

Committee: ACCESS
Date: 26 July 2007

Report: HEAD OF DEPARTMENT REPORT

1. ACTIVITIES

Meeting of the 'transforming outdoor Yorkshire' working group
Meeting of Sustainable travel partnership working group
Attended Sport Keighley (to talk about GoDales project)
Meeting with Forestry Commission to look at mountain bike trail development, and
bridleway bridge
Meeting with YTB to discuss 'outdoor Yorkshire' website
Meeting with AONBs, and NPs in North Yorkshire to discuss 'year of adventure'
Hosted the Regional County Surveyor Society (access and right of way) meeting
Attended the launch of Cumbria ROWIP
Meeting with Pam Warhurst (NE Board member) to discuss Pennine Bridleway Funding
Meetings with YDMT to discuss various projects
Meeting with Cumbria County Council to discuss Cumbria Countryside Access
Meeting with Cumbria County Council to discuss PRow delegation agreement
Attended YD Access Forum Meeting

2. ISSUES FOR MEMBERS CONSIDERATION

None.

3. ISSUES FOR MEMBERS TO NOTE

a) County Council PRow Delegation Agreements

Cumbria County Council:

1. A positive preliminary meeting has been held with Cumbria County Council regarding the re-negotiation of the rights of way delegation agreement. We have agreed to meet again with details of the actual costs in the Dales of those areas of work that the County Council have agreed to fund in the Lake District National Park and use that as a basis for further negotiation. In the meantime solicitors will work up the final draft of the legal agreement between the two organisations. A further meeting is scheduled for 2 August.

North Yorkshire County Council:

2. A joint approach with the North York Moors National Park Authority has led to a response that indicates that the County Council will consider seeking additional funding

as part of next year's budget setting exercise. A meeting with officers of the County Council is scheduled for 22 August.

b) Yorkshire Dales Green Lanes Advisory Group

3. The notes of May meeting of this group are provided as an annex to this report for members' information.

c) Commencement of provision to allow diversion of public rights of way, to protect Sites of Special Scientific Interest

4. On 21 May 2007 Countryside and Rights of Way Act 2000 powers in Schedule 6, which enable the diversion of public rights of way, where necessary, to protect Sites of Special Scientific Interest (SSSIs), were commenced. The powers insert new sections 1129D and 119E into the Highways Act 1980. The associated regulations which are intended to provide clarity on the operation of these two provisions came into effect on 1 July 2007. Defra has issued non-statutory guidance on the new provisions to assist Natural England, local authorities and others.
5. Members will be particularly interested to note that the use of SSSI diversion orders is seen as a last resort. The legislation requires that consideration is first given to the use of Traffic Regulation Orders (TROs) and additionally Natural England has agreed to explore all other options before lodging an application, including appropriate management and/or voluntary agreements. Details can be found at <http://www.defra.gov.uk/wildlife-countryside/issues/public/sssi-tempdiv.htm>

d) Defra consultation - implementation of the right to apply for orders to extinguish and divert public rights of way, and associated rights of appeal

6. Defra have invited views on their 'consultation on implementation of the right to apply for orders to extinguish and divert public rights of way, and associated rights of appeal' as part of implementation of the CRoW Act. The document suggests a proposed approach to implementing a new statutory right of application for orders to extinguish or divert public rights of way. The new rights are intended to benefit certain categories of landowner/occupier/lessee and school proprietors. National Park Authorities, together with local highway authorities and district and borough councils may expect to receive applications, under this provision. (It is important for members to note that the Authority could receive applications under its own powers, regardless of its delegation with the county councils). The Authority will be responding as part of the joint ENPAA response.
7. The consultation documents may be viewed or downloaded from Defra's website at <http://www.defra.gov.uk/corporate/consult/row-rights/index.htm>:

e) Transforming Outdoor Yorkshire – Update

8. Following the discussion at the Access Committee on 27 January 2007, about the 'transforming outdoor Yorkshire' strategy, there have been several meetings of the working group, and informal meetings with a number of organisations to consider how to take forward 'outdoor adventure' in the sub-region. The current proposals being discussed are identifying 'iconic' experiences, and one suggestion is a Coast to Coast mountain bike route using existing bridleways, to link the Moors, Dales and Lakes National Parks and crossing the Pennine Bridleway. The key driver for this (from our

perspective at least) is sustainable tourism, and hopefully in the process, getting money towards rights of way maintenance a. This suggestion is only at the 'exploratory stage' - looking at whether there are any possible routes, and whether these would meet our objectives.

