



Unapproved Minutes
Meeting of the Yorkshire Dales Local Access Forum
Held on Tuesday 22 September 2009
Hudswell Village Hall

Present: Michael Bartholomew (MB) – Chair, Jon Beavan (JB), Andrew Colley (AC), David Gibson (DG), Michael Kenyon (MK), Jerry Pearlman (JP), Malcolm Petyt (MP), Alistair Thompson (AT), Pat Whelan (PWh), Phillip Woodyer (PW).

YDNPA Officers present: Alan Hulme (AH), Rachel Briggs (RB) – LAF Secretary, Jon Avison (JA), Andy Ryland (AR).

The meeting started at 1.15pm.

1. Welcome

MB welcomed Alan McNicoll (AMcN) from Cumbria County Council and Doug Huzzard (DH) from North Yorkshire Country Council.

2. Apologies

Apologies were received from Peter Bradfield (PB), Stephen Butcher (SB), Guy Keating (GK). David Bartlett (DB), Ken Miller (KM), Paul Tibbatts (PT), Rob Mayo (RM).

3. Approval of Minutes

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

Matters Arising from the Minutes

DG asked if there had been any response from Natural England with regards to consulting the YDAF. He added that there had been a further Natural England consultation regarding guidance on open access land that had been missed. MB said he would raise it at a regional LAF level by asking Duncan Graham from the North West region who also attends the English Access Forum.

MB to write to Duncan Graham to ask if there is a national problem with Natural England consultations reaching LAFs.

JB asked if there had been any progress on the issue of publicising permissive routes. AH said he had asked Ordnance Survey (OS) who had responded, saying that a statutory order was required to get a permissive route shown on the OS map. There was some general confusion at this: it was thought that this was incorrect and that permissive routes *can* be included if maps of the routes are supplied to the OS. JB asked if the YDNPA would be promoting agri-environment scheme routes via the website. AH said that was the case.

AH to report back to the YDAF on publicising permissive routes.

4. Public Question Time

There were no public questions.

5. Future Forum Meetings

Dates of meetings

The dates for future meetings during 2010 to 2011 were agreed: 23 February, 15 June, 19 October.

Future Agenda Items

JB asked if there could be an agenda item at a future meeting on dogs and access, to include cattle, open access land etc. All agreed this would be a good idea.

JB to present a paper to the YDAF on dogs and access.

PW suggested inviting someone from Lancashire County Council to talk about their Access for All projects and in particular their Trampler project.

RB to invite a representative from Lancashire County Council to a future meeting to talk about their Trampler project.

10. Unsurfaced unclassified roads (UUR)

Doug Huzzard (DH) from NYCC was welcomed to the meeting.

DH began by going through the UUR strategy timetable. It was hoped that it would become a corporate policy by April 2010. A team of volunteers would then be utilised to survey the network of UURs in North Yorkshire (700+km).

MP asked if there was an adequate team of volunteers to carry out the survey work. DH said there were 170 volunteers at NYCC but that he would also be asking Nidderdale AONB and the YDNPA for help.

PW asked how the status of UURs is shown on OS maps. DH said that OS needed to work on this but that currently UURs are displayed as other routes with public access ('ORPAs').

JP asked if there was a map of the UURs in North Yorkshire. DH said that there was but that it wasn't available for public inspection as it was not a statutory document and many of the routes needed to be validated. DH said there was also a spreadsheet of the route descriptions including grid references. JP asked if members of the YDAF could see a copy. DH expressed concerns that this could get into the wrong hands and possibly have an increase in the inappropriate use of the routes. He also made it clear that there is no earmarked budget for UUR maintenance.

PW expressed a concern that, although there is no money for the maintenance of the UUR network in North Yorkshire and that NYCC didn't want any inappropriate use of the routes, these routes could be a valuable resource to many users e.g. people with limited mobility or as cycle or equestrian routes. DH said that there is a requirement to take the DDA into account and he ensured that there was synergy between the UUR network and the PROW network.

