

# Peak District Local Access Forum

Minutes of the meeting held on Saturday 17 March 2007 at Losehill Hall

Members Present:

|                       |                   |
|-----------------------|-------------------|
| Charlotte Bright      | Richard Marshall  |
| Jon Clennell          | Barry Neville     |
| Andrew Critchlow      | Geoff Nickolds    |
| Edwina Edwards        | Keith Pennyfather |
| Stuart Elliott        | Alison Salmen     |
| Henry Folkard         | Roger Wilkinson   |
| Terry Howard          | Lorna Wilson      |
| Andrew McCloy (Chair) |                   |

Others Present:

|   |  |
|---|--|
| Mike Rhodes (PDNPA)                         | Bob Kelly (Ramblers Association)       |
| Bob Berzins (Dark Peak Fell Runners)        | Dave Luscombe (Auto Cycle Union)       |
| Richard Bonner (DCC)                        | Gill Millward (DCC)                    |
| Paul Booker (AHOEC & IOC)                   | Andrew Murley (DCC)                    |
| Richard Campen (PDNPA)                      | Richard Pett (PDNPA)                   |
| Terence Cavanagh (Oldham MBC)               | Amy Rushton (Cheshire CC)              |
| Andy Farmer (PDNPA)                         | Angela Smith MP Sheffield Hillsborough |
| David Giles (DADLAF)                        | Chris Smith (Natural England)          |
| John Harker (Sheffield LAF & Ramblers Assn) | Steve Tivey (Sheffield CC)             |
| Mike Innerdale (National Trust)             |  |

## 1. Apologies

Apologies had been received from Richard Peart and Sarah Harlen.

The Chair welcomed everyone and introduced Richard Campen, who is shortly to be Director of Operations at the PDNPA; Dave Luscombe, Business Development Manager of the Auto Cycle Union and Angela Smith, MP for Sheffield Hillsborough.

## 2. Minutes from the last Meeting

The Minutes of the meeting on 7 December were agreed as a true and accurate record. Henry Folkard pointed out that on page 8 Beech Rod should read Beacon Rod.

## 3. Matters Arising

Jon Clennell asked if item 6 (signage) would be covered in this meeting, which was confirmed. He told the forum that at the Hope Valley Area Forum meeting on Tuesday evening a similar comment had been made then – some signage would be useful. Regarding item 10, he gave some feedback regarding the relationship between this forum and the Institute of Outdoor Learning. Jon had been in touch with the MD of the Institute and she has arranged for a piece to be in the Institute's newsletter. One of the Buxton Centres has been in touch with Jon and a link is now forming.

Henry asked about item 3 – had there been an update on the funding position? Item 10 – the Backdale/Longstone Edge issue – Henry had attended a meeting on 5 January addressing public rights of way issues on that site. Issues remain to be resolved. He also reported that the Public Inquiry took place in February. It was difficult to read the runes but all the third parties involved found it a fairly unsatisfactory experience. The Inspector will make a decision by 18 May. It is anticipated that there will be a judicial review whichever way it goes.

Terry spoke on item 6. He has read various papers and has found no reference to illegal presence on SSSIs by vehicles. He is aware of many incidences of vehicles going off road onto SSSIs and this appears to be overlooked. It is an offence to damage (either intentionally or recklessly) any SSSI with a potential £20,000 fine - that is provided the offender knew that the area is a SSSI. This needs thinking about as damage is being done in areas adjacent to highways. Mike Rhodes said he had attended a meeting with the Police 2 weeks ago – there is a prosecution pending and they are aware of the issues. Terry is prepared to send a letter to Natural England to advise them of the areas involved.

Terry also felt that the account of the regional event sounded like there was ambiguity in the resolutions regarding LAF members. Was each LAF to do this or just this forum. Info and funding – who is doing what. The Chair advised that they had explored two courses of action – each LAF to take ideas away from the event and lobby their own authority. We – through the conference report – have used as a vehicle for on going lobbying. It was not clear cut at the time but he was sure that the more proactive LAFs will take forward.

