

Peak District Local Access Forum

Minutes of the meeting held on Thursday 7 December 2006 at Losehill Hall

Members Present:

Jon Clennell	Richard Marshall
Andrew Critchlow	Barry Neville
Edwina Edwards	Geoff Nickolds
Henry Folkard	Richard Peart
Sarah Harlen	Keith Pennyfather
Terry Howard	Alison Salmen
James Kellie	Roger Wilkinson
John Lees	Lorna Wilson
Andrew McCloy (Chair)	

Others Present:

Mike Rhodes (PDNPA)	Andy Jones (PDNPA)
Jennifer Aird (East Riding of Yorkshire Council)	Bob Kelly (Ramblers Association)
Hazel Armstrong (Chair, East Yorkshire LAF)	Gill Millward (DCC)
Wayne Bexton (DCC)	Carol Parsons (PDNPA)
Sarah Ford (Barnsley MBC)	Richard Pett (PDNPA)
Andy Gardner (Kirklees MBC)	Chris Smith (Natural England)
Elaine Hill (DCIL)	Richard Taylor (DCC)
Sam Hollingworth (Kirklees MBC)	

1. Apologies

Apologies had been received from Stuart Elliott and Roy Malkin (Kirklees MBC).

2. Minutes from the last Meeting

The Minutes of the meeting on 28 September were agreed as a true and accurate record.

3. Matters Arising

Henry Folkard referred to an item on page 2 of the 28 September minutes – and asked if there was any resolution on the possible £300,000 extra funding for the National Park. Mike Rhodes advised that the £300,000 was unlikely to be forthcoming and in fact the Authority was facing further cuts. The Chair had written to Tony Hams and Jim Dixon reiterating concern regarding the access budget and offering full support with any approach to Defra.

Barry Neville told the meeting that he had attended a meeting last Friday (1 December) where Jim Dixon said they were waiting to hear from Defra – confirmation will possibly be given before Christmas. At the moment the Authority are planning for a no growth budget, working through a process of looking at key corporate outcomes and prioritising. Difficult decisions will have to be made. The February Authority meeting will consider the finalised budget. In addition, a special meeting is scheduled for 12

January. Things are not looking good – it may well be that there will have to be sacrifices and Barry cannot be more optimistic at present.

The forum requested that Barry make a verbal report at the next Authority meeting that the matter had been raised at this meeting and concerns raised.

ACTION BN

Andrew Critchlow asked if any progress had been made on access points with the Ordnance Survey. Andy Jones said that although the OS had been positive, no developments had taken place. However, Harveys maps are definitely going to publish access points on their maps. Andy is in the processing of scrutinising their maps to ensure all the access points are correctly located.

4. The Future for the Moors for the Future Project

Chris Dean was attending a meeting with Natural England regarding funding today so the Chair introduced Carol Parsons, Information Officer, Moors for the Future. Carol explained that currently there is only funding to 31 March for the project but she understands it is a priority for the National Park. There is nothing certain beyond that date. Carol handed out copies of the future strategy for the project – this had been agreed after consultation with partners. The three principle objectives are 1) to raise awareness and engender a sense of social ownership and responsibility, for the moorland landscape; 2) to restore and conserve important recreational and natural moorland resources; 3) to develop expertise about how to protect and provide a vehicle for sustainable management of moorlands into the future.

All objectives are equally important and will help with funding bids. There are two bids for funding currently being considered – other bids for funding for staff and other costs will continue to be made during January, February and March. External funding is required to carry on research work etc.

Andrew Critchlow had recently attended a Conference on moorlands – there is huge interest in moorlands generally due to theories about carbon stores and the environment, particularly with regard to climate change. He understood that the funding situation at Defra had been chaotic and the formation of Natural England had not helped.

Barry Neville said that at the June 2005 Authority Meeting it had been reported that bids relied on partners who in turn were funded by Defra – several organisations were waiting on Defra and cannot commit themselves. With external support (and a number of major organisations have been identified) the National Park may be looking more to them in the future for sources of funding (not just for MFF) for work towards national park purposes within the National Park – but not necessarily by the PDNPA itself. Chris Dean is actively trying to find funding from other sources but it is not a happy situation – especially for the MFF team. He said this project is of international significance – we need to continue the work of Moors for the Future.

Henry Folkard supported what Barry said – and also raised the issue of the White Peak. He felt the Vision Project was equally meritorious, and that it might be appropriate for the forum to hear about the Vision Project in the future. Barry stated that a paper had been received last week at committee regarding future work in the White Peak – a funding bid is currently in. There is as much to learn and to gain in the White Peak as the Dark Peak, especially in terms of working with communities. He felt we have to plan optimistically and if funding is not immediately available then be ready for when we can proceed.

