



**MID-LINCOLNSHIRE LOCAL ACCESS
FORUM
21 JULY 2015**

PRESENT:

Representing Lincolnshire County Council: Councillors D McNally

Representing North East Lincolnshire Council: Councillor Iain Colquhoun

Representing Independent Members: Dr Chris Allison, Sheila Brookes,
Deborah North, Chris Padley, Colin Smith, Richard Graham and Peter Skipworth

Officers: Steve Blagg (Democratic Services Officer), Chris Miller (Countryside Access Manager) and Andrew Savage (Senior Countryside Access Officer)

1 QUESTIONS FROM MEMBERS OF THE PUBLIC

Officers in response to questions from members of the public stated that the County Council were examining opportunities to link rights of way in the Coastal Country Park and because of limited financial resources it was currently only possible to cut the grass twice a year on the rights of way network.

With regard to proposals for a coastal footpath around the shoreline of the UK officers were discussing proposals with Natural England for that part of the coastal route along the Lincolnshire coast line. The expected completion date for the Lincolnshire route was early 2018.

With regard to the creation of a right of way on the former railway line which ran along the coast to Mablethorpe, this was being examined by officers in consultation with the Wildlife Trust and Mablethorpe and Sutton Town Councils.

2 ELECTION OF CHAIRMAN

RESOLVED

That Chris Padley be elected Chairman of the Mid Lincolnshire Local Access Forum until the AGM of the Forum in 2016.

3 ELECTION OF VICE-CHAIRMAN

RESOLVED

That Dr Chris Allison be elected Vice-Chairman of the Mid Lincolnshire Local Access Forum until the AGM of the Forum in 2016.

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4 APOLOGIES FOR ABSENCE

Apologies for absence were received from Sandra Harrison, Councillor Denis Hoyes MBE and Ray Shipley.

5 MINUTES OF THE PREVIOUS MEETING OF THE MID LINCOLNSHIRE LOCAL ACCESS FORUM HELD ON 28 APRIL 2015

RESOLVED

That the minutes of the previous meeting of the Mid Lincolnshire Local Access Forum held on 28 April 2015, be agreed as a correct record and signed by the Chairman.

6 ACTIONS ARISING FROM THE PREVIOUS MEETING (IF NOT ALREADY ON THE AGENDA)

6a De-Regulation Bill (Minute 63(b))

Officers stated that there was nothing significant to add in connection with the implementation of the Deregulation Act 2015, since the previous meeting of the Forum. Officers gave a brief explanation of the effects of the Act which included the following:-

1. The ending of the opportunity to apply to have routes added to the Definitive Map and Statement based purely on historical information.
2. A new system of processing Definitive Map Modification Orders to make them less adversarial.
3. A "right to apply" for a Public Path Order (currently the Council was not obliged to accept applications to divert or extinguish public rights of way and had no need to provide reasons why an order would not be pursued.

Officers stated that they were uncertain about the certain aspects of the Act particularly affecting Public Path Orders because Regulations were still awaited from Defra in connection with the implementation of the Act.

Officers responded to comments including the opportunity to extend the cut-off date from 2026 to 2031 to have routes added to the Definitive Map and Statement although Defra was not keen on this extension.

RESOLVED

That officers submit a report on the effects of the Deregulation Act 2015 to the next meeting.

7 ALISON HEALEY - RETIRING MEMBER AND WELCOME TO NEW MEMBER - DEBORAH NORTH

The Chairman welcomed Deborah North, representing disabled interests on the Forum, to her first meeting of the Forum.

The Chairman referred to the Alison Healey's retirement from the Forum adding that Alison had been the first Chairman of the Mid Lincolnshire Local Access Forum.

RESOLVED

That Deborah North's appointment to the Forum be noted and that the Chairman write a letter to Alison Healey to thank her for her service to the Forum.