Andrew Critchlow commented that at the end of minutes a ranger service review had been mentioned – he was pretty concerned that we will just receive a report on what is decided. The new guidance is that the Authority has to consult the LAF on the appointment of rangers. We should be involved in consultation. A couple of farmers have contacted him as the reduction in the number of rangers has alarmed them. He feels it is poor that he cannot answer their questions. He felt we needed to send a message to the Authority that we should be more involved.

Barry Neville pointed out that at an earlier meeting he had invited forum members to make comments through him to a working party – and indeed some have. There will be a meeting on Friday of next week with a report back to Audit & Performance Committee in April – which is when the report will be considered. Two Members of the working party are finishing with the Authority at the end of this month so this sets a deadline. He will communicate Andrew's comments to the meeting on Friday.

**ACTION: BN**

The issue of the financial settlement and its impact meant that 3 posts in the ranger team had been identified and voluntary redundancy has been taken – the willingness of the individuals to help out at this time is much appreciated. The ranger team has been complimented by the Authority on working through a difficult time financially. The settlement is just enough to keep at zero growth – priorities have had to be revisited. Barry explained the underlying reasons for making cuts in rangers; a small grant comes from DCLG (Dept of Communities and Local Government) and some funding from Defra. He explained that the Planning Delivery Grant is measured against the speed of planning applications and the way the system works with regard to large applications means that if 2 out of 3 are dealt with within the time frame the score would be 67% – with the 'pass mark' being 75%. The grant has been cut, so savings have been found in the staff establishment, the ranger team taking some of this burden. There is a commitment to improving planning delivery.

The Chair wondered at what point if any is the LAF engaged in consultation and decision making – he will talk to Richard Campen in the coming months. We have a

very good relationship with the local authority but consultation and knowledge of background work is important.

Stuart Elliott felt it was convenient to hide behind the resources issue – at the time of the CroW Act, landowners had been guaranteed ranger cover but this was now not true – he felt the NPA were reneging on the principles and this needs addressing.

Henry felt the overall funding for National Parks in this country underpins this issue and there is the wider issue of Defra funding – he pointed out that shortly it is the 75<sup>th</sup> anniversary of the Kinder Trespass which founded National Parks. This is a serious issue and we should investigate in more detail. Andrew Critchlow felt this illustrated an issue about the relationship between the LAF and the Authority. It was a struggle to recruit and retain members of the forum from the land management sector. This will increase the feeling of what's the point of being on the forum. The Chair suggested we will explore this subject in more detail at a future meeting.

#### **4. Draft Annual Report 2006**

Mike has circulated a copy to the members. The Chair thanked Mike and Gill for their hard work and asked for any comments on the draft.

The new LAF regulations now make it a statutory requirement for LAFs to submit an annual report – we have done this from the outset. The quality of the publication was a fair reflection of the high profile work we have carried out in the past year and looks forward as well as back.

Henry pointed out that on page 9 a bullet point is missing - no other comments were made.

#### **5. Presentation – motor cycles in the countryside**

The Chair introduced Dave Luscombe, who is the Business Development Manager and the head of Local Authority support unit (LASU) from the Auto Cycle Union (ACU) – which is the national body for motorcycle sport. Dave said he was impressed by the interest and the numbers in attendance at this forum.

He gave a presentation which emphasised that co-existence in communities and countryside with other user groups is about partnership. The ACU was formed in 1904 and consisted of 600 amateur clubs, 20 regional centres and 35,000 licensed members – it is a niche sport but reasonably popular.

His mission is to assist Local Authorities and his main goal is to turn a recreational nuisance to social benefit. It is a national problem – but he sees this as an opportunity. He explained that new off road bike sales have grown by 15% year on year since 2000 – this doesn't include second hand bikes. Over a five year period there has been 100% increase in demand for somewhere to ride – however the provision of facilities is unchanged. Defra legislation has made the situation worse and many farmers are uncertain about rules and regulations of land use with regard to motor cycle events.

Reclassification of green lanes and closure of accessible trails and rights of way means riders lose access to what were legal routes. There is a general lack of understanding by Local Authorities about the new legislation. Some events that existed for 40 or 50 years are now being denied as authorities think they cannot carry on. Farmers think they will lose subsidies if they allow bikers access, which is not helped by ignorance at Defra.