5. NPA Draft off-road policy

By way of introduction, Richard Pett showed the forum some very large metal spikes found in Rotherham which had been deliberately driven into a byway to 'deter' motorcyclists, illustrating how contentious this issue is.

He had circulated a copy of the draft policy to members. He explained that the first point of the policy is to get a little common sense into the situation – the National Park should be seen as a disseminator of information. Traffic Regulation Order (TRO) powers are due to be granted to the National Park Authority in the near future (April 2007). Currently only the Highway Authority can issue TROs, of which there are three types:

- o Temporary – to allow works to take place
- o Experimental – for up to 18 months or
- o Permanent orders.

There are currently 3 orders (made by Derbyshire County Council) within the National Park. With regard to permanent TROs – the Park (or any other authority) will be obliged to consult widely; if there are objections we will have to consider whether to have a Public Inquiry – this situation is not as straight forward as a diversion order. Consideration of other users eg horse riders, the disabled, has to be undertaken. Richard stressed that this is not a panacea – the message that the National Park can ban vehicles from the countryside is simply not true – we have to work with users and the police as well as working closely with DCC. The draft policy, which has been circulated to members, should be seen as a first take on the situation (see Action 12). The policy is planned to go to Authority Members on 9 February 2007.

Initially the PDNPA will concentrate on Derbyshire and in a couple of years will go out to other constituent authorities. It is recognised that there is a need to promote understanding on all sides.

Richard Marshall responded by saying he was somewhat disappointed by the tone of the report – he felt that some of the language was misleading and confrontational. Public vehicular rights of way are not 'off road' – they are public rights of way. He felt that the National Park had consulted widely except for those most affected – vehicular users. There are 12 vehicle user organisations within this area – not one had been consulted which he thought was deplorable. He felt that users will not buy in to the hierarchy if it is seen that other partners are imposing their views. Regarding Annex A he had real concerns about the damage inasmuch as evidence is lacking. Policies should be evidential based, not based on opinions or prejudices and be objective, not subjective. Assessments need to be measurable. Richard M then summarised a presentation given by him to DCC and the PDNPA in 1999. A survey form and map had been drawn up, a condition survey (by users) started work in spring 1999, which was completed in March 2000. It was the intention that from then on, information would be shared with other users and a policy developed with partners. A code of conduct was to be produced, publicity to be made available of those free routes (proposed green routes), then monitoring would have been carried out and progress reports produced.

He continued that following consultation with the national park, information produced by users on routes was shared. There had been a hierarchy of trail routes initiative. Unfortunately this was put on hold after the 2000 CRoW Act. Users are faced with the issue that many routes (particularly in Derbyshire) are not classified. Derbyshire County Council had a duty to reclassify RUPPS – he understood that only 4 out of about 80 had been re-classified. The route status is not clear in many cases. Richard M believes that DCC has failed to carry out their duty and have not put resources into this area. In the Lake District the trail hierarchy was initiated by users – not the Park

Authority. He hopes that following from this meeting we can move forward with what was proposed in 1999. If vehicular users are alienated he felt it would be 'open warfare'.

Richard Pett was not aware of the previous report – he would welcome a meeting with Richard M and to work out a way forward. Regarding the point made about DCC – the PDNPA is not a highway authority but does have a lot of people on the ground. Education and promotion was needed on both sides. Richard P had met with user groups but he is the first to recognise that he doesn't have enough time to do as much as he wants – we definitely need the involvement of user groups. In terms of language it is a difficult balancing act. The public do see it as an off road issue and do not have a high level of knowledge about rights of way.

Richard Marshall felt that a lot of problems stem from the fact that routes are incorrectly signed, which can only be down to the highway authority. With goodwill on both sides it is possible to move forward. Richard Pett reiterated that the policy document is a start – it needs to be viewed as a flexible document and he wants it to work.

Jon Clennell believes it is an important issue and every support we can give to sensible negotiation should be encouraged. Henry Folkard welcomed the paper and approach – he acknowledged the willingness to review and amend as time goes on – but it will take time to work through what is a difficult, contentious and emotional issue. Peer group agreement and pressure is vital - we also have to take into account the view from the parishes – those most affected are local residents, not vehicle users. Many parishes will have strong views, people are affected in their daily lives and we need to represent that view at the forum too. Referring to Action 5, Henry felt that several key partners (local communities, parish councils) should be added to the list. He would like to commend the draft policy as a good start. With regard to self regulation, Richard Peart noted that it was extremely helpful with policy to deal with one body (for example the bird nesting agreement with the BMC). In this area alone, 12 user groups means that self regulation is much more difficult to make work. Richard Marshall felt that there were a small number of major bodies, so one channel of communication could work, cascading to individual clubs. However, it needs to be remembered that many people are not club members.