8 PAST CHAIRMAN'S REPORT

The Chairman stated that he had not prepared a "Past Chairman's" report and referred members to his statement in the "Chairman's Introduction" in the report at minute 9. NOTED.

9 JOINT ANNUAL REPORT 2014/15

Officers presented the Joint Annual Report 2014/15 in connection with the work of both the Mid Lincolnshire and South Lincolnshire Local Access Forums.

Officers drew attention to certain aspects of the report including the preparation of leaflets on rights of way for the disabled; the installation of Interpretation Panels to provide information on places of interest for the public on a right of way; a request for members to ask people if they were interested in becoming a member of the Forum; that Natural England no longer supported the work of Forums on a daily basis and the need for both Forums to provide their views to the County Council on three priorities for access for the year ahead.

Comments made by the Forum in connection with the three priorities for the year ahead included:-

1. The need for public bridleways in the SixHills/Hainton area of the Wolds.
2. The need for induction training on the role and responsibilities of the Forum to enable the Forum to respond to consultation from Natural England about the coastal footpath.
3. The identification of Lost Ways before the cut-off date of 2026.
4. The need to avoid the loss any rights of way through either financial constraints or the cut-off date for Lost Ways in 2026.
5. The need to provide training for new members on the role and responsibilities of Local Access Forums.
6. Some rights of way could be improved if the missing links were found.
7. The need to use Parish Council notice boards to publicise vacancies on the Forums.

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8. The need to establish a data base so that the public could access information about Lost Ways.

The Forum agreed its three priorities as follows:-

1. Training on the processes involved for a coastal footpath so that the Forum was able to advise the County Council.
2. To ensure that the County Council understood the processes involved in finding Lost Ways and missing links to those Lost Ways before the cut-off date of 2026 and that the Forum provides guidance to the Council on this matter. The Council should ensure that the Forums were aware of the implications of the Deregulation Act on this matter.
3. The processes involved in the restoration of the rights of way network in the coastal area.

RESOLVED

(a) That the Joint Annual Report 2014/15 be noted.

(b) That the three priorities agreed by the Forum for inclusion in ROWIP 2 be sent to the County Council.

(c) That officers investigate the use of Parish Council notice boards to advertise vacancies on the Forums.

(NOTE: Councillor Daniel McNally left the meeting at 7.05pm and left photographs for tabling in connection with minute 15).

**10 PROPOSAL FOR FUTURE PERMISSIVE ACCESS IN STEWARDSHIP
SCHEMES - CONSULTATION**

The Forum considered draft reports in connection with permissive access received from John Law, a member of the South Lincolnshire Local Access Forum. John Law, by his reports, hoped to influence both Natural England and Defra on the importance of retaining permissive access. John Law hoped to obtain the support of other Local Access Forums on this matter and to raise the matter nationally because of its national importance.

Officers stated that landowners would no longer be paid by Defra for Higher Level Stewardship schemes.

RESOLVED

That John Law's reports be supported.

11 ORDNANCE SURVEY - THE RECORDING OF "ROUTES WITH OTHER PUBLIC ACCESS" (ORPA)

The Forum received a report in connection with the recording of "Routes with Other Public Access" (ORPA).

Officers stated that ORPA were shown by the Ordnance Survey on their commercially available mapping as either green or pink dots depending on which series of maps were being used. The notation on the maps did not inform the public what rights of way might apply for these routes but there appeared to be a general presumption that vehicle routes would apply.

The history of how ORPA came to be mapped by Ordnance Survey was explained. Officers stated that the recording of an ORPA conferred no status to the highway because the information was taken from the List of Streets which only recorded whether a route was maintainable at the public's expense and the only safe assumption that could be made for routes on the List of Streets was that public footpath rights applied. The routes on the List of Streets carried motor vehicular rights although this was subject to potential extinguishment following the Natural Environment and Rural Communities Act 2006.

Officers in response to comments made by the Forum stated that it was at the discretion of Ordnance Survey's which Listed Streets were added.

