

South Yorkshire and North East Derbyshire Area

Access, Countryside and Rights of Way

8th February, 2016

Quaker Meeting House, St James Street, Sheffield, S1 2EW

Present: Allen Pestell (Chair), David Gadd (Secretary), Cath MacKay, Basil Merry, Jez Kenyon, Terry Howard, Les Seaman.

Apologies: Philip Ryder, Philip Lee.

Minutes of the meeting of 23rd November, 2015

These were agreed as being correct.

Matters arising

TH said that Angela Smith, MP, had called a meeting, held on 6th January, regarding the Network Rail/ Wharnccliffe Crossing matter. Janet Davis attended from Central Office, along with Ramblers and PNFS representatives. The case for its continued use was made, and Network Rail agreed that the case was persuasive. It was agreed that the best way forward was for the crossing to continue as a permissive path. We are now waiting to see if Network Rail agree to this.

JK added that three Areas are making legal cases for railway crossings but Network Rail say that trespassing is occurring.

Access matters

Rod Moor has now been gated, although there is only the one entrance/exit.

It was noted that a well-known landowner on Saddleworth Moor had erected notices saying 'Private: Keep Out', which, on access land, is not accurate. However, his actions are understandable given the problems caused by non-walking trouble-makers.

Countryside matters

It was noted that, if HS2 comes into being, there will be a footpath gain, with a footpath running alongside it.

Rights of Way matters

Information has been received from GLEAM (the Green Lanes Environmental Action Group - anti vehicles using green lanes) regarding the issuing of s59 warnings by Forestry Commission workers. This is a response from the Chair of GLEAM in response to a posting on the GLASS (Green Lanes Association - pro vehicles using green lanes) Facebook page.

Under s59(1) Police Reform Act 2002 a constable in uniform who has reasonable grounds for believing that a motor vehicle is being used without lawful authority -

- * on a footpath, bridleway or restricted byway, or*
- * on any common land, moorland, or other land not being part of a road, or*
- * on a road or other public place without due care and attention, or without reasonable consideration for other users,*
- * and is causing, or is likely to cause, alarm, distress or annoyance to members of the public, has the powers set out in s.59(3).*

Under s.59(2) a constable in uniform has the powers in s.59(3) if he has reasonable grounds for believing that a motor vehicle has been used on any occasion in a manner falling within s.59(1).

Under s.59(3) those powers are-

- * if the motor vehicle is moving, to order the person driving it to stop the vehicle;*
- * to seize and remove the motor vehicle;*
- * for the purpose of exercising the power in a. or b., to enter any premises (but not a private dwelling house) on which he has reasonable grounds for believing the motor vehicle to be;*
- * to use reasonable force, if necessary, to exercise the powers in a. to c.*

In other words, the constable does not have to witness the offence himself. He only has to have reasonable grounds for believing that the offence was committed. Hence employees of the Forestry Commission may have witnessed the offence, reported it to the police and asked them to take action under s59. After all, they are a perfectly credible organisation. (I have done this myself on several occasions, as a member of the public who was annoyed by vehicles that were causing damage to public rights of way without reasonable consideration for other users.)

If you would like to learn more about s59 look at the GLEAM website: www.gleam-uk.org/guidance/police-reform-act-2002/

BM reported that Derbyshire CC had reviewed their RoW service, an important change being that service times (remedying RoW problems) had been extended. They were also reviewing countryside assets. Significant redundancies were inevitable. See the DCC website for further information. The Derbyshire Ramblers RoW committee is meeting on 13th February to consider a response. TH said that the Peak District and Derbyshire LocalAccess Forums were also responding.

JK asked the hypothetical question re how much money is needed to maintain a RoW network. TH suggested that it was impossible to answer, since local authorities could tap into other budgets to fund specific RoW items. BM said that there used to be a nationally agreed standard of footpath ease of use, which DCC is still using. However, in a relatively few years Derbyshire score had dropped from 70+% to 56%.

The issue was raised regarding the possibility of individuals/Ramblers dealing directly with landowners regarding RoW problems i.e. cutting out the landowner, with the vast majority of landowners probably keen to maintain rights of way. It was noted that landowners can be found via the Land Registry website.

AOB

The training being offered by Ramblers in Manchester re Lost Ways was noted. TH said that the Sheffield Group might follow-up this training with some training locally.