MP noted that UURs have, at least, a right on foot, and that they were a vital part of the recreational network in the National Park. However, the policy statement was worded more towards the use of motor vehicles. DH agreed and said that the statement should be more holistic.

JB queried as to whether the strategy takes into consideration the work of the Yorkshire Dales Green lanes Advisory Group (YDGLAG). DH said that he sat on the group and the rationale behind the survey came directly from the work of the YDGLAG.

DG wondered how the network of UURs that are not sustainable for vehicular use could be managed. To his mind, the options would be to place a Traffic Regulation Order (TRO) on the route or to change the designation to a PROW with non-vehicular status. DH wondered how happy the two National Park Authorities in North Yorkshire would be if the maintenance of UURs was transferred to their public rights of way teams (bearing in mind that there would be no accompanying money for maintenance) and suggested that a TRO may be an option.

JP asked how the UUR network would be affected by the 2026 definitive map cut off date. DH said that these routes are on the list of streets and are not PROW and so would not be affected by the date. In his view, they would not lose whatever public rights they may have. After 2026, if the date is enforced, they would not be able to be entered on the definitive map, and would remain as ORPAs.

PWh thought it would be beneficial for the YDAF to have sight of the NYCC UUR Strategy and thought that, at the very least, MB should be able to see it. DH thought that the YDAF would be consulted at a later date but suggested that MB write to NYCC asking for this to be so. MB responded by saying that the response to the strategy should not just come from him personally. Given his own well-known views on green lanes, it is essential that the response comes from the LAF as a whole.

MB to write to NYCC asking for the YDAF to be consulted on the NYCC UUR Strategy.

DH was thanked for his time and very informative presentation.

7a. Cumbria Local Transport Plan

Andrew McNicoll (AMcN) from Cumbria County Council (CCC) presented the paper on the Local Transport Plan 3 (LTP3) for Cumbria.

The deadline for submitting completed LTP3s is April 2011. Cumbria would be starting the first draft in December 2009 at which point the YDAF will be consulted again for more formal comments. AMcN asked for a response from the YDAF, at this stage, by the end of October 2009.

MB went through the questionnaire and said that it would make sense for more general comments to be sent back to CCC when trying to reach a consensus of YDAF members. It was agreed that this was a sensible approach.

MP began by saying that he was pleased to see that PROW had been included within the report. He questioned whether the figure in paragraph 5.6 stating that £125,000 was invested each year in improving PROW. He wondered if this included the standard maintenance obligations on PROWs. AMcN said that it was a figure, purely for improvements. DG added that it was reassuring to see that the Rights of Way Improvement Plan for Cumbria had been incorporated into the LTP3.

JB stressed the importance of cross boundary routes (in particular, cross county boundary routes) and asked that this be included in the comments back to CCC.

AC said that he would like to see more integration of public transport e.g. linking trains to buses etc.

MB thanked AMcN for his presentation.

MB to formulate a response to be sent to Cumbria County Council.

7a. North Yorkshire Local Transport Plan

AR presented the paper on the LTP3 for North Yorkshire.

AR went through the questionnaire and suggested he pick out the main points, as he saw them, and ask if members of the YDAF were in agreement.

Question 1

AR suggested the two most important overall objectives, to the YDAF, were the following:

B – Protecting the environment

D – Improving accessibility

Members of the YDAF were in agreement that objectives B and D were most important.

Question 2

AR suggested the two most important 'local economy objectives', to the YDAF, were the following:

A – Improving key transport links from North Yorkshire to key cities and international ports and airports.

B – Improving links from North Yorkshire to neighbouring counties

JP thought that object C was more important than objective A (improving links between towns and villages within North Yorkshire). AT agreed with this and suggested the objective be extended to say something about increasing the integration of transport links.

Members of the YDAF were in agreement that objectives B and C were most important.

Question 3

AR suggested the two most important 'protecting the environment objectives', to the YDAF, were the following:

A – Reducing unnecessary trips by motorised vehicles and encouraging use of more sustainable transport modes such as park and ride, cycling, disability-scooters, public transport and walking, or more sustainable options for freight.