Dave used the examples of hunting and dangerous dogs being banned – it can make a situation worse and illegal activity leads to anti social and potentially dangerous behaviour – walkers and motorbikes do not go well together. He felt there was an imbalance between the resources of Local Authorities, the Police and the task. With regard to the effect on the National Park in particular – we can either ignore the situation or try and work with groups, be proactive and address the problem – give people somewhere to ride and they will use it. He felt land owners should be encouraged to embrace the issue and encourage best practice.

Dave then spoke of the social and economic benefits of holding events in terms of controlled access. New NGB (national governing body) Recreational Guidelines covering sporting events ensure they are well organised - for example insurance, noise etc will be environmentally audited. Cooperation and partnership is needed or the sport will die out. He touched on the Off Road Registration Bill and would be happy to talk to any members of the forum in more detail.

Henry wanted to raise a number of points and felt that the distinction between organised competitions and unorganised recreational use seems blurred. He has no issue with organised competitions – it is the wholly irresponsible use which is a nuisance to residents. Dave Luscombe felt in terms of recreational use there is an assumption that people know where to ride but it is definitely unclear. Organisation required both sides to be organised – ‘this is where we want you to be’ – clear signage would discourage riders from going where they should not.

Terry endorses Henry’s view - he recognises that people want to enter competitions accessible from urban areas, but he is concerned about where is an appropriate place to have motorised vehicles – is a National Park compatible with that increasing sporting activity – particularly when there may be more routes available in future with all the claims being put in. He felt that responsible users are in a minority – the vast majority are totally irresponsible. These vehicles are built for speed and the National Park is not a place for such behaviour; however we should recognise responsible users. The Chair said our remit is in effect the Peak District National Park, so we are different to other LAFs - and he wondered if a different approach would be appropriate for National Parks? Dave said people want to enjoy the National Park on motor cycles so let’s work together to take advantage of the park and enjoy with as little environmental impact as possible. The expertise in this room should help us identify areas for use.

Charlotte Bright said as a horse rider she finds most bikers courteous – waiting for horses to pass and stopping engines etc. However, there is a route that goes across her land and riders do go off the track to challenge their riding skills. Is a way forward to have maps marked with designated routes – as we do for bridleways?

Lorna told the forum that her local community had reported an increase in motor bike use at night – and they seem to be being led by someone. The people leading these riders don’t seem to get permission. They are noisy and destructive.

Dave Luscombe said that there was a lack of police time to deal with these issues. We should have agreed and managed routes and bikers would prefer this – but there will always be some who will be illegal. Lorna felt that riding centres would be good but getting permission will be difficult – no one wants them in their back yard. Andrew Critchlow has some sympathy with the need to carry out this sport. If the National Park had courage they could encourage the surrounding urban areas to identify places such as brown field sites in Sheffield etc. Richard Pett responded that Rotherham MBC are currently trying to do just that – but were struggling with the NIMBY effect. Dave Luscombe reminded the forum that people will pay for permanent sites.

Andrew Critchlow felt that these ideas were contrary to the National Park ethos – as far as quiet enjoyment is concerned, he felt that existing planning legislation would prohibit development. He continued and brought up the lack of progress on clarifying the status of routes. With regard to Government – could funding be given to, say, Derbyshire County Council to sort out these routes – this really needs to be addressed at a national level.

Dave Luscombe said that development funding may be available – the ACU is currently working with Defra and DCLG.

Stuart felt it was not apparent that the ACU can address local community issues. Dave stated that these people are not members – people want to ride bikes and he cannot advise or educate those riding illegally. However if we don't do anything we will continue to get the same result – we have to take a different position. We should consider the concept of existing byways, along with legal and agreed access to routes. Richard Pett reported that DCC is active in this area. He also told the forum that Exmoor NP is looking into the provision of routes. Gill Millward said that in 2004 DCC had appointed an officer to deal with byway claims and the situation is being reviewed. Alison Salmen said that the sport is growing and the reality for residents is the noise issue - are resident's views taken into consideration in the National Park? The Chair felt it was important to have dialogue.

The Chair thanked Dave for coming to today's meeting.

Andy Farmer joined meeting at this point.

