



**MID-LINCOLNSHIRE LOCAL ACCESS
FORUM
23 OCTOBER 2018**

PRESENT: CHRIS PADLEY (CHAIRMAN)

Representing Lincolnshire County Council: Councillor C L Strange

Representing North East Lincolnshire Council:

Representing Independent Members: Dr Chris Allison, Sheila Brookes,
Richard Graham, David Salkeld, Ray Shipley and Colin Smith

Officers: Steve Blagg (Democratic Services Officer), Christopher Marsh (Senior Highways Officer (Countryside)), Chris Miller (Team Leader for Countryside Services) and Matthew Sharpe (Assistant Highways Officer (Countryside))

Also in attendance:

15 QUESTIONS FROM THE PUBLIC

There were not any questions asked by the public.

16 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Bill Aron, Sandra Harrison and Helen Pitman.

17 MINUTES OF THE PREVIOUS MEETING OF THE MID-LINCOLNSHIRE LOCAL ACCESS FORUM HELD ON 3 JULY 2018

RESOLVED

That the minutes of the previous meeting held on 3 July 2018, be approved as a correct record and signed by the Chairman.

18 DECLARATIONS OF MEMBERS' INTERESTS

Chris Padley stated that he owned land which crossed the Claxby Byway but did not actually affect the Byway. He stated that he would leave the meeting while this item was discussed. (Minute 25).

19 ACTIONS ARISING FROM THE MINUTES OF THE PREVIOUS MEETING OF THE FORUM IF NOT ALREADY ON THE AGENDA

**20 UPDATE ON THE REORGANISATION OF LOCAL ACCESS FORUMS
FOR LINCOLNSHIRE**

Officers stated that a meeting had taken place with legal services about the proposal to have one Local Access Forum for Lincolnshire and legal had stated that there was a need for Rutland County Council to take formal action to remove itself from the South Lincolnshire Local Access Forum and then to create a separate Forum for Rutland. Officers stated that it was proposed to have one new reconstituted Forum for Lincolnshire (including North East Lincolnshire) in place by the AGM in July 2019.

21 PRESENTATION OF THE VERGE BIOMASS PROJECT

The Forum received a presentation in connection with the Verge Biomass Project by Helen Jenkins-Knight, the County Council's Sustainability Project Officer. She stated that the process involved a machine cutting grass on the verge which was then transported to an Anaerobic Digester for conversion to energy for the national grid. She stated that the process was supported by farmers, encouraged biodiversity and protected hedgerows. The cost of the machine had been met 50:50 between farmers and the Lincolnshire Local Enterprise Partnership (LEP).

Helen Jenkins-Knight stated that grass cutting had been affected by the weather this year and there had been issues with hogweed and cow parsley. She stated that there had also been issues with obtaining an Environment Agency permit due to the type of material which went into the Digester. She stated that Highways England was examining the cutting of verges alongside the M180 in north Lincolnshire and that if this was successful it would then be possible to role the project out along their highway network.

Comments by the Forum included:-

- The maintenance of Green Lanes in the county was a problem and it was hoped that this project would help in this respect.
- In response to comments by the Forum, officers stated:-
 - The area of 370 hectares of grass detailed in the presentation was from the whole of the county and interest had been shown in the project by the National Trust and others.
 - Ragwort was destroyed in the Anaerobic Digester.
 - The timing of cuts was carried out in line with a recommendation from the Wildlife Trust but more flexibility was required based on the weather.
 - Contact had been made with farmers in the East Lindsey area about the project in the first instance.
 - Ideally, it would be good to cut the whole of the verge but only a 1.2m strip was currently cut. There was no risk to wildlife as the machine was noisy.
 - Litter was not a problem on B and C roads and the machine avoided bends and junctions where most litter accumulated. There was more litter on A roads and most litter did not affect the Digester.

- The machine was able to deal with more robust plants and the machine could be adapted to deal with small accesses.
 - Woody material was not as energy productive as grass.
 - The machine was due to appear on Country File on 9 May 2019.
 - The working of the machine could be viewed on the internet.
 - Members were requested to let Helen Jenkins-Knight know if they were able to attend a meeting of the working party set up to discuss the Biomass Project on 6 November 2018.
 - Concerns about advice given by the Environment Agency should be brought to the attention of elected Members and officers in the first instance.
 - It was possible to produce hay from verge cuttings.
- The Forum thanked Helen Jenkins-Knight for her presentation.

22 RESPONSE TO DEFRA BY THE LOCAL ACCESS FORUM ON THE EFFECTS OF BREXIT ON THE COUNTRYSIDE

Chris Padley stated that he had attended a recent meeting of the East Midlands Local Access Forums Chairmen's Group a representative from Natural England had been in attendance. He stated that he was unable to provide any update on the effects of Brexit on rights of way and it was hoped to get someone to attend the Chairmen's Group to provide more information on this matter when more information became available.

Officers stated that "public good" was still in the legislation and this might provide an opportunity to reintroduce matters removed like the Higher Level Stewardship scheme which could be better managed by farmers than Countryside Services. The current position allowed the County Council's Rights of Way section to report non-compliance to the Payments Agency and the removal of these powers would reduce Countryside Services' powers.

RESOLVED

That the report be noted.

23 RECENT MEETING OF THE EAST MIDLANDS LOCAL ACCESS FORUM CHAIRMEN

The Chairman reported on his recent attendance at the meeting of the East Midlands Local Access Forum Chairmen. He stated that Natural England expected further cuts to their funding and that therefore they would be unable to do as much for rights of way as they had done in the past.