9. Another idea being explored is providing more information on outdoor activities, both from a health/participation, perspective, linking to clubs and governing bodies through North Yorkshire Sport and as part of the sustainable tourism agenda through revamping 'outdooryorkshire.com' as part of the Yorkshire Tourist Board and the Tourism Partnerships Destination Management System. The Authority's objective in relation to this work would be as part of National Park Management Access and recreation objective 'By 2011 undertake 5 promotional campaigns aimed at specific recreational activities to raise awareness of the National Park Authority's recreation charter and codes of conduct'.
10. Both of these ideas are being put forward as part of the sub-regional investment plan (SRIP) and will be explored further through reports to the next Transforming Outdoor Yorkshire group meeting.

RECOMMENDATION

11. Members are asked to note the report.

Jon Avison
Head of Park Management

11 January 2007

Background documents: none

**Yorkshire Dales Green Lane Advisory Group Meeting
23 May 2007
The Victoria Centre, Settle**

Notes of Meeting

Present:

Chair:

Dr. Malcolm Petyt, YDNPA Recreation Management Member Champion

Members:

Ben Heyes (Landowner representative & LAF)
Jon Beavan (Businessman & LAF)
Michael Bartholomew (GLA & LAF)
Stuart Monk (NYTMAG & TRF)
Neil Heseltine (Farmer)
Simon Lovell (Natural England)
Mark Dale (4x4 users)

Officers in attendance:

Jon Avison (YDNPA)
Kathryn Beardmore (YDNPA)
Mark Allum (YDNPA)
David Gibson (CCC)
Douglas Huzzard (NYCC)

Apologies:

Geoff Wilson (NYTMAG & TRF)
Mark Sandamas (Mountain Biking)

1. Welcome & Introductions

Simon Lovell (Natural England) was welcomed to his first meeting.

2. Notes of previous meeting and matters arising

• **Lady Anne Highway**

SM questioned the recommendation for a TRO on the Lady Anne Highway (agreed at the previous meeting) he believed that the group had agreed this was time limited to five years rather than reviewed after five years, as cited in the notes of the previous meeting. MP said that he thought that the notes were an accurate record of the meeting, and this view was held by the other members that had been present.

- **Pennine Bridleway (PBW)**

A meeting had been arranged between GW, KB and the PBW Project Officer to discuss the standard of work along the Pennine Bridleway together with the Pennine Bridleway design guide and specifications used by the YDNPA for PBW work. It was noted that there was not a 'universal' specification that was used throughout the PBW, but specifications were drawn up to reflect local circumstances using the PBW design guide for guidance.

- **Update following the Access Committee on 21 April 2007**

The notes of the previous Advisory Group meeting had been presented to the Access Committee for information only. It was noted that the Access Committee could not make any comments or decisions on the advice of the Advisory Group at this stage, as the NPA's TRO powers had not commenced. It was anticipated that these powers would commence in October.

3. Rights and responsibilities – code of conduct leaflet

The group welcomed the progress made on producing the code of conduct leaflet. Further detailed comments were made at the meeting, and these would be incorporated in the final version by MA. A discussion followed on the use of logos and everyone agreed that one of the strengths of the leaflet was that it had been produced through the involvement and agreement of both users and public sector organisations. To highlight this it was decided that all logos should be shown on the finished leaflet regardless of implications for space.

4. Route assessment report – Dean Moor

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

- Bridleway with a valid BOAT application in the parish of Kirby Malhamdale.
- Archaeology vulnerable to any increase in traffic.
- Agricultural use is irregular and minimal (normally a quad bike).
- Particularly tranquil area of the National Park but it is close to tarmac road (at no point further than 300-400m).
- 2.7 motor vehicles on an average Sunday.
- The route condition appears stable, but there are signs of use.
- The risk of danger and conflict is fairly low because of its open nature.
- Use of the route by non-motorised users does allow them to get away from the traffic on the surrounding tarmac roads.

Recommendation

The advice of the group, which was based on consensus, was to continue to monitor the route and if any adverse change was noted, then the range of management options would be considered, at this stage.

