealt with since the last meeting. The matters discussed were as follows:

- Membership of the Forum.
- Meetings with Chairs of Adjacent Access Forums.
- Access Committee Liaison.
- LAF publicity sheet.
- Annual Report 2006/07.
- North Yorkshire County Council's Rights of Way Improvement Plan.
- Cumbria County Council's Rights of Way Improvement Plan.
- Pennine Bridleway
- The power for National Park Authorities to make Traffic Regulation Orders.

GW noted that a copy of an exchange of letters between the chairs of the three Cumbria Local Access Forums and Barry Gardiner MP, Minister for Biodiversity, Landscape and Rural Affairs, concerning RoWIP funding had been omitted from the agenda papers and asked that they be included with the minutes (see Annex 2).

JA pointed out that although a verbal offer of funding had come through from Natural England for the Pennine Bridleway, no written offer had yet been received.

**The contents of the Chairman's Report were noted.**

## 7. Annual Report

RB gave a brief introduction to the annual report for 2006/07 and asked members for any comments.

GW asked members whether they felt the pen portraits needed to be included since the information is included in a condensed format elsewhere within the report. KM and PT both thought that, as new members, this was a useful section of the report and should be included.

MB asked for RB to send a list of all of the members email addresses round Forum Members.

**The Annual Report was approved for publication and presentation to the Authority's Access Committee.**

## 8. North Yorkshire Rights of Way Improvement Plan

The YDAF is a statutory consultee for the Rights of Way Improvement Plan (RoWIP). As a member of the North Yorkshire Rights of Way Improvement Plan (RoWIP) steering group, on behalf of the YDAF, MB reported on the progress of the draft plan, which had recently been published for formal consultation.

It was noted that copies of the draft RoWIP should have been sent to YDAF Members before the meeting. RB would chase this up with Angela Flowers.

MB identified that the list of improvements were split into the following categories; those improvements to existing rights of way and improvements to the network in terms of creations. Due to the lack of funding available for improvements, as highlighted on page 102 of the draft plan, MB thought that the most likely improvements would be those to the existing network. MB concluded by saying that the overall document was fine but with the underpinning issue of lack of funding meant it had less value in his view.

Ian Burgess (IB) from North Yorkshire County Council (NYCC) pointed out to members that the RoWIP is an aspirational strategic document and officers of NYCC and the YDNPA will use it to guide their improvements. AH reiterated this by saying that the Rangers would incorporate some aspects of the RoWIP into their everyday work programmes as far as practicable. Therefore, some of the improvements could be funded through the core rights of way budgets.

PWh noted that the funding issue is not specific to North Yorkshire but is a national issue. She suggested that all the National Park Authorities and County Council's send a joint letter to government to try and secure funding. GW explained that this had already been done for some areas (and a copy of this letter is in annex 2 to these minutes).

Members engaged in a wide ranging discussion on the management of rights of way and the possibilities of encouraging NYCC councillors to give higher priority to rights of way work. Forum members were aware that this function is delegated to the National Park Authority through agreements with the County Councils and that these agreements cover rights of way maintenance and review of the definitive maps. It was noted that the Yorkshire Dales National Park Authority spends approximately £750,000 per year (£650,000 in North Yorkshire and £100,000 in Cumbria) on behalf of the County Councils in carrying out these responsibilities.

Forum members expressed surprise at what they saw to be an anomalous situation whereby the National Park Authority receives no contribution from the County Councils for this work and were unanimous in their belief that, as the agencies with primary responsibility for rights of way, the County Councils should contribute to the excellent rights of way work undertaken by the National Park Authority. Members were also unanimous in seeking rectification of this that this apparently anomalous situation. They felt strongly that, if the National Park Authority is to continue to undertake these activities on behalf of the County Council, it is only fair that the County Council should contribute towards the cost of the service provision.

**MB was asked to put together a response to NYCC on the RoWIP on behalf of the YDAF. Comments to be sent to MB by 21 June 2007.**

**RB to chase up officers of NYCC with regards to sending members of the YDAF copies of the draft RoWIP.**

**GW to write to NYCC and CCC on behalf of the YDAF seeking a review of the funding arrangements for the YDNPA's role in the management of the public rights of way network in the North Yorkshire and Cumbria parts of the Park.**

**9. Report back from the Access for All sub group**

As the Chair of the Access for All sub group, PW gave a verbal report based on the minutes from the meeting of 11 May 2007 (see Annex 3). The next meeting of the sub-group will be 4 October 2007 at Bolton Abbey.