## **6. NPA Policy and Strategy on recreational motor vehicles**

Richard Pett advised the forum that survey work had concluded in the southern area of park – and reminded the meeting of the next stage - routes will be referred to one of two panels of assessors. The panel members will be nominated by their LAF and will consider what is appropriate. This puts a lot of power in the hands of the LAF at the next stage – we need to be very careful and clear about the way forward. DCC will come to the next meeting to tell us about this exciting opportunity. The next step is crucial - to identify routes with sustainability issues.

Richard Marshall told the meeting that in broad principle he is on board and in support. Some of the detail raises concerns – there have been discussions with DCC but the methodology for defining sustainability is not yet agreed. Despite requesting meetings progress has not been made at the speed he would like. In terms of specific areas – we have defined areas – this map shows another area – is DCC on board with this? He has concerns about what we are defining and which areas we are dealing with – some agreement is needed. A clearly defined area which is identifiable to everybody is important.

The Chair said we have addressed this in detail before and have agreed the process at every stage.

Richard Pett said that the National Park is a pilot area in Derbyshire – he agrees the need to have a very clear steer from DCC with a clearly defined aim for this forum.

Richard M felt that decades of neglect and under resourcing in Derbyshire have left a legacy of problems. Routes are incorrectly designated and therefore cannot be correctly signposted. There are issues in bringing the definitive map up to date and this should be prioritised through RoWIP.

Gill Millward confirmed that clarification of the legal status of routes is recognised in the draft RoWIP under Aim 2 and will be addressed within final plan. With regard to signage – in the next financial year DCC has funding to sign all restricted byways. If the status changes then signs will be updated.

The Chair would like clarification on the timetable for the assessment panels.

Richard Pett said copies of surveys have been provided but he would like to tell members how much work is going on and how significant it is.

Terry is concerned that SSSIs are included as part of the remit – but he feels this is a separate issue.

Richard Pett asked John Harker (Ramblers Association) to help identify sites. Logger Technology enables information to be sent to the police and they can help.

## **7. Defra Consultation on Traffic Regulation Order making powers**

Mike had sent a copy of this consultation to forum members – and emphasised the importance in terms of the powers of the National Park in dealing with vehicle use. There will be a step by step process which ends in proposals to give the National Park powers to make TROs. Views are welcomed - the National Park will be commenting separately but we need the thoughts of this forum – Mike will collate and forward to Defra.

**ACTION: ALL**

The Chair drew the meeting's attention to the 9 questions on page 21, annex C. It would be helpful to go through responses to these one at a time:

- 1) Henry Folkard welcomes this document – there is a need to draw a distinction with the National Park's special qualities and quiet enjoyment, wildlife conservation etc. The process may be the same but different weighting should be applied to National Parks and AONBs compared to other authorities.
- 2) Existing powers relate to highway authorities – the National Park is not a highway authority so there are differences in that respect.
- 3) Henry would like the list to state that road planings are not suitable – they may be cheap but are no good. Richard Marshall mentioned macadam, wooden blocks, prepared stone.
- 4) Terry Howard reminded the meeting that the 6 local authorities with highway responsibilities may each have a view. This is relevant to shared routes, also bridleways or footpaths. Also the Chief Officer of Police – all relevant forces should be involved. Adjacent LAFs may also have view or input - particularly for shared routes. Henry felt that with regard to mountain rescue teams, the BMC is considering its position on this and will make separate comments, but Mike Rhodes should ensure they are consultees. Lorna Wilson said local people should be involved via input to Parish Councils.
- 5) Chair suggested both newspaper and website.
- 6) On site publishing intention.
- 7) Henry suggested AONBs. Richard Marshall felt it important that National Parks should prepare a statement setting out grounds for making a permanent TRO with evidence to support it. The Highway Authority has a broader remit and duties which National Park does not. Richard Pett said the policy was put to Members on 9 February – this was deferred and Members asked for a seminar in April. Included in the policy was a report on every one. Richard Marshall said this would be good practice, helps understanding and openness.
- 8) Edwina – sufficient resources to implement are important.
- 9) Richard Marshall said part of the National Park remit should be to consider the wider impact – if one route is closed it displaces the problem to somewhere else.