5. Route assessment report – Gorbeck Road

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

- Good area for breeding birds, and areas of blanket bog adjacent to route.
- Important archaeology close to the route.
- Diverse visual character and widely visible from surrounding area.
- Engineering work was undertaken as part of the implementation of the PBW to part of the route.
- The route had high importance (in terms of value to the network) as part of the 'Settle Loop'.
- Balance of use surveys show the number of walkers and cyclists has gone up following the opening of the Settle Loop, and the numbers of motorcyclists had gone down proportionally. (However the number of motorbikes using the routes, had gone up following the confirmation of motor vehicular rights and BOAT status).
- There was a difference of opinion between the consultees regarding 'conflict' of use.
- The condition survey shows the route, on the whole, to be in good condition but with some localised damage.
- Natural beauty and tranquillity are very well represented along Gorbeck.

JB asked that any management advice, from the group, for Gorbeck should be joined up with that of Stockdale Lane. It was noted that the group's recommendation for the management of Stockdale had been for a TRO, prohibiting public motor vehicular use at weekends.

SM said that Gorbeck was a significant route because of its length. MD said that he accessed this route in a 4x4 because of its natural beauty and as such was seeking similar experiences to those of non-motorised users.

The group believed the current level of use seemed sustainable from the perspective of surface condition, and it was noted that the PBW work to the route had been to repair it to BOAT standard - it was expected to have occasional, but not predominately motor vehicle use. To this end it was noted that the definition of BOAT is 'a highway over which the public have a right of way for vehicular and all other kinds of traffic, but which is used by the public mainly for the purposes for which footpaths and bridleways are used.'

The management proposals put forward by individual members of the group for consideration were:

- A weekend TRO from November to March
- A weekend TRO all year round
- A 'one-way' TRO in the winter months only, to prevent damage from motor vehicle climbing from Langcliffe Cote.

The group could not reach consensus and the matter went to a vote. The majority of the group present believed that a 'one-way' TRO for the winter months only, was the best management option.

Recommendation

The advice of the group (which could not be reached through consensus) was a one way TRO in the winter months (the beginning of October to the end of March), so that recreational mechanically propelled vehicles can only travel in one direction from the junction of the bridleway at Grizedales to the tarmac road at Malham Moor and that this should be regularly monitored and reviewed.

6. Route assessment report – Foxup and Hesleden Bergh

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

- Bridleway with a valid BOAT application received before the cut-off date.
- Route runs through two SSSIs, and bog habitats are close to the route.
- No vulnerable archaeology identified.
- Agricultural use as far as Hull Pot, and close to Foxup only.
- The level of use by motorbikes has fallen and is mainly at weekends.
- The more vulnerable sections of the route are slowly deteriorating despite the fall in motorbike use that has been noted.
- There are several sections where damage is evident.
- If the BOAT application is successful then use of the route is likely to increase.
- From a Natural England perspective it is important that the SSSI is in favourable condition. NE did not want to see hard engineering solutions, but recognised that there was a need to minimise the damage.
- Wildness and tranquillity is particularly well represented on this route, and is particularly visually appealing because of the backdrop of Plover Hill and Pen y Ghent, and superb open views.
- It was noted that school groups and inexperienced walkers used the Horton end of this route.

The group noted that despite the low levels of use by motorbikes, damage was evident on the route. In addition the route was seen as one of the best routes in the National Park for experiencing the natural beauty of the Yorkshire Dales, and this was seen as very important to conserve.

Recommendation

The advice of the group (which was consensus) was to recommend an all year round TRO preventing use by recreational mechanically propelled vehicles and that engineering works appropriate to its status should also be carried out.

As a footnote, after the agreement had been reached, SM said that he could support the proposal but would prefer a time limited TRO for five years, with a review at the end of this period, in preference to a continuous, non time-limited TRO that would be reviewed after five years. The majority of the group asked that the TRO be permanent, but reviewed after 5 years.

7. Route assessment report – Cam High Road

This route is currently shown as a footpath on the Definitive Map but is subject to a 'case' rather than an 'application' for BOAT status, prior to the cut-off date for the NERC Act. The YDNPA had made a BOAT order for the route but this had not been confirmed before the NERC Act commenced. Determination of status will be through a public inquiry. It is likely that this will consider whether this meets any of the 'exceptions' under the NERC Act. The NERC Act specifically refers to an 'application being received', rather than an 'order initiated' by the cut-off date.