E – Protecting the natural and built environment.

Members of the YDAF were in agreement that objectives A and E were most important.

Question 4

AR suggested the only important 'ensuring better safety and health objective', to the YDAF, was the following:

D – Promoting active travel such as walking and cycling.

Members of the YDAF were in agreement that objective D was most important.

Question 5

AR suggested the three most important 'improving the accessibility objectives', to the YDAF, were the following:

B – Improved bus and rail facilities and services.

D – Improved facilities for pedestrians.

E – Improved facilities for cyclists.

AT thought that C (improved community transport facilities and services) was equally important and that it should be included with the addition of better integration.

Members of the YDAF were in agreement that objectives B, C, D and E were most important.

Question 6

AR didn't think that any of the 'maintaining the roads and pavements objectives' were relevant to the work of the YDAF as there was no mention of the PROW network. MB suggested that this be mentioned under category I.

MK added that objective F (maintaining cycleways) was also important.

Members of the YDAF were in agreement that objectives F and I (to include PROW) were most important.

Question 7

Members decided it was important that a sentence be written under question 7 to stress the importance of the RoWIP and how this should be formally and explicitly incorporated into the LTP3 plan and systematically used within it.

MB, RB and AR to prepare a response to the North Yorkshire LTP3 (see Annex 1)

6. Report back from Advisory Groups and Other Meetings

Access on All Advisory Group

PW presented the minutes of the Access for All Advisory Group.

PW added that since the meeting, the Disabled Ramblers have had their second visit to the Yorkshire Dales which was a great success.

There had also been a visit by some members of the Access for All Advisory Group to Beacon Fell Country Park to see what Lancashire County Council are doing in terms of Trampers. PW added that the group would begin to look at how a Trampler for hire could be introduced in the Yorkshire Dales.

PWh proposed that RB be formally thanked for the Access for All work that she has been doing, and which was bearing fruit. PWh's proposal was unanimously agreed.

Water Sports Advisory Group

PW presented the minutes of the Water Sports Advisory Group.

There was some discussion regarding Item 7, the updated Secretary of State Guidance which has removed access on water (as opposed to access to water). Since that meeting, RB had requested clarification from Clare Bevan, the YDNPA Solicitor who had said that there is a difference between statutory advice and general advice (see Annex 3). JA added that the advice given by all of the advisory groups was welcomed by the YDNPA and that they were encouraged to continue with the very good work. He said that the terms of reference could possibly need to be rewritten to take into account the new guidance.

RB to look at the terms of reference for the advisory groups.

Yorkshire Dales Green Lanes Advisory Group

MP presented the minutes of the Yorkshire Dales Green Lanes Advisory Group, drawing attention to the substantial progress made in considering the list of green lanes that were flagged as 'red' in Mark Allum's comprehensive surveys. The next task was to consider routes that have crept into the red zone since the original listings were made.

8. National Byway Trust – Pennine Spur Cycle Route

MB presented the paper and began by saying that he cycled part of the National Byway and thought that the standard of choice of route was high, and that the signage was not obtrusive. He welcomed the routes that are now proposed in the Dales, adding his view that road cyclists do not damage road surfaces, do not pollute, and readily spend money in cafés and b&bs. They are ideal visitors to the National Park.

Members were in agreement that the route be endorsed.

A questionnaire regarding signing of the route had been circulated. AR asked if there were any comments for section two of the questionnaire. MB agreed to add a sentence to say that the YDAF supports any surfacing and safety measures to assist cycle routes.

MB to complete the National Byway consultation questionnaire on behalf of the YDAF (see annex 2).
--

9. CRoW Act Restrictions and Exclusions

AH presented the paper outlining the current long term restrictions and exclusions that were in place for five years. As the five year period would come to a close in 2010, members of the YDAF would be consulted on these again. The consultation would, however, fall outside of the YDAF meeting timetable and AH asked how members would like to respond.

