

South Yorkshire and North East Derbyshire Area

Access, Countryside and Rights of Way

24th September, 2012

Scout HQ, Trippet Lane, Sheffield, S1 4EL

Present: Allen Pestell (Barnsley and Penistone), Les Seaman (Sheffield), Basil Merry (Chesterfield), John Newrick (Chesterfield), Philip Wells (Dearne Valley), Terry Howard (Sheffield), David Gadd (Doncaster).

Apologies: Cath McKay (Sheffield).

- 1 Terms of Reference.
Draft Terms of Reference were agreed. They will be circulated for further consideration.
- 2 Election of Officers.
Allen Pestell was unanimously elected as Chair.
David Gadd was unanimously elected as Secretary.
- 3 Traffic Regulation Orders
Derbyshire CC has issued TROs for Long Causeway and for The Roych. It was agreed that ACROW, on behalf of Area Council, would write to DCC in support of each application. Further, all Groups and individual members would be encouraged to do likewise.
The Area Council letter would include reference to the fact that Long Causeway is an SSI, that for both locations public safety, erosion and the cost of repairing the routes following use by motor vehicles, the cultural heritage, the wildlife, the noise caused by motor vehicles, the dangers posed by motor vehicles to spooking horses, are all significant issues.
The public are invited to give their views on whether there should be a permanent ban on trail bikes, quad bikes and four-by-fours on these two green lanes on the Peak district National Park website at www.peakdistrict.gov.uk. This is a national park, so anyone is welcome to contribute their views. The consultation closes on 2nd November.
- 4 Sheffield Moorland Partnership
The SMP have been carrying out consultations regarding their management of the Upper Derwent, Bleaklow and High Peak moors. It would be helpful if Groups and individuals let the National trust know that they are doing a good job in managing the moors. Information on www.high-peak-moors.co.uk.
- 5 Stanage Edge/North Lees Estate
Peak Park are selling the land but, contrary to rumour, there are no plans for any significant changes. The current management plan will be protected. The Stanage Forum will continue to be involved.
- 6 The Sheffield Moors Partnership
The National Trust/RSPB Management Plan includes an increase in cycle tracks, although without any major upgrades to the tracks. There is a public consultation taking place, including several roadshows, and comments are welcome on www.sheffieldmoors.co.uk.
- 7 Kinder Events
Following the successful 80th anniversary events earlier this year it has been decided to hold an annual event, a lecture or an access event to celebrate 'The Spirit of Kinder'.
- 8 The issue of what criteria are applied for issues concerning rights of way problems was raised. It was agreed that there are no specific criteria, that each case is considered on the evidence. The secretary agreed to contact central office to clarify the situation.

Next meeting: 6.45pm, 26th November

Response to agenda item 8 received from Janet Davis at central office:

The assumption is that the procedure set out at sections 130A-130D in the Highways Act 1980 is appropriate.

The basic situation is as follows. You do not need authorisation from central office to serve Form 1 of the procedure because this does not commit us to legal action. Very many Ramblers volunteers have served Form 1 on their highway authority and that has done the trick – the obstruction has been removed and there has been no need to proceed to court.

No costs arise in connection with the service of Form 1 (other than the obvious immediate practical costs of postage, etc.). However, even when contemplating serving Form 1 we do advise that you have a chat with a member of staff (Janet Davis or Eugene Suggett) just to make sure that all of the circumstances are appropriate (remember that s.130A is quite limited in the type of obstruction it can relate to).

If Form 1 doesn't work and you do want to proceed to court then you must have central office authorisation. In most cases, unless you were confident that you could handle the magistrates' court hearing yourself then we would actually instruct a solicitor to act for you and we would need to sure that we had a sound case before we proceeded. An award of costs against us is a very real possibility if we lose, and even if we win there is the prospect of an appeal in the Crown Court, where further costs could easily be incurred. If you were contemplating going to court then it is very important that you come to central office in good time with your case (you only have six months from the service of the initial notice, although you cannot proceed to court until two months have expired).

Further information about the support available from central office can be found in the attachment to this message but please note that Adrian Morris is no longer our team leader, Nicky Philpott is now in that role and Emily Shaw is the Campaigns Administrator.

Further information on the s.130A etc. procedure can be found here:

http://www.ramblers.org.uk/rights_of_way/take_action/get_an_obstruction_removed.htm