Richard Pett understands the legislation will not come into effect until October 2007.

The Chair asked for further comments in next few days to Mike.

**ACTION: ALL**

Edwina spoke re page 29 - she suggested option 3 which was agreed by the forum.

Richard Pett said the Lake District experience is that TROs take much longer than you might think.

The Chair had attended an area community forum this month. He spoke with Chief Superintendent Flint and was not confident the police will be enforcing TROs. They are a low priority – the police will try and target problem areas but are not in a position to police TROs across the board.

## **8. Members' training**

Mike had circulated a report about training, following an invitation to members to suggest what training was wanted – the response was thin, so now is a second opportunity to give suggestions for a training programme. Mike, the Chair, Vice Chair and Gill will work up suggestions. Henry felt it would be useful to partly revisit the past and where we're going. An example is the open access mapping exercise last time round and the appeals process.

Richard Marshall had attended a Natural England public rights of way training session recently – was useful and he was disappointed other members didn't attend. The Chair acknowledged that it was difficult for members with full time jobs to attend. Richard M said a shorter but similar session with one of the trainers would be good. The Chair thought Steve Jenkinson may be useful to deliver training. Please send any suggestions and thoughts on potential training to Mike.

### **ACTION: ALL**

Edwina said a more comprehensive induction process would be useful, she had found it a steep learning curve to start with – possibly shadowing or meeting another LAF member? The Chair asked if perhaps Edwina could help with identifying a process. The members handbook, when produced, will be helpful in this respect. Still need local perspective.

Terry thought it would be good to revisit what the CRoW Act is about and would be useful for new members.

## **9. Response to DCC Draft ROWIP**

The Chair told the meeting that the sub group had met to formulate a response to DCC – a paper had been circulated. He felt it was an impressive document, a huge amount of consultation had taken place. The sub group felt that a 'vision statement' was needed, outlining key themes etc.

Richard Marshall was concerned about comments on page 2 under Theme C – access for everyone. He finds this somewhat incompatible with the role of the forum. Some forms of motor vehicle access are not compatible, some are. Chair asked about sustainability and what were the sub group thoughts?

Terry said that many routes are suitable for pushchairs, wheelchairs, the blind etc – but dodging vehicles is a real ordeal. Suggested routes have been shelved because of motorised vehicles.

The Chair thanked the sub group for their comments and felt that the notes reflected the personal views of members present. It was agreed to send the sub group's five recommendations to DCC.

Gill Millward welcomed comments and highlighted the availability of information on websites etc. She thanked everyone for their time and effort on the consultation process. Over 1000 responses had been received and Gill will bring the results back to the next meeting. If possible she would also like to bring the final version of the Plan to the meeting in June before going to full Council for approval.

## **10. ROWIP updates from other authorities**

### **Sheffield Draft ROWIP/Action Plan**

The Chair introduced Steve Tivey, from Sheffield City Council. Steve had brought along and circulated copies of the Sheffield draft RoWIP/action plan. He remarked that the meeting so far had made many comments relating to Derbyshire. He reminded the forum that a third (70 square miles) of Sheffield lies within the National Park. They felt it important to consult throughout with the Sheffield LAF and the document had their stamp all over it. In addition they had consulted widely with over 1000 copies throughout the city and with various organisations, including the NPA. There are 29 policies and statements of action. Steve said this was an improvement plan and not maintenance - to meet needs of users in the future. He said it was important to bear in mind with TROs that the highway authority has an absolute duty to make routes open and available – it is a primary duty, whereas the National Park has to protect the environment. The policies have been endorsed by members of the City Council. He would like to see a classification system with 1 being most and 5 least accessible.

He finished by stating that Sheffield City Council would like to be consulted on any TROs within their area.

The Chair said that part of the National Park lies within Sheffield too! And at the regional LAF conference it was recognised that the Peak District LAF and National Park will have many cross boundary issues. He hopes that Steve will attend future meetings – he would be very welcome.

The Chair asked for any comments on the Sheffield draft RoWIP to be sent to Mike who will pass to Steve Tivey. Mike will forward the website address to members to access copies of the Draft RoWIP, and hard copies were given to those without internet access.

Terry asked if this forum will respond to Sheffield CC and it was agreed to do so.