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

- Ecological sensitivity is limited but there are important bog habitats close to the route.
- The route itself is a significant historic feature.
- Important linking route for 4x4's and motorbikes.
- There are 5 motorbikes and 2 4x4's on an average Sunday plus one other unspecified motor vehicle.
- Part of the Pennine Way, the Dales Way and the Pennine Bridleway.
- There is deep rutting on the track and to the side; the width of the track has increased and the ruts have become deeper.
- There are drainage issues in many places
- In the longer-term the PBW section will be repaired to an appropriate standard, pending a route for forestry extraction being agreed, in the shorter-term interim work will be undertaken to make the route more accessible to non-motorised users.
- There is some agricultural use.
- Natural beauty and tranquillity are well represented on the route, with good open views.
- The open nature of the route means that any noise carries over a large distance to the south.

The group felt that any advice on Cam High Road should be given following the discussion on Ling Gill, because the two routes join at Cam End. (See recommendation under 8 below).

8. Route assessment report – Ling Gill

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

- Bridleway with a valid BOAT application received before the cut-off date.
- The condition of the route is good through to Ling Gill Bridge (this has been repaired as part of the implementation of the PBW).
- There are several flooded areas towards Cam End, although this is due for repair through the PBW project
- Natural beauty and tranquillity are well represented.
- There has been a decrease in motor vehicle use since the commencement of the NERC Act.
- It is an important part of the rights of way network, and is used by both the Pennine Way and Pennine Bridleway.
- It is an important linking route for 4x4s and motorbikes.

It was noted that the PBW would undertake 'interim' repairs on both the northern section of Ling Gill and the Cam High Road, but funding for a full repair along the length was pending a decision on the route for forestry extraction traffic.

A discussion on the management of the Ling Gill and the Cam High Road followed and the management proposals put forward by individual members of the group for consideration were:

- Repairs to be carried out
- A Sunday TRO
- A complete TRO
- A seasonal TRO

but as consensus could not be reached, and the matter went to a vote. The majority of the group present believed that a complete all year round TRO on all recreational mechanically propelled vehicles on both Ling Gill and Cam High Road was the best management option.

Recommendation

The advice of the group (which could not be reached through consensus) was for a complete all year round TRO on all recreational mechanically propelled vehicles on both Ling Gill and Cam High Road.

9. Selection of further 5 routes

The group asked that the next 5 routes to be considered by the group should be decided by YDNPA officers. The five suggested routes are:

- Garsdale Foot to Barth Bridge
- Carlton to Middleham High Moor
- Arten Gill Moss to Widdale Foot
- Cam High Road, Fleet Moss to Bainbridge
- Busk Lane, Bainbridge

Other Points raised during discussion

Responses from the consultees

MB observed that NYTMAG did not make any comments in their consultation responses to the issue of tranquillity. Tranquillity is a particularly important feature of the National Park and is recognised in the National Park Management Plan. SM responded by saying that tranquillity was disturbed when a motorbike passes but this was only for a window in time.

MP felt that it was not possible to draw conclusions from 'no comments' under various sections from consultees.

Landscape character and designation map

These maps needed to be clearer in relation to the various designations, it was suggested that a different colour should be used to distinguish the various layers.

Action: MA will revise the maps so that they are clearer.

Weight to be given to consultation responses

MB asked what weight should be given to consultees' responses. It was noted that their views were a material consideration but any decision made had to be evidence-based.

JB felt that the routes most at risk had to be prioritised in terms of TROs, and that motor vehicle users had to be taken into account with any recommendations, and they would ignore the recommendations if a TRO were put on everything.

Numbers of vehicles using a route.

One discussion focused on the number of vehicles using a route and the significance of this number. It was agreed that the issue wasn't the actual number of vehicles, but the impact that that number have on the route.

NYCC and the management of unsealed routes.

DH said that a county-wide Liaison Group for unsealed routes would be reconvened. NYCC are actively assessing the condition and future management of the unsealed unclassified county road network. This will take into account the work of this group.

Condition of Route and Photographs of route

It was noted that the photographs presented are just at 400m intervals and may not show the areas of worst damage. MA explained that more photographs are taken during the survey but to keep the reports manageable only the 400m interval images are presented.

Review of TRO's

As a matter of principle all TRO's should be reviewed though this was a matter of policy rather than a specific part of the order. Members of the group commended this to the authority.

Equality

The YDNPA were looking at equality issues across the whole rights of way network and an Access for All audit looking at the barriers to access for those with limited mobility, was under way.

Action: KB to send audit information to Doug Huzzard.