JB asked if landowners had to reapply for their restriction or exclusion. AH said that the landowners would all be approached to ask if an extension, in their view, was necessary.

MB said that each of the cases had been discussed in full at a previous meeting and that perhaps the same arguments should still apply. JB didn't think that the Quarry Wood exclusion had been agreed five years ago and asked that this be revisited.

MB went through each case in turn.

Grassington Moor

Members were in agreement that they would support this restriction during the formal consultation process.

Askrigg Common

Members were in agreement that they would support this restriction during the formal consultation process.

Holgates Pasture – Conistone with Kilnsey

Members asked that officers, when reviewing this restriction, take account that the restriction has never been activated.

AH to look into the use of the restriction at Holgates Pasture.
--

Quarry Wood, Ingleton Water Falls Walk

AH went through the exclusion at Quarry Wood in more detail. JB expressed some concerns over charging at the entrance. MB suggested that members may like to take a look at Quarry Wood in advance of the review.

Wood End, Kirk Gill, Hubberholme

DG said that when YDAF looked at this exclusion originally, they asked that a route be considered to access the open access land beyond Kirk Gill, by means of an arrangement with landowners in the Hubberholme area. At present, there is a lack of public footpaths enabling walkers to get on to Kirk Gill Moor.

AH to look at the provision of accessing the access land at Kirk Gill.

Fire Directions

AH went through the process of closing parcels of land due to a risk of fire and asked members if they would recommend changing the procedure of registering parcels of land to registering parcels identified with similar characteristics.

AC asked if the current method had worked in the past. AT said that, as a Dales Volunteers, required to close parcels of land due to a risk of fire, the current procedure is simple and that he would support keeping the procedure the same.

MK wondered if the areas of the land parcels should be looked at with a view to consolidating them into more meaningful parcels. AH said that was a good point and that he would re-look at this.

The YDAF advised the YDNPA use the simplest method with the least strain on staff resources when considering fire directions.

11. Secretary's Report

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

- Access Committee dates and venues.
- Meetings of the YDAF -2010.
- Open Access Restrictions System.
- Special Qualities, Special Experiences.
- Appointment of Yorkshire Dales Access Forum Members.

Special Qualities, Special Experiences

MB asked members how they would like to deal with the next stage of the consultation as this will be outside of the YDAF meeting timetable. It was agreed that the document be sent to members and that any comments be sent to RB to then be collated by RB and PW.

RB and PW to respond, on behalf of the YDAF, to the Special Qualities, Special Experiences consultation.

12. Update on members activities

There were no updates from members.

The meeting closed at 16.15pm

LOCAL TRANSPORT PLAN SURVEY

The Local Transport Plan (LTP) is a set of documents that the County Council is required by the Government to produce. The LTP sets out our plans and strategies for maintaining and improving all aspects of the local transport system over a set period of time, usually 5 years.

The current LTP finishes in March 2011 and as a result, we are now working on developing our 3rd LTP to cover the period from 2011 to 2016. To help us to understand what people in North Yorkshire may wish to see in the next LTP we would like you to answer the following questions. Please base your responses on what you think you would like to see **in the future (from 2011)**.

PLEASE USE CAPITAL LETTERS OR MARK APPLICABLE BOXES WITH A CROSS

NB THE FOLLOWING RESPONSE COMES FROM THE YORKSHIRE DALES LOCAL ACCESS FORUM. THE QUESTIONNAIRE ANTICIPATES RESPONSES FROM INDIVIDUALS, RATHER THAN ORGANISATIONS, BUT WE HAVE INDICATED IN EACH SECTION THE FEATURES THAT, COLLECTIVELY, THE FORUM CONSIDERED TO BE IMPORTANT. AS ONE OF THE STATUTORY BODIES CONCERNED WITH ACCESS, WE ARE KEEN TO HAVE OUR VIEW REGISTERED. IF THE WAY WE HAVE RESPONDED GIVES YOU DIFFICULTY IN INPUTTING THE DATA, PLEASE LET US KNOW.