The Forum noted the effects of the Deregulation Act 2015 on unrecorded highway rights which would be extinguished if they existed before 1949 and noted that the regulations would have "savings" for routes already shown on List of Streets but any higher rights on the bridleway sections would be lost.

The Forum agreed that it was important that research was carried out and an application to amend the Definitive Map and Statement was made to ensure that rights were preserved.

RESOLVED

That the comments made by the Forum in connection with ORPA be forwarded to the Council.

12 BIG PATHWATCH ON 13 JULY 2015 - ORGANISED BY THE RAMBLERS

The Forum was provided with details of an initiative from the Ramblers called the "Big Pathwatch" aimed at motivating the public to survey the rights of way network in England and Wales and then to report their findings to the Ramblers website or apt.

The public was required to respond to three questions being asked by the Ramblers and these were outlined in the report.

The Forum gave its support to the Ramblers' initiative and members were asked to disseminate the information to the public wherever possible.

RESOLVED

That the Ramblers' "Big Pathwatch" initiative be supported and that Forum members disseminate the information to the public.

13 HAUGH RIGHTS OF WAY - FURTHER DEVELOPMENTS

The Forum considered an item by Pete Skipworth in connection with rights of way at Haugh and the clearance of rights of way generally.

Pete Skipworth stated that he had undertaken to do some research on rights of way at Haugh and stated that he had received a letter from East Lindsey District Council in connection with the non-compliance of a planning application by a local farmer in connection with a footpath which had been enclosed. He stated that the enclosure had been granted by East Lindsey District Council at the same time as the footpath had disappeared. He asked whether there was a requirement that District Planning Officers (DPAs) should examine the Definitive Map and Statement when considering planning applications. He stated that he had also received a reply from Merton College, Oxford, who owned the affected land at Haugh, and they had stated that they would investigate the blockage of footpaths in the area.

Comments made by the Forum included:-

1. It was the responsibility of DPAs, not the County Council, to examine the Definitive Map and Statement where planning was likely to affect a PROW.
2. The increased threat to footpaths from development.
3. Some DPAs were better than others in sending planning applications to bodies like the Ramblers.
4. North East Lincolnshire Council sent information about planning applications to its Councillors as did Lincolnshire County Council.
5. There was an obligation on landowners to clear obstructions and to ensure rights of way were maintained on their land.

Officers' responses included:-

1. They agreed to remind District Planning Authorities Group of their responsibility to examine the effect of planning applications on rights of way.
2. They agreed that some District Planning Authorities were better than others in investigating the effects of planning applications on rights of way.
3. Merton College, Oxford was one of the largest landowners in Lincolnshire.
4. Resource issues affected the ability of the County Council to examine all blockages of rights of way.
5. Officers agreed to discuss the legal options available to Pete Skipworth outside of this meeting.

RESOLVED

That officers remind the District Planning Authorities Group of its responsibility to examine the effects of planning applications on rights of way.

14 LINCOLNSHIRE COASTAL COUNTRY PARK ACCESS AND RECREATION GROUP UPDATE

The Forum received a report from Richard Graham in connection with progress of the Lincolnshire Coastal Country Park (LCCP) Access and Recreation Group. Richard Graham stated that there was still a lot of work to do in consulting various bodies in the area, e.g. landowners and Parish Councils about rights of way issues and the coastal access path which would run through the Coastal Country Park area. Richard Graham stated that it was good news to hear that a landowner had agreed to an extension of the rights of way on the former railway line in the area.

Officers stated that Robin Carr's (appointed by Lincolnshire County Council to examine, amongst other issues, rights of way in the area) report was imminent.

RESOLVED

That the progress report submitted by Richard Graham on the work of the LCCP Access and Recreation Sub-Group, be noted.