Andrew Critchlow spoke on the subject of signage – he wanted to know if there is agreed signage for things other than bridleways and footpaths. National Park officers and Defra had attended a meeting recently and 'public way' is used by most people. Information is needed on status before they can be signed. Andrew C said that funding and resources are needed if we are serious about tackling this issue – he felt it is fundamental to sort out, it could drag out for decades

Lorna reported on a recent Midland Motor Club weekend, where the members had helped make repairs after the event. It is accepted that events can be well managed in some cases but people do complain about noisy bikes etc

The Chair thanked Richard Pett for bringing the draft policy to the forum. He was pleased that Richard M will have a dialogue with Richard Pett. The Chair asked for any input about the policy to go direct to Richard Pett and the forum will see the policy at a later date.

ACTION: ALL

6. Presentation: Tackling illegal vehicular use

The Chair introduced Richard Taylor, Countryside Service Manager from DCC. Richard gave some background information saying that there has been a great deal of discussion from LAFs and users in Derbyshire, including a series of meetings with users - there are 13 groups on the consultative list for Derbyshire. He would be happy to talk with Richard Pett about the language in the report. He told the forum that illegal vehicular use was a very demanding challenge for all involved, resources are very tight – there is always a long battle to get any additional resource. This report is about illegal use – a quite different issue to where vehicles have a right to drive.

Richard gave a presentation on Illegal Vehicle Use and subsequent anti social behaviour. People are looking for thrills and escapism, an image, which is not good when combined with the easy availability of quads and mini motos. Many users are not members of groups or clubs- just individuals wanting to ride in their local area. They will break down fences and gates, with the consequence that walkers and cyclists are put at risk. Staff can talk to people but lack the legal powers to have an effect. Since January 2005 Derbyshire Countryside Rangers have linked with the North East Derbyshire Community Safety Partnership and Derbyshire Constabulary, carrying out special operations to track down offenders; applying legislation to deter re-offending. DCC has involved a wider partnership of local organisations including the public. The Police make use of DCC vehicles (as passengers, driven by DCC rangers) which has proved useful, providing off road access as well as the element of surprise. The Police have the power to seize and remove a motor vehicle (section 59 of the Police Reform Act 2002) and if not collected within 21 days (eg if it has been stolen) the vehicle is then crushed.

There has been good feedback from local residents – who realise they can make a difference by making a phone call. In addition, the Police presence also helps cut down on wildlife crime and anti social behaviour in the countryside. To close, Richard felt this is an on-going problem, with definite issues for the future.

Richard Marshall stated that some illegal off road use is easy to define, some is borderline (eg routes for which claims have been submitted under the 1981 Wildlife and Countryside Act) where the definitive map has not been corrected for some period of time. He cited examples where users on a legitimate right of way had been stopped by police on the assumption they are illegal – the users find this offensive and it doesn't help with buy-in from users for self regulation. Information regarding the status of rights of way should be in the public arena.

Gill Millward informed the meeting that the register of definitive map modification order applications or "claims" which the County Council has received to alter the legal record of public rights of way is now available on-line via the DCC website. She will e-mail the link to forum members. It is possible to search by various ways, postcode, parish etc. The site will give details of the application and will be kept up to date. As claims are resolved they will come off the register.

ACTION: GM

Andrew Critchlow asked if work on Rights of Way had been downgraded because of the lack of resources and is there a time frame for clarity of routes. Gill acknowledges that there is a resource issue and uncertainty is not helpful for officers, landowners or users. The legal process is unchanged – it is complicated, involving research, consultation, public inquiry – this can only proceed so fast. Currently there are about 350 claims in the system, probably 250 byway related claims. By comparison, the Yorkshire Dales have 9. This is obviously a result of being an accessible area with its associated problems.

Edwina Edwards expressed concern overall about young people being frightened by vehicles— updated maps and clear signage are necessary. Jon Clennell suggested that if we have to cope with this time frame can we at least have temporary signs saying 'subject to claim' or similar, so users - both vehicular and walkers/riders - are at the very least aware. Terry Howard felt that temporary signage may open the floodgates. The route has to be proved it is intended for vehicle use. Richard Pett said in terms of a pure health and safety issue, visitors/users might welcome a warning that vehicles may be on the route. Richard Taylor felt that legal advice should be sought on signage.