**10. Liaison with Users and the Establishment of Advisory Groups**

KB presented the report to members and asked for two members of the YDAF to service each of the groups as listed on page 2 of the report.

It was agreed that some groups would meet on a 'need' basis.

**Members of the YDAF agreed with the principle of setting up user liaison groups which included members of the YDAF.**

KB went through the membership of each group individually and nominations for representatives of the YDAF were sought for each group as follows:

Access on foot

This group has already been formed and membership includes three YDAF Members who currently represent the Ramblers Association. KB explained that she did not envisage the group's current membership reducing as it was working well but there would need to be members representing the YDAF. Current YDAF members on the group are KM, DG and MB (Chair of the group). It was agreed that MB represents the YDAF and PB would also join the group as a YDAF member.

**MB and PB to represent the YDAF on the Access on Foot User Group.**

Access by horse and bicycle

**KM and PWh to represent the YDAF on the Access by Horse and Bicycle User Group. MB to have a watching brief (to cover cycling) if needed.**

Access for Air Sports

**JB and PT to represent the YDAF on the Access for Air Sports User Group.**

Access for Water Sports

**PW and BH to represent the YDAF on the Access for Water Sports User Group.**

Access for Rock Sports

**BF and JB to represent the YDAF on the access for Rock Sports User Group.**

## **11. CROW Act – Exclusions and Restrictions**

AH presented the report to members of the YDAF.

KM asked if many landowners have applied for 28 day discretionary exclusions during May. AH explained that there were 18 areas of the Park with 28 day public exclusions which equates to 16,190ha. This is a lower figure for 28 day exclusions for the same time 2006. The main reason for the 28 day exclusions was for ground nesting birds.

AH explained that over the May Bank Holiday weekend, the fire index had forecast extreme fire conditions which resulted in some areas closing to the public. However, this had been partially the result of an error in the system and some areas, where this error had occurred, had to be re-opened the following day. Three areas in the NE of the Yorkshire Dales National Park remained closed for six days.

## **12. New Local Access Forum Guidance and Regulations**

RB went through the new Local Access Forum Guidance and Regulations. It was noted that most of the changes suggested were already standard practice for the YDAF.

The only new matter requirement was the introduction of a measure of effectiveness of the forum. RB asked members to think about a set of criteria for measuring the effectiveness of the Forum, as suggested in the guidance. No one had any thoughts so it was agreed that officers would make some suggestions for consideration by the YDAF.

**Officers of the YDNPA to draft some suggested criteria for measuring the effectiveness of the YDAF.**

## **13. Green Lanes Update**

The paper was presented by GW.

JB asked for it to be noted that he is also a member of the Yorkshire Dales Green Lanes Advisory Group (YDGLAG). JB also asked for confirmation of whether MB and GW are on the group to represent their personal interests or those of the YDAF. GW confirmed that representation was for the YDAF. KB explained that it is representation in terms of reporting back to the YDAF and not to represent the view of the YDAF. They were there to represent the views of their individual organisations. PT thought that the wording of the

report was therefore incorrect and should read 'attended as LAF members'. This was agreed upon.

The DEFRA consultation on the power for national Park Authorities to make Traffic Regulation Orders was discussed. KM suggested that all Traffic Regulation Orders and other public notices be displayed on the YDNPA website, and these should be in one place. GW expressed the view that the publication of such notices should be a national function and not one for each authority individually, and that such notification should reflect the processes applied to exclusions and restrictions under the CROW Act 2000.

[On return to the office, it was noted that public notices with regard to temporary and emergency closures are currently displayed on the YDNPA website at the following address:

[www.yorkshiredales.org.uk/index/looking\\_after/access\\_to\\_the\\_countryside/public\\_rights\\_of\\_way](http://www.yorkshiredales.org.uk/index/looking_after/access_to_the_countryside/public_rights_of_way)]

#### **14. Secretary's Report**

RB presented a report of items for Members consideration and information. These were:

- Access Committee dates and venues.
- Website.
- Training.
- Access for All Sub Group.

