

YORKSHIRE DALES NATIONAL PARK AUTHORITY  
ACCESS COMMITTEE

9 November 2006

**REPORT OF THE HEAD OF PARK MANAGEMENT**

**1. ACTIVITIES**

Attendance at meeting with Natural England to discuss the outdoor recreation strategy  
Attendance at meeting of Craven Integrated Rural Development Project  
Attendance at the Access Management Group Meeting Defra  
Attendance at ANPA meeting with Defra to discuss the implications of NERC Act  
Attendance at meeting of Craven Alliance for Sport and Active Recreation Partnership  
Attendance at meeting of the Sustainable Travel Partnership  
Attendance at Cumbria Rights of Way User Liaison Group (CroWlig)  
Attendance at National Trust Annual Liaison Meeting  
Attendance at Craven College Environmental Conservation Steering Group  
Attendance at YDMT Apprenticeship Partnership Meeting  
Attendance at Dales Way Association Annual Liaison Meeting  
Attendance at meetings with Cumbria County Council to discuss Cumbria Access

**2. ISSUES FOR MEMBERS CONSIDERATION**

**Cumbria County Council Review of Traffic and Tourist Attractions Signs**

The Authority has recently been consulted by Cumbria County Council on a revised policy regarding tourism signs. This is a result of recent changes in government policy and guidance on tourist signs.

Cumbria County Council does not propose to change their policy significantly; and the original policies are contained within the County Council's Compendium of Transport Policies which can be accessed at <http://www.cumbria.gov.uk/roads-transport/transportplan/compendium.asp> (see para 8:20, 8:21). (The suggested changes have been discussed with the Authority's planning officers and Transport and Visitor Management Officer).

The Authority welcomes the opportunity to comment on the revised tourism sign policy and specifically wishes to be consulted on signs:

- where individual signs cause concern due to their prominent location in the landscape or heritage setting;
- where a number of tourism signs coincide resulting in proposals for larger composite signs.

The Authority also wishes careful consideration to be given to the signing of cycle routes in the Cumbria part of the National Park. The Authority believes there is a need to sign both local and national cycle routes, for the benefit of both local and visiting cyclists. However such signs should not, in themselves cause confusion to others, particularly motorists, or add to highway clutter, and should utilise existing signs as far as possible and be sensitive to their setting in the landscape of the National Park.

### **Recommendation**

**That Members endorse the views outlined above as the Authority's formal response to Cumbria County Council's consultation.**

## **3. ISSUES FOR MEMBERS TO NOTE**

### **Cumbria Access**

Cumbria County Council are looking to form a partnership with the Lake District National Park Authority, Carlisle City Council, Capita and the Yorkshire Dales National Park Authority called Cumbria Access or Countryside Access Cumbria. The aim of the partnership will be to share best practice, and ensure a consistent approach to the management of rights of way and access issues across the whole of Cumbria. The remit of Cumbria Access is still being discussed, but it is expected that there will be a steering group of officers from the relevant local authorities with a number of individual topic groups reporting, to the steering group, which look at specific issues eg digitising the definitive map.

Once more detail becomes available this matter will be brought before Members of the Access Committee for discussion. CCC have said that it is hoped that Cumbria Access will be operational by April 2007, though clearly reaching agreement on resourcing and working practices, amongst the potential partner organisations, will be the key to meeting this deadline.

### **Rights of Way Maintenance Plan**

At the Access Committee meeting in May, Members were presented with the proposed Draft Rights of Way Maintenance Plan and a practical demonstration of the method of collating information from the Public Rights of Way Survey. All information has now been added to the Geographical Information System (GIS), a map based system, recording all items of infrastructure (stiles gates, signs, footbridges etc) in the national park and their relative condition. Some of this information is up to 4 years old; however with the Volunteers assistance in surveying, by 2008, no information on the system will be more than 2 years old. The system is currently recording 13,776 separate pieces of infrastructure and is showing 89% of the items in condition 1 and 2.5% of the items condition 3 (in need of attention/works required which equates to 359).

## **Natural England – Outdoor Recreation Strategy**

In partnership with the Forestry Commission, the Natural England partner organisations have looked at the factors affecting outdoor recreation in England. The Henley Centre has undertaken research, on their behalf, and their findings outline key social trends over the next 20 years and what the implications of these will be for outdoor recreation between now and 2015. Based on these findings, Natural England is producing an Outdoor Recreation strategy, and has had informal discussions with a selection of partners including the Authority through the English National Park Authorities Association. The strategy will be wide ranging, covering Natural England's work on:

- promotion, and marketing the outdoors,
- providing information,
- healthy lifestyles,
- monitoring use of outdoor space,
- planning and transport,
- tourism and leisure,
- managing the land to improve and extend access,
- engaging the interest of young people,
- providing for disabled groups, and
- other matters which are influenced by or impacted on by outdoor recreation.