Q.1 Thinking about the future, please rank these objectives in order of which you think are the most important (with 1 being the most important)			
			Rank (1-6) 1 = Most Important
A	Supporting the local economy	Providing and maintaining an efficient and reliable transport network which will improve prosperity for all people, including businesses and organisations	
B	Protecting the environment	Enhancing and protecting the natural and built environment, minimising the impact of emissions and noise and reducing our contribution to climate change	1
C	Ensuring better safety and health	Improving safety for all highway users, reducing the risk of death or injury arising through transport and promoting travel modes which are beneficial to health	
D	Improving accessibility	Ensuring equality of opportunity for all and allowing all members of society to fully participate in society by being able to access key services such as health, employment, education, food and quality recreation.	1
E	Improving quality of life	Minimising the impact of transport on people's lives whether through reducing emissions and noise or minimising congestion or by ensuring transport infrastructure does not adversely affect people.	

F	Other, please detail	
---	----------------------	--

Q.2 Thinking about the 'local economy objective', how would you most like to see transport funding spent? Please rank, with 1 being the best way of meeting the challenge		
		Rank (1-6) 1 = Best
A	Improving key transport links from North Yorkshire to key UK cities and international ports and airports	
B	Improving links from North Yorkshire to neighbouring counties	1
C	Improving links between towns and villages within North Yorkshire	1
D	Improving links for freight	
E	Improving transport systems in our towns so that congestion can be reduced	
F	Other, please detail There is a real need to further integrate different types of transport i.e. walking routes/cycling routes/private car use/public transport.	1

Q.3 Thinking about the 'protecting the environment objective', how would you most like to see transport funding spent? Please rank, with 1 being the best way of meeting the challenge		
		Rank (1-6) 1 = Best
A	Reducing unnecessary trips by motorised vehicles and encouraging use of more sustainable transport modes such park and ride, cycling, scooters, public transport and walking, or more sustainable options for freight	1
B	Reducing the need to travel through providing services locally (health, food, training etc)	
C	Reducing the need to travel by ensuring that new developments and services are located close to residential areas (through the Planning system)	
D	Maximising re-use and recycling in construction	
E	Protecting the natural and built environment	1
F	Other, please detail	

Q.4 Thinking about the 'ensuring better safety and health objectives', how would you most like to see transport funding spent? Please rank, with 1 being the best way of meeting the challenge		
		Rank (1-6) 1 = Best
A	Using engineering measures to reduce accidents, such as introducing traffic calming, improving junction layouts, putting in new speed limits or adding additional lining on roads	
B	Using education to make people in general and, in particular, potentially vulnerable groups, aware of how they can reduce the risks they face, for example, campaigns targeted at drink drivers, or increasing use of seatbelts, cycling proficiency training for children and teaching people about how to drive safely at night or in bad weather.	
C	Working with the police and the crime and disorder partnerships to enforce traffic law.	

D	Promoting active travel such as walking and cycling	1
E	Reducing pollution from vehicles	
F	Other, please detail	

Q.5 Thinking about the 'improving the accessibility objective', how would you most like to see transport funding spent? Please rank, with 1 being the best way of meeting the challenge		
		Rank (1-7) 1 = Best
A	Encouraging local delivery of services so that people have to travel less, (e.g. mobile shops and libraries, IT facilities providing education and training opportunities, local health facilities, shops and jobs)	
B	Improved bus and rail facilities and services	1
C	Improved community transport facilities and services	1
D	Improved facilities for pedestrians	1
E	Improved facilities for cyclists	1
F	Other, please detail There is a real need to further integrate different types of transport i.e. walking routes/cycling routes/private car use/public transport.	1

Q.6 Thinking about the 'maintaining the roads and pavements objective', how would you most like to see transport funding spent? Please rank, with 1 being the best way of meeting the challenge		
		Rank (1-9) 1 = Best
A	Keeping roads that are already good quality maintained to a high standard	
B	Bringing poor quality road and pavement surfaces up to a good standard	
C	Maintaining main roads	
D	Maintaining local roads	
E	Maintaining pavements and pedestrian areas	
F	Maintaining cycleways	1
G	Keeping roads clear of snow and ice	
H	Making roads less noisy by using noise-reducing surfacing	
I	Other, please detail The Yorkshire Dales Access Forum were particularly concerned that there are resources for maintenance of the public rights of way network.	1

Q.7 If you would like to make any other comments that you would wish us to consider in developing our plans and strategies for maintaining and improving all aspects of local transport, please detail below.