Richard Taylor said it was the build up of evidence and police crime numbers which highlights the issue. The Police are also under-resourced and need a strong evidence base to follow up any allegations.

The Chair thanked Richard Taylor for coming to today's meeting.

7. Presentation: Derbyshire Greenways – a Strategy for High Peak and Derbyshire Dales

The Chair introduced Wayne Bexton, Derbyshire County Council's Greenways & Pennine Bridleway Officer who gave a presentation.

The network of Greenways is continually developing; a 'Cycle Derbyshire' route map has been produced and was circulated at the last meeting. It is intended for leisure as well as commuting to work, school, shops etc – ideally culminating in less car journeys and therefore helping to reduce traffic congestion and pollution.

The East Derbyshire strategy was developed in June 1998, South Derbyshire in March 2006, with the West Derbyshire strategy currently being developed, and should be produced by March 2007. Consultation was being undertaken with parish councils, user groups etc –a letter had been circulated to forum members, please comment to Wayne regarding route suggestions or indeed possible limitations. Currently 254.75km of greenways are available in Derbyshire. Wayne has circulated a copy of slides and told the forum that although 22 December is the date for responding he would rather have comments late (ie beginning of January) than no response. **ACTION: ALL**

In terms of providing greenways in the National Park, it was proving difficult due to the lack of ex industrial sites and the consequential availability/opportunity.

Terry Howard asked if the routes are unsegregated. Wayne replied that so far, not segregating had worked very well. Terry explained that in an adjacent authority, shared routes are segregated for public safety. Wayne felt that each area had to be judged on its own merits. Any upgrading goes to public consultation - no motorised vehicles were allowed.

Edwina felt that if individuals did not have access to a vehicle (eg the converse to shopmobility in towns) it could be tricky. Wayne explained that the idea is that people will access from home - he would certainly contact Community Transport as part of the consultation process.

The Chair thanked Wayne very much for attending.

8. Derbyshire's Draft Rights of Way Improvement Plan

Gill Millward had circulated a report and copies of the Draft Rights of Way Improvement Plan to members prior to the meeting. In addition, a poster and consultation leaflet which summarises DCC's proposals, as well as incorporating a questionnaire, have been produced. We are now in the 3 month consultation period and would appreciate help from forum members in making people aware of the draft plan. Gill hopes that members' views are reflected in the main document – if not do please let her know. Comment could be by e-mail or letter – consultation is until 11 March 2007. If anyone would like a list of groups which are being consulted please let Gill know, also if any leaflets or posters are needed. Gill felt it would be good to have a formal response from the forum as well as those from individual members.

Many congratulations for producing the RoWIP were given to Gill from the Chair and this was warmly echoed by forum members.

Terry suggested that at the next forum meeting in March we could discuss feedback into the RoWIP. Gill asked for individual groups to please respond before then - but for the forum as a group the date could be extended. The Chair asked for a sub group to get together to discuss this - Terry, Richard Marshall, Andrew Critchlow, Lorna, James, Henry, Andrew McCloy, Edwina and Mike volunteered and will find a date to meet early in the new year. He asked that before the sub group meets, please note down your thoughts. The Chair stressed that the consultation deserves our most careful thought and considerations. It was agreed that the sub group would report back to the next LAF meeting on 17 March 2007.

ACTION: MR

Lorna gave some feedback on the questionnaire and felt that questions 1 and 11 are very similar.

9. ROWIP updates from other authorities

Mike reported that a written report had been received from Oldham MBC which he has circulated to members beforehand. Terry Cavanagh welcomes comments on the draft statement of action - contact details are in the report.

Terry said that Sheffield City presented their draft plan to the Scrutiny Board 2 weeks ago – it would be available for public consultation soon. The Council had been made aware of concerns re costs - over a 10 year period they exceed £6m – he felt they will have to be more imaginative on where funding is coming from as Government funding cannot be relied on.

Sarah Ford (Barnsley MBC) had brought along the Barnsley Local Access Forum annual report – copies are available at the back of the room. Their draft RoWIP should be available in the new year. £48m will be required over the next 10 years. Currently they have 265 outstanding claims, 75 of which are byways. These are currently being processed at the rate of 2 per year, with 8 new claims a year being received – Derbyshire is not in a unique position in terms of numbers.