RB asked which members of the YDAF were planning to attend the rights of way training after the Access Committee on 26 July. GW, BF, KM and DG all expressed an interest.

#### **15. Update on Members Activities**

There were no reports from members.

#### **16. Future Forum Meetings**

The next meeting of the Yorkshire Dales Access Forum will be held on the 23 October at the Bolton Abbey Village Hall. The meeting will commence at 1.15pm.

The meeting closed at 8.45pm

## Annex 1

### QUESTION TO YDAF

Over recent months I have come across a number of instances (see below for details) where better information about permissive paths and/or boundary crossing points would have been helpful. Is the Forum able to help improve the situation?

- (a) A few weeks after the official opening ceremony at Ribblehead I caught the 802 bus out up the Washburn valley and walked across Pockstones. At the western end of the track I decided to go down Trollers Gill as it was about 20 years since I had been there. Looking at the new map I thought I needed to scramble down into the top of the valley using access land. Arriving rather scratched at the bottom I was surprised to find a map showing a permissive path down through the field above the one I had entered.  
I did contact KB about this. My recollection of her reply is that if a permissive path is up for renewal negotiations in the near future it will be omitted from the map. My preference would be for it to be included but in black as on earlier maps.
- (b) More recently I went out to Embsay to look at the large development site and to walk up round the reservoir. My (new) map showed this as being possible using the road, the bridleway along the northern side, and then crossing to use the permissive path which is shown as running from the midpoint of the northern boundary round the eastern end and back to the road. This permissive path shows a curve at its western end indicating that it links through to the bridleway. I found no evidence of this crossing point and finished up climbing a wall further along in the same place as others had done before. How can a visitor from a distance find out that the map does not reflect the situation on the ground?
- (c) A few days ago I was out using the new 884 bus. From Eastby I walked up to the moor. There is a very helpful map at the access point showing routes on Barden Moor. It shows a permissive path up to Crookrise, a point I had difficulty finding on the map when I first came across the name in a list of walks being run by a local club. It would help visitors if this route were shown on the map either as a permissive path or at least in black as it would show that it is not necessary to struggle for a mile or more through the heather to reach the viewpoint.
- (d) My brother-in-law is collecting Marilyns (these have a definition similar to but different from that for Munroes). He contacted me about Rise Hill. With a new map showing it to be on access land he had expected there to be some quick route up from Garsdale (or Dentdale) but could not find one. I discovered after some research that a route along the ridge between the bridleways at either end has been in use for years (but is not a right of way so is not shown on the map). He wanted some assurance that this would not involve difficult wall climbing. I said that the author was unlikely to have mentioned the route if it was a serious problem. However the map gives no indication, black or permissive, that such a walk is possible.
- (e) I found a new book in the local library recently, one of a series being published via the RA, suggesting walks involving access land. One of these walks was over

Addlebrough. Whilst I had seen this summit on the map for years there were no rights of way shown to it. I assumed that the National Trust had an agreement with the farmer but that the public could not get there. The walk in the book used a track to the east of the summit then crossed the boundary onto access land. From the summit it appears that there is a route down to the west (not all on access land) to another track down into Wensleydale. Whilst I accept that new maps showing access land suggest the possible existence of access from the east I do not know how a potential visitor could find out about this and I can see even more difficulty finding out about access from the west.

Veronica Boulton  
May 2007

## **Annex 2**

### **Letters between the chairs of the three Cumbria Local Access Forums and Barry Gardiner MP, Minister for Biodiversity, Landscape and Rural Affairs, concerning RoWIP funding**

Barry Gardiner MP  
Minister for Biodiversity, Landscape & Rural Affairs  
DEFRA  
Nobel House, 17 Smith Square  
London

Dear Minister

#### **Implementing Rights of Way Improvement Plans**

I am writing to you as Chair of Cumbria Local Access Forum and on behalf of the Chairs of the Lake District National Park and Yorkshire Dales National Park Access Forums.

We are concerned about the information we are being given about the implementation of the Rights of Way Improvement Plan (ROWIP) here in Cumbria but we suspect that our concerns will be widely reflected nationally.