Natural England aim to consult, publicly, on this Strategy during 2007.

## **Traffic Regulation Orders (TROs) and North Yorkshire County Council - Update**

The four permanent TROs originally put in place by North Yorkshire County Council following the expiry of the Experimental TROs, expired on 1 September. North Yorkshire County Council have since extended all four TROs until 31 January 2008.

## **New LAF Regulations and Guidance**

Defra plans to make revised regulations on local access forums in England, these should commence on 1 January 2007. At the same time the Secretary of State's revised guidance on the work of forums will be published. It is hoped that the revised regulations and guidance will assist both appointing authorities and forum members in carrying out their duties. The guidance will be available on the Defra web site and will be sent to all forum members in hardcopy. The Authority, on behalf of ANPA, has had opportunity to contribute to the process.

## **Review of statutory guidance to relevant authorities in relation to applications for exclusions and restrictions under the CRoW Act**

Natural England is reviewing its statutory guidance to relevant authorities. The statutory guidance advises 'relevant authorities' on their functions in relation to local access restrictions and exclusions. The purpose of the review is to update the guidance, building

on experience of all 'relevant authorities', including National Park Authorities, in administering applications since March 2004. The Countryside Agency, (now Natural England), have held regular meetings, which YDNPA officers attend to discuss, in detail, applications for exclusions and restrictions under the CROW Act. As part of this process the Authority has been asked, informally for its views, on the 'relevant authority' Guidance. Members should note that the changes proposed are of a detailed, technical nature, based on experience of dealing with applications on the ground, the outcome of appeals, and/or new research.

Before recommending amendments to the Secretary of State, Natural England now want to give interested parties a chance to comment on the proposed changes. The proposals are set out in full in a consultation paper which can be viewed at [http://www.openaccess.gov.uk/lwwcm/resources/file/eb2b634513b83b0/approved\\_consultation\\_paper.doc](http://www.openaccess.gov.uk/lwwcm/resources/file/eb2b634513b83b0/approved_consultation_paper.doc). The consultation lasts for 13 weeks, and finishes on 19 January 2007.

### **Revised Defra Guidance on 'means of Access' to Open Access Land**

On 6 October Defra issued revised guidance on 'means of access to CROW access land'. The Authority considered its approach, as 'access authority', to ensuring reasonable access to open access land at the Access Committee on 13 January 2005. This approach will be up-dated following this new guidance. The Defra guidance can be viewed on the Defra website at the following link, under the section entitled "Access management".

<http://www.defra.gov.uk/wildlife-countryside/cl/accessopen/200610guidanceaccess.pdf>

### **The Animals Act 1971 and its implications regarding strict liability for animal owners**

Defra's Rural Services and Communities Division have recently written to a number of organisations (including ANPA) to draw their attention to a recent proposal, introduced before Parliament under the Ten Minute Rule arrangements for Private Members' Bills, regarding the Animals Act 1971 and its implications for the owners of horses and other animals with the potential to cause damage. This proposal seeks an amendment to the Act to allow for 'a defence of reasonable care' where such damage occurs.

The Animals Act 1971 covers owners' liability for damage done by animals. A House of Lords' judgment in 2003 (Mirvahedy v Henley), concerning injury caused by spooked horses, overturned previous interpretations of the Act and confirmed that strict liability applies to the keeper of animals that cause harm. In effect, the owner of the animal is liable for damage caused **regardless of any actions they may have taken to limit the risk of such damage**. It has been suggested that the application of strict liability in these circumstances is out of line with other areas of the law where legal liability can be mitigated by the taking of reasonable precautions. The Country Land and Business Association and the British Horse Society have campaigned to amend the Act, and the most recent development in this campaign is the tabling of a Ten Minute Rule bill by Laurence Robertson MP (Conservative MP for Tewkesbury) on 12 July. The Bill is scheduled to have its second reading on 20 October.

Defra has asked for views from a wide range of stakeholders on whether the introduction of a defence of reasonable care might be acceptable in principle. Defra is clear that any

change in the law must not absolve the owners of horses or other animals from their responsibility to take every reasonable effort to prevent the occurrence of damage and that full liability for such damage should still apply in any cases where negligence is proven. The deadline for comments was 31 October 2006, and Authority officers have written to say that they agree with the proposal as outlined above.

### **Access Management Group**

As Members are aware, the Yorkshire Dales National Park Authority has been attending Defra's 'access management group' looking at the implementation of open access, on behalf of ANPA. This group now meets every 6 months, and with regard to CROW Act open access it has become 'business as usual' so the group is now being re-focused to look at access to the coast. As the Dales is land-locked, representation on this group, on behalf of ANPA, is being handed over to another National Park Authority which has first hand experience of coastal access issues.

**JON AVISON  
HEAD OF PARK MANAGEMENT**