The Chair thanked Steve Tivey for attending.

Oldham MBC. Terry Cavanagh updated members on the Oldham MBC RoWIP – the preliminary statement of action produced in December 2006 had shortcomings and this has been addressed by looking at good practice, to enable the document to be reshaped. The Oldham draft consultation will be carried out in May/June/July which may be out of sync with this forum's meeting. Terry Cavanagh will circulate the draft when available and the Chair welcomed the opportunity for members to contribute/comment.

Cheshire CC. Amy Rushton reported that they have prioritised 4 main areas. They have been working with partners on the subject of horse riding routes; the local transport plan, they are developing an inspection programme and writing accessibility statements for every path - which will be available on the website. This will include a rating (a 5 star rating, with 5 being the most accessible, 1 the least). It was a long process and it will be another 2 years before all the county is covered. They have introduced a kissing gate scheme and are having a drive to replace all stiles with gates – and indeed have attracted funding to buy gates.

Richard Pett asked how Cheshire had obtained funding for gates. Amy reported that the Tourism Board had helped with funding the mapping of equestrian routes. They had also made an accessibility bid internally.

Henry commented on the classification systems – consistency may be an issue as 1 star could mean most accessible in one authority, least accessible in another.

Apologies had been received from Roy Malkin (Kirklees MBC)

## **11. Feedback from members**

### **Members**

Andrew Critchlow reported that he, Mike Rhodes and Andrew McCloy had attended an event provided by Natural England for all East Midlands LAFs. It was useful meeting Natural England staff and getting a feel for where they are going. Some LAFs have very different agendas to ours – we do not have much in common with some of the other East Midlands LAFs.

Andrew told the forum that the key theme of the workshop was access in terms of health. When Natural England was launched in October one main campaign was health and this was a recurring theme on the day – is this a way in to funding? There is a need to spend on the ground first to encourage those who are not natural users – Andrew had tried to make that point at the workshop.

Terry Howard stated that with regard to RoWIPs, authorities have to have a plan but not necessarily implement it. We have to make sure that RoWIPs are implemented in all authorities, as they may not be either because lack of resources or will. We must keep asking other authorities to provide finance for their plan. Each individual member must lobby local authorities for funding – it will not just be forthcoming. The LTP will not pay for RoWIPs – any finance will just go towards it. There has been a measure of success re funding in Sheffield by regular attendance and lobbying at scrutiny committees and authority meetings – Terry emphasised that we must continuously lobby.

The Chair agreed this was a good point and relevant to all the respective authorities.

Henry advised the forum that on 21 April at New Mills there was to be a celebration of the 75th anniversary of the Mass Trespass. The theme is building on the legacy – David Milliband and Barry Gardiner are scheduled keynote speakers.

Jon Clennell then read out the item that was to be printed in the Institute of Outdoor Learning's newsletter – this was agreed by members.

Paul Booker (Institute of Outdoor Learning) told the forum that the DARE organisation has gone and the IOL taken its place.

Mike gave some details on the afternoon's site visits – the theme being routes used by motor vehicles. Members will be visiting Edale – Chapel Gate, then Townhead Bridge.

Edwina suggested a presentation from a Community Health Board for a future meeting.

### **Chair**

The Chair drew the meeting's attention to the new guidance on LAFs. He said it is very readable and was pleased to say we are already doing a lot of it. The main change is that it is now easier to merge and change forum boundaries – perhaps more applicable to smaller forums. It was interesting to look through it to see the list of bodies we have a duty to listen to and advise. There is a greater remit for forums to look at non-recreational access to encourage and develop health plans. Access and physical recreation are to be brought up the health agenda – GPs are prescribing exercise rather than drugs. He felt this was very positive and may be something we should look at.

He felt the guidance is a helpful step and recommended that all members should look at the document.

**ACTION: ALL**

## **12. Any other business**

Gill Millward had circulated a paper on the 2006/07 survey results of BVPI 178 (the percentage of the total length of rights of way in the local authority area that are easy to use by the general public).

## **13. Dates of Next meetings:**

Thursday 14 June

Saturday 22 September

Thursday 6 December

The meeting closed at 1.05pm