Government's decision to require the preparation of ROWIPs was an inspired one and has led to a much-needed and overdue assessment of what exists and how relevant it is to the needs of the community in the 21<sup>st</sup> Century. It ties in with other national agendas relating to health, recreation, enhancing the rural economy, and encouraging access to the countryside by those ethnic and urban groups so sadly under using our rural treasures.

Greater use of paths and byways is crucial to the delivery of Government policy to improve health and tackle juvenile obesity and of course encouraging folks to walk rather than use cars is immediately relevant to the 'green' agenda.

In Cumbria where an enlightened Council in full co-operation with the Parks Authorities has put in a huge effort with the support and involvement of the three LAFs and other voluntary bodies, we are well on the way to a final document with great potential and vision. As a welcome consequence there has been a real upsurge in public interest combined with greatly raised expectations and a sense of excitement.

It is heartening to see Natural England in this region seeking support for their efforts to raise the profile of ROWIPs with Chief Executives and elected members in relevant authorities and to encourage them to complete high quality ROWIPs by the due date at end November 2007.

The fly in the ointment is that while authorities are required to complete ROWIPs there is no requirement to implement them and even more significantly, at this stage, no money for that purpose.

We are aware that national government has signalled that from 2010-11 onwards, Local Transport Plans (LTPs) and Rights of Way Improvement Plans (ROWIPs) should become a singular document for local authorities. Both documents are clearly linked in order to facilitate this national picture. That is a long time away and if there is no additional funding of any kind next year, not only will all the impetus be lost but raised and legitimate expectations will be lost. There are annual settlements made for LTPs but these are tight in the extreme in Cumbria and there is no realistic prospect of any money being set aside for implementing ROWIPs.

We are very concerned that there is no indication from government as to how planned and necessary works will be funded. Current messages from Natural England suggest that no separate or increased ring-fenced funding will be provided through the LTP settlement for Public Right of Way (PROW) projects identified in the ROWIP by Cumbria County Council and the two National Parks and that they will have to compete against all the other transport works.

We are well aware of the pros and cons of hypothecated or ring fenced funding but would urge that at least for an initial period either a separate 'priming' grant be made or a specific allocation within the LTP settlement.

We have here nationally as a result of government foresight the chance to make significant improvements towards meeting wider goals and a lot of people inspired and motivated to get on with it, many of them from the Third Sector. Without some financial provision all this is likely to disappear down the potholes which will inevitably be the LTP priority of hard pressed council members. I am informed that Natural England is seeking a sum of the order of some £30,000 for the whole of North West England from Cheshire to us up here. It needs a much more significant sum to capitalise on all the good will and enthusiasm which the work on ROWIPs has engendered, and to bring about significant improvement for the community.

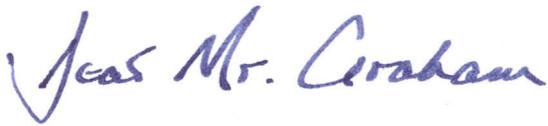
Best Wishes.

Yours sincerely

A handwritten signature in black ink that reads "Duncan Graham". The signature is written in a cursive, flowing style.

**Chairman of Cumbria LAF on behalf of the Chairmen of all three forums.**

From the Minister for Biodiversity, Landscape and Rural Affairs  
Barry Gardiner MP



Thank you for your letter of 5 February, on behalf of the Cumbria, Lake District National Park, and Yorkshire Dales National Park Access Forums, about the implementation of Rights Of Way Improvement Plans (ROWIPs).

There is no duty to implement ROWIPs because the Government wanted these plans to be aspirational. In other words we did not want individual authorities to reign in their ambitions for their rights of way networks, for fear of creating a hostage to fortune.

I appreciate your concerns about where the funding is going to come from to implement ROWIPs and know that many would like the Government to fund all ROWIP improvements. However, this is neither possible nor practical. It was never the intention that the Government would fund the improvements, particularly as they are likely to include a significant proportion of measures that are arguably already part of local authorities' statutory duties.

We made it clear from the outset that local authorities were responsible for sourcing funds to support the improvements identified in their action plan. The integration of Local Transport Plans (L TPs) and ROWIPs offers increased opportunities for funding where rights of way work will help deliver L TP priorities, but some rights of way improvements will not fall into this category and will need to be funded from elsewhere. This is why we still intend to have two separate plans, but bring them as close as possible to ensure they are properly integrated. I know that putting together funding proposals and chasing potential sources of income can be time consuming, but there are many positive spin-offs to joining up with other sectors to deliver an improved network. Many authorities have already risen to this challenge and are increasingly getting smarter at accessing funds from a variety of sources.