10. Feedback from members Chair

The Chair reported back on the LAF Regional Event held at Losehill Hall in October. It was a busy, lively day where Terry and Henry had made contributions on behalf of the Peak District LAF – these presentations were greatly appreciated and it certainly added to the debate. Information had been circulated to Defra, Natural England and Barry

Gardiner that it was a very successful day and the Chair thanked all those who took part from this forum. Jon Clennell expressed congratulations from all members to the organisers for running such an excellent day. He has approached the Institute of Outdoor Learning and the Chief Executive has expressed an interest in making a link with the forum which could be useful. Jon will send a copy of the report of the event to her along with the LAF annual report.

Chris Smith (Natural England) felt it was a timely event, which raised the profile of the forum. The idea of further Regional LAF meetings will be pursued.

The Chair reported that Henry had been enlightening MPs in terms of the forum and Angela Smith, MP for Sheffield Hillsborough, will be attending the next meeting.

Henry Folkard then spoke about Bleaklow and MMC's activities on Longstone Edge. He gave background information on the 1952 permission which is valid until 2042. There has been a long, complex contentious history on this site where developments exceed others in the lasting and detrimental effect on the landscape, biodiversity and quiet enjoyment of the National Park. A Public Inquiry in the autumn of 2005 was adjourned until February 2007. The NP Authority issued a stop notice in Backdale which resulted in work commencing at Wagers Flat. Beech Rod is also vulnerable and the situation at Peak Pastures is currently unclear. The legislation pertaining to Backdale means that the operator interprets legislation how he thinks best. When the permission was granted in 1952 works were very different (ie mainly manual) to the extractive power of modern machinery and carries no requirement for remedial work. Additionally loopholes in the 1995 Act make it unenforceable retrospectively. If the National Park should lose the Public Inquiry the public right of way across the edge will go – there will be no edge. The NP is facing a potential penalty it cannot afford, unlike other local authorities it cannot raise income through the general rate. Henry felt the PDNPA should have support from both voluntary and statutory bodies, and that it would also be helpful to state at the Public Inquiry that letters of support had been received. The forum had previously made comment on the A628 proposals.

Edwina had experience of trying to take groups around the area where signage was poor and diversions not good – she felt we have responsibility to raise this as an issue.

The Chair reminded the forum that we are a statutory body, not a campaigning body and planning issues are not in our remit. However, as this matter touches upon access, recreation and rights of way it is legitimate for us to make comment. Andrew Critchlow's view was that it indeed was very legitimate for us to express comment about public rights of way but he would strongly urge us not to get into the issue of quarrying – the national need for fluorspar is debatable and it is not our remit to do so.

The Chair felt that the A628 point was a good comparison, if we focus on access and recreation issues we could make similar comment (in that particular case a general view was expressed via a letter to DCC). The Chair suggested he should write with concerns about difficulties on public rights of way and the potential threats to them – this was agreed by forum members.

ACTION: CHAIR

Members

Jon Clennell had been in touch with the Peak Park Parishes Forum who welcome the idea of having snippets of information in the 'Parish Speak' newsletter. It was suggested that we make use of the local expertise in Bakewell U3A – they have 100 members walking on a regular basis. U3A and ramblers are very useful for footwork.

The report on the Regional Conference had been circulated.

11. Any other business

Reporting via various letters in newspapers about the National Audit Office report that very few ramblers had been encountered on open access land and people were not exercising their right to roam, Terry drew attention to access signs being removed and barriers being put up – a letter has been circulated regarding an area near Moscar. A gate had been secured/blocked and barbed wire erected to stop access. A solicitor has been asked to confirm whether it is common land and so far it has been 3 years without an answer. Terry would like a letter to go to the Sheffield solicitor to clarify the situation, then access could be provided. Currently we cannot exercise the right to roam. Mike Rhodes reported that the owner does not reply to letters or phone calls.

Andrew Critchlow suggested that Defra could clarify the situation. Chris Smith said if it is shown on the open access map as common land it must be so and there should be a right of access and the access authority has to use powers. The Chair felt Mike should pursue through the usual means rather than send a letter from forum. Chris Smith and Mike will talk about this.

ACTION: MR AND CS

Sarah Harlen understood that there had been a review of the ranger service – could a future meeting be updated with the outcome please. Barry Neville replied that this was a review in the present tense and a report will be available in April 2007.

12. Dates of next meetings:

Saturday 17 March 2007

Thursday 14 June

Saturday 22 September

Thursday 6 December

The meeting closed at 1.10pm.