The Yorkshire Dales Access Forum was particularly concerned that the Local Transport Plan acknowledges the importance of the countryside, and especially National Parks, for recreation and the need to provide sustainable access to and within the countryside.

The Forum was also concerned that the Rights of Way Improvement Plan is explicitly acknowledged and fully integrated into both the Local Transport Plan and into funding allocations to ensure implementation of the Rights of Way Improvement Plan.

Members felt more could be done to integrate different modes of travel and transport – e.g. walking, cycling, public transport use and in particular between different public transport services especially those that cross county boundaries.

Q.8 Are you happy with your level of involvement in the LTP process?		
		Please mark with a cross
A	Yes	
B	No	
C	If No, please explain:	

Q.9 Would you like to be involved in future discussions?		
		Please mark with a cross
A	Yes (if yes, please also answer Q.10)	
B	No	

Q.10 If you would like to be involved further, how should we do this?		
		Please mark with a cross
A	By Email (provide email address) _____	
B	By Phone (provide phone number) _____	
C	At a Public information event / exhibition	

Q. 11 Your Response...		
	Please mark with a cross	Please provide details below
On behalf of an organisation		ORGANISATION NAME _____ CONTACT NAME _____
As an individual		POSTCODE _____

Thank you for taking the time to answer our questions. Your views are important to us.

**Please return your completed questionnaires to
Rebecca Gibson, LTP Team, North Yorkshire County Council, DL7 8BR,
or to lt@northyorks.gov.uk by 30th September 2009.**

Equality Monitoring Questions

We want to make sure that the services we deliver do not unfairly discriminate against anyone. We also want to make sure that the right services are reaching the right people at the right time. To help us make sure that we are doing this correctly it would be helpful if you could answer the following questions about yourself.

You do not have to answer these questions. It will not make any difference to the service you receive if you choose not to answer them. The information you provide will be made anonymous. No personal information, such as your name or address will be used in collating statistical data.

However, by answering the questions you will help us to make sure that our services are fair and accessible to everyone.

If you are replying on behalf of an organisation you do not need to complete these Equality Monitoring questions.

1. What is your gender?	
	Please mark with a cross
Male	
Female	

2. What is your year of birth?	
Year of birth:	

3. What is your ethnic group? Please select one option from A – E to best describe your ethnic group or background		
		Please mark with a cross
A	White	
B	Mixed / multiple ethnic groups	
C	Asian / Asian British	
D	Black / African / Caribbean / Black British	
E	Other ethnic group (please specify) _____	

4. The Social Model of Disability says that disability is caused by the way society is organised, rather than by a person's impairment or difference. It is social 'barriers' which cause disability and these can be attitudes as well as physical barriers.

Do you consider yourself to be a disabled person under the social model of disability?

		Please mark with a cross
A	Yes (if yes, please also answer Q.5)	
B	No	

5. Please state the type of impairment which applies to you. People may experience more than one type of impairment, in which case you may indicate more than one. If none of the categories apply, please mark 'other' and specify the type of impairment.

		Please mark with a cross
A	Physical impairment; such as difficulty using your arms or mobility issues which means using a wheelchair or crutches.	
B	Sensory impairment, such as being blind / having serious visual impairment or being deaf / having a hearing impairment	
C	Learning disability / difficulty, (such as Down's syndrome or dyslexia) or cognitive impairment (such as autistic spectrum disorder)	
D	Long-standing illness or health condition such as cancer, HIV, diabetes, chronic heart disease, or epilepsy	
E	Other (<i>please specify</i>) _____	

**Please return your completed questionnaires to
Rebecca Gibson, LTP Team, North Yorkshire County Council, DL7 8BR,
or to ltl@northyorks.gov.uk by 30th September 2009.**

If you have any queries or wish to send comments, please contact...