## Annex 3



**Unapproved Minutes of Meeting of  
Yorkshire Dales Access Forum Access for All Sub Group  
Held on Friday 11 May 2007  
at the Dales Countryside Museum, Hawes**

Present: Phil Woodyer (PW) - Chair, Michael Bartholomew (MB), Ben Heyes (BH) & Ken Miller (KM).

YDNPA Officers present: Rachel Briggs (RB), Iain Mann (IM) & Corinne Kirkley (CK).

Apologies: Judy Rodgers & Pat Whelan (PWh),

### **1. Chair of the Sub Group**

Phil Woodyer was unanimously elected as Chair of the group.

### **2. Membership of the Group**

RB welcomed members of the group. The new members, since the formation of the Access for All sub group in 2003, are; Ken Miller, Pat Whelan, Ben Heyes and Judy Rogers.

Iain Mann (Area Ranger for Upper Wharfedale) was present to represent the Ranger Service. An Area Ranger will be present at each subsequent meeting. This will vary between Iain Mann and Steve Hastie (Area Ranger for Ribblesdale).

RB explained that at the next full meeting of the Yorkshire Dales Access Forum (YDAF), there will be a paper on user groups and the YDAF's involvement. There is a suggestion that representatives from other user groups/organisations be invited to sit on the group. Members of the sub group agreed that this was a good idea but expressed some concerns as to the size of the group.

**It was agreed to invite representatives of the following to attend meetings when their input may be required:**

**Disability Action in Richmondshire (DAIR)  
Skipton & Craven Action for Disability (SCAD)  
Open Country  
Natural England**

### **3. Guiding Principles – Report of the Access for All sub group 2004**

RB explained to the group that the guiding principles, as written by the Access for All sub group in 2004, had been used in the preparation of the Integrated Access Strategy and the Rights of Way Maintenance Plan, as used by the Ranger Service. Each of the guiding principles was discussed by the group. The group were encouraged to see that most of them had been adopted by the Yorkshire Dales National Park Authority (YDNPA).

### **4. What has the YDNPA done since 2004**

#### **Access Audit**

RB explained the process of the Access Audit and there was some discussion over the results as published in the interim report. The group were impressed by the report and wanted to know how they, as a group, can contribute. RB asked for the group to consider the routes that had been identified and to put forward ideas for projects for one or two of the routes, bearing in mind the lack of funding for this work area for 2007/08.

### **5. What Next?**

#### **Trampers**

KM, MB and RB had a site visit, in April, to the Beacon Country Park in Lancashire to look at off road wheelchairs (Trampers). KM, MB and RB all agreed that the capabilities of the Trampers was beyond what they had expected and they were all impressed with them. KM has also been contacted by the Disabled Ramblers Association with regards to the lack of routes in the Yorkshire Dales National Park available for Trumper style wheelchairs. RB agreed that more and more people are asking for routes and that a list was required. RB has asked the Rangers for possible routes in their areas and she was waiting for a response. It was suggested that once some routes have been considered, that some users come out and test them. All agreed that this would be a useful exercise.

### **6. A.O.B**

RB circulated a document currently been considered by the Equality Working Group of the YDNPA. The document lists all the work areas of the Authority and categorises them in terms of:

- a) Services that have large numbers of users; or
- b) Services with the potential to have the biggest direct impact on disabled people; or
- c) Services from which it would be most unfair to exclude disabled people.

RB asked the group to look at the document away from the meeting and let her know if they thought the list was right.

CK was asked to send her e-mail address out to the group and set up an e-mail list so that the members of the group can get in touch with one another.

**8. Date of Next Meeting**

The provisional date for the next meeting was agreed as 5 October at 10.00am at Bolton Abbey. However, BH has asked that this meeting be moved to the 4 October. Please make a note of this change. The meeting will also include a site visit.

Could all members please confirm this date is ok by e-mailing CK at [Corinne.Kirkley@YorkshireDales.org.uk](mailto:Corinne.Kirkley@YorkshireDales.org.uk)