The Chairman stated that the Group had received a presentation on the HS2 project and its effects on rights of way with opportunities to create entirely new footpaths

instead of diversions. He stated that it was proposed to plant a lot of new trees to improve the environmental effects of the project. It had been suggested at the meeting that it was better to plant trees away from the route instead of in close proximity.

The Chairman stated that with major infrastructure projects like HS2 it was important to examine how a project might improve the environment and not just mitigation measures. Officers agreed and stated that the County Council would be producing guidance to ensure that environmental measures were in place for major infrastructure projects.

RESOLVED

That the report be noted.

24 HARD STANDING AREAS OUTSIDE OF PROPERTIES - OBSTRUCTION
TO PUBLIC FOOTPATHS

Chris Padley reminded the meeting that this matter had been briefly discussed at the last meeting and had been deferred to this meeting to consider the effects of the action taken by a householder to install a flower bed immediately outside of their property which had obstructed the footpath. He stated that one of the issues to arise from this matter was whether highways or magistrates powers should be used to prevent such schemes taking place in the future without proper consultation. He added that he had received complaints from members of the public about this matter.

In response to comments by the Forum, Chris Padley stated that he had not informed Market Rasen Town Council about the matter as he had initially thought that this was a County Council highway's matter. He proposed to write to the Town Council and would copy in Councillor C L Strange.

RESOLVED

That it be noted that Chris Padley will write to Market Rasen Town Council about this matter and copy in Councillor Lewis Strange.

25 VOLUNTARY RESTRAINT ON THE CLAXBY BYWAY AND VOLUNTARY
RESTRAINTS IN GENERAL

(Note: Chris Padley declared an interest in this matter and left the meeting (see minute 18).

The Forum received a report from David Selkeld in connection with vehicle access to unsurfaced rights of way with an example given of Claxby Byway Open to All Traffic (BOAT) provided.

David Selkeld stated that a Voluntary Restraint system, which, although not legally binding, could help in preserving the condition of the Claxby BOAT. He asked if anything had been heard from the House of Lords Select Committee which was

reviewing the Natural Environment and Rural Communities Act and the possible simplification of the Traffic Restriction Order system.

Officers stated the Select Committee was not examining the creation of BOATs from TROs.

Forum comments included the use of the Claxby BOAT by horse drawn carriages which caused less damage than 4x4s; the installation of carriageway widths for horse drawn carriages which could stop 4x4s but it was noted that Claxby was a BOAT so this was not possible and it was suggested that lampers could have caused the damage to this BOAT.

David Selkeld stated that he was aware that Voluntary Restraints did not always work and he had spoken to 4x4 drivers who were causing problems. He was trying to form a responsible group of 4x4 drivers in Lincolnshire and they were examining how they could tackle rural crime and find missing persons.

Officers stated that they had not received any complaints from users of the Claxby BOAT except from the landowner, noted that Voluntary Restraints had been used in the Lake District but their use was out of the control of the Council and that the Council was unable to promote TROs.

Officers stated that 4x4 owners had a right to use BOATs and that it was more preferable to manage BOATs to ensure that they could be used by all users.

26 ROW.LINCOLNSHIRE.GOV.UK

David Selkeld asked if the row.lincolnshire.gov.uk website could be updated. He stated that the website provided details of countryside access mapping and allowed the public to view access in their area, for example, cycling and walking routes.

Officers stated that the County Council currently did not have the resources to update this site, stated that they could remove vehicle access except BOATs on the site but a proper review of the site was required. Officers stated that they were examining the creation of a similar system to the Council's Fix My Street website. NOTED.

27 GOVERNMENT PLANS TO IMPLEMENT RIGHTS-OF-WAY PROVISIONS OF DE-REGULATION ACT 2015 IN FIRST HALF OF 2019. DO WE NEED TO TAKE ANY ACTION?'

Colin Smith enquired whether the County Council needed to take any action in view of the Government plans to implement rights of way provisions of the De-Regulation Act 2015 in the first half of 2019. Officers stated that while the De-Regulation Act 2015 had been enacted there were still no regulations to accompany the Act and these were unlikely to be received until after Brexit.

Officers stated that with regard to any extra work as a result of the Act it was likely there would be a significant increase in extra work to divert rights of way and to determine which objections were relevant. Officers would examine how the system

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would operate once the regulations were received and the implications would have to be examined by the Local Access Forums before they were signed off by the County Council. NOTED.

28 COUNTRYSIDE FOR ALL

29 REPORTS OF NORTH EAST LINCOLNSHIRE COUNCIL

The Forum received the regular report from John Law, a representative on the South Lincolnshire Local Access Forum, in connection with "Countryside for All". The Forum noted that most of the items in the report affected Rutland. NOTED.

30 COUNTRYSIDE AND RIGHTS OF WAY IMPROVEMENT PLAN

The Forum received a report from North East Lincolnshire in connection with the latest situation of their Countryside and Rights of Way Improvement Plan. NOTED.

31 DEFINITIVE MAP MODIFICATION ORDERS

The Forum received a report from North East Lincolnshire Council in connection with the progress of their Definitive Map Modification Orders. NOTED.

32 PROGRESS OF PUBLIC PATH ORDERS

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

33 DATE AND TIME OF THE NEXT MEETING

It was agreed that the next meeting would be held at 2.00pm on Tuesday 21 January 2019 at the County Offices, Lincoln.

The meeting closed at 4.00 pm