15 OBSTRUCTION OF ROUTE FROM SALTFLEET PARADISE (BLACKBRIDGE) TO SEAVIEW ACCESS

The Forum considered a request from Sandra Harrison to examine the lack of consultation by the Environment Agency to their obstruction of a well known route from Saltfleet Paradise (Blackridge) along the foot of the Seaside dunes through to Seaview access. Councillor Daniel McNally had previously tabled some photographs which showed the problems being encountered.

Comments by the Forum included that the Environment Agency had a public duty to inform and consult the public before any erecting any signage on a right of way.

Officers agreed to investigate this matter and report to the next meeting of the Forum.

RESOLVED

That officers investigate the issues and report to the next meeting of the Forum.

16 LINCOLNSHIRE COUNTY COUNCIL COUNTRYSIDE ACCESS AND RIGHTS OF WAY IMPROVEMENT PLAN - UPDATE

The Forum received a report on the progress made in the implementation of the Lincolnshire Countryside and Rights of Way Improvement Plan. Officers stated that this year's programme aimed to make the footpaths more accessible. Officers stated that ROWIP2 was delayed due to organisational changes within the County Council and that it would be presented to the Forum in due course.

RESOLVED

That the report be noted.

17 NORTH EAST LINCOLNSHIRE COUNTRYSIDE ACCESS AND RIGHTS OF WAY IMPROVEMENT PLAN

The Forum received a report from North East Lincolnshire Council in connection with the progress made in the implementation of their Countryside Access and Rights of Way Improvement Plan.

Councillor I Colquhoun stated that the Council was trying to move matters forward in connection with footpaths and officers had been asked to bring any problems to the attention of members one at a time so that they could be resolved. With regard to the reinstatement of footpath 72 a report had been requested in September and that if it was not possible to get agreement amongst all of the parties concerned then the original proposals for this footpath would be enforced by the Council.

RESOLVED

That the report be noted.

18 LINCOLNSHIRE COUNTY COUNCIL PROGRESS OF DEFINITIVE MAP MODIFICATION ORDERS WORK

The Forum received a report from Lincolnshire County Council in connection with the progress of the Definitive Map Modification Orders work since the inception of the current prioritisation policy and current caseloads.

Officers stated that it had not been possible to address all of the enquiries which had been received due to the on-going changes to the structure of the Countryside and Access department and the shortage of administrative support.

Officers stated that for future reports they would produce a link to all past cases of Definitive Map Orders to reduce the amount of paperwork issued to the Forum.

RESOLVED

That the report be noted.

19 NORTH EAST LINCOLNSHIRE PROGRESS OF DEFINITIVE MAP MODIFICATION ORDERS

The Forum received a report from North East Lincolnshire Council in connection with the progress of Definitive Map Modification Orders. The Forum did not have any comments on the report.

RESOLVED

That the report be noted.

20 LINCOLNSHIRE COUNTY COUNCIL PROGRESS OF PUBLIC PATH ORDERS

The Forum received a report from Lincolnshire County Council in connection with the progress of Public Path Orders. Officers agreed that there it had not been possible to make any improvements to the rights of way network since the report to the last meeting on this matter apart from tidying up various legal issues. In response to a comment officers stated that Ordnance Survey was informed very quickly of any changes to the rights of way network.

RESOLVED

That the report be noted.

21 NORTH EAST LINCOLNSHIRE PROGRESS OF PUBLIC PATH ORDERS

The Forum received a report from North East Lincolnshire Council in connection with the progress of its Public Path Orders.

In response to a comment Councillor I Colquhoun stated that the Variation Order to correct a mapping discrepancy for the public footpath at Ashby Cum Fenby the Order had been resubmitted to the Secretary of State and a reply awaited. He stated that there was a need to follow procedure and the public were able to object again to the Variation Order even though the Secretary of State had approved the original Diversion Order.

RESOLVED

That the report be noted.

22 DATE AND TIME OF THE NEXT MEETING

The next meeting was arranged for 2.00pm on Tuesday 20 October 2015 at the County Offices, Newland, Lincoln.

The meeting closed at 8.05 pm