Rebecca Gibson
Senior Engineer - LTP
Tel: **08458 727374**
Fax: **01609 779838**
Email: ltl@northyorks.gov.uk

Local Transport Plan
North Yorkshire County Council
Business and Environmental Services
County Hall
Northallerton
DL7 8AH

If you would like this information in another language or format such as braille, large print or audio, please ask us.

Tel: **01609 532917** Email: communications@northyorks.gov.uk

Response from the Yorkshire Dales Local Access Forum



North

Yorkshire County Council
Business and Environmental Services

Signed
Michael Bartholomew
(Chairman)

National Byway Trust - Trans Pennine Spur
Public Consultation

23 September 2009

Do you support the proposal to introduce the Trans Pennine Spur Cycle Route as shown on the attached plan?

Yes No

Please use the space below for any comments you may wish to make on any of the proposed route:

The Local Access Forum covers the territory of the Dales National Park. The proposed cycle route traverses the national Park & is therefore of great interest to us. We support the scheme enthusiastically. The route is well chosen and will offer riders some rewarding, if challenging, cycling.

Please use this space for any additional comments you may wish to make regarding cycling in the Yorkshire Dales National Park and Nidderdale AONB:

The safety of cyclists is of concern to us. We appreciate that it is not possible to supply cyclists with separate cycle lanes along the route, but we support any measures that will contribute to cyclists' safety when using the route.

To allow the County Council to analyse the consultation information please can you provide your post code.

If you would like the County Council to inform you of the results of the consultation process, we would be grateful if you could provide your full address.

Yorkshire Dales Local Access Forum
c/o Rachel Briggs
Yorkshire Dales National Park Authority
Yoredale, Bainbridge, Leyburn N. Yorks DL8 3EL

Please return the completed form to Cycling Co -ordinator, Business and Environmental Services County Hall Northallerton North Yorkshire DL7 6AH by 31/07/08

keep north yorkshire moving

Richard Filton, Corporate Director - Business and Environmental Services Tel: 01430 877374 Fax: 01430 779028

YDAF advice in relation to water based activities.

The statutory function of the LAF is set out in s 94 of Crow as extended by Reg 22.

This effectively means the LAF must advise on improvements to public access to land for the purposes of open air recreation and enjoyment of the area or any lawful purpose.

The terms of reference of the YDNP LAF seek to reflect this though they are couched in slightly wider terms:

"To be a statutory advisory body to provide guidance and advice to public bodies on the improvement of public access within YDNP and to contribute to opportunities for open air recreation and the enjoyment of the area"

The terms of reference then go on to list what this involve which include issues relating to public access to water.

To be pedantic, statutory guidance can only be issued in respect of public access to "**land**" and it must be for **the purpose** of open air recreation and enjoyment of the area or other lawful purpose. This, however, does not, in my view, preclude the LAF from advising in wider terms but any such advice would not be "statutory advice".

Defra has amended its guidance (which the LAF must have regard to) in relation to water based activities. This centres around the definition of land to which the statutory function relates. It has clarified its guidance by making it clear that access to land includes land which is covered by water but not access to the water which covers the land itself. Therefore, water based sports such as canoeing and windsailing do not relate to "land" and advising on public access to the water for the purpose of taking part in such activities cannot fall within the statutory functions of the LAF.

References to canoeing in para 3.2.4 of the guidance have now been omitted and para 24 completely rewritten.

How does this affect the Water Sports Advisory group?

If the group advises on improving public access to the water for purposes of open air recreation (on the water) then this does not fall within their statutory remit although it does fall within the terms of reference of the YDNP LAF. Any statutory advice would need to be limited to advice relating to open air recreation and enjoyment of the land around or leading to the water rather than activities on the water itself.