

Agenda Item 2b

JOINT MEETING BETWEEN MID-COLNSHIRE AND SOUTH LINCOLNSHIRE & RUTLAND LOCAL ACCESS FORUMS 20 OCTOBER 2015

PRESENT:

Representing Lincolnshire County Council: Councillors D McNally and R Wootten

Representing other Councils: Councillor Iain Colquhoun (North East Lincolnshire Council) and Councillor William Cross (Rutland County Council)

Representing Independent Members: Chris Padley, Colin Smith, Sandra Harrison, Ray Shipley, Richard Graham, David Mills, Katherine Mills, Alec Hill, Sam Tate, Rosemary Harris, Ian Cox, John Law, Paul Marshall and Barbara Smitheringale

Officers: Steve Blagg (Democratic Services Officer), Chris Miller (Environmental Services Team Leader (Countryside Services)) and Stuart Crook (Public Footpaths Officer, Rutland County Council)

1 APPOINTMENT OF CHAIRMAN

Following consultations between the Chairmen of both the South Lincolnshire and Mid-Lincolnshire Local Access Forums before the meeting it was agreed that Chris Padley would chair this meeting.

2 APOLOGIES FOR ABSENCE

Apologies for absence were received from Dr Chris Allison (Mid Lincolnshire Local Access Forum (MLAF), Councillor D Brailsford (Lincolnshire County Council, South Lincolnshire Local Access Forum (SLAF), Bryan Bowles (SLAF), Sheila Brookes (MLAF), Dr Rebecca Johnson (SLAF), Audrey Morley (SLAF), Deborah North (MLAF), Pete Skipworth (MLAF) and John Williams (SLAF).

3 PRESENTATION BY NATURAL ENGLAND ON PROPOSALS FOR THE ENGLAND COAST PATH IN LINCOLNSHIRE

The Chairman welcomed Roger Gerry, Lucy Heath, Emily Ledder and Tracy O'Shea, from Natural England, to the meeting.

A presentation was made by Natural England in connection with their proposals to install the England Coast Path in Lincolnshire. The presentation included details of the national context, background and legislation, coastal access rights in detail and coastal access on the Lincolnshire coast.

Comments made by the Forums and responses given by Natural England included:-

1. What was the legal status of the path?

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Natural England (NE) stated that the legal status of the path was a unique right of way on the coast and from a legal perspective it was covered by the Marine and Coastal Access Act 2009, the Countryside and Rights of Way Act 2000 and the National Parks and Access to Countryside Act 1949. Some sections of the path were on current rights of way but not all would appear on the Definitive Map. The legal process for any realignment of the route was laid out in legislation and involved consultations with the local authority and landowners. Confirmation of the final route required the approval of the Secretary of State.

2. Was there any compensation package for landowners affected by the proposals?

NE stated that there was no compensation available for landowners affected by the proposals for the path.

3. Was there a limit on how far the path could be realigned in the event of a problem?

NE stated that there was no limit on how far the path could be realigned in the event of a problem. NE was currently planning on the path lasting fifteen years on current proposals for its alignment. NE stated that some foreshore sections of the path in East Yorkshire were moving two metres a year and that the eroded deposits were ending up in Lincolnshire. In the event of a landslide or some similar incident it would be necessary to talk to landowners to find an alternative route.

4. Problems of access for wheelchair/pushchairs in the Skegness area in the vicinity of the golf course.

NE stated that this matter would be examined. NE would liaise with the golf club and the local community about this issue. Money would also be made available to the local authority for maintenance of the path.

5. What was the annual maintenance cost of the path and what help would local authorities receive?

NE stated that they would fund 75% of the maintenance costs with the local authority expected to meet the remaining 25%. The precise details would be set out in an Agreement. There was a funding formula but the actual cost would not be known until the completion of the path. The local authority would have responsibility on how any funding for maintenance was spent once the path was handed over to them by NE.

6. What precautions were in place to protect nesting birds?

NE stated that an assessment of nesting sites would be undertaken by NE during the planning stage of the path to ensure that the necessary protection was in place.

NE gave a presentation of the proposed route between Sutton Bridge and Mablethorpe and the expected completion date was 2018.

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Comments made by the Forums and responses given by NE included:-

1. What enforcement measures were in place in the event of the path being blocked?

NE stated that this would be the responsibility of the local authority once the path had been handed over. Legally, no one could obstruct the path's route and the local authority was required to give notice if the path was not cleared with the costs being met by the landowner.

2. What was the situation if an existing Right of Way passed through an industrial complex?

NE stated that each aspect of the route of the path was considered on its merits.

3. Was the landowner responsible for the removal of any styles or gates along an existing Right of Way proposed for the path?

NE would be responsible for the initial costs of bringing the path in line with "England Coast Path (ECP) standard" and this included replacing existing styles with more accessible gates. Once the path was open it would be the access authority's responsibility to maintain the infrastructure of the ECP. The landowner would only be responsible if they deliberately did something that would cause damage to the ECP.

4. The project was excellent but how was the local authority expected to meet its 25% of the maintenance cost when local government was already experiencing severe funding reductions and with further cutbacks expected?

NE stated that in the preparation arrangements an assessment would be made of the costs involved. NE would fund 75% of the long term maintenance costs.

The Chairman stated that the local authority would examine the implications of the maintenance of the path cost in due course.

Volunteers were a great resource, there were people such as ramblers who want to maintain a good standard and were willing to volunteer their time to maintain the ECP.

Also, organised fun runs/marathons where people involved agreed to pick-up the litter before and after the event and the money raised donated to maintaining the path.

Natural England stated that for the new path in Norfolk new circular routes had been installed to link in with the coastal path. The footfall had increased significantly which had generated income for local businesses some of which could be used to maintain the coastal path, this was a possibility for Lincolnshire.

Using these previously successful methods on other stretches the council can encourage local management and maintenance at a low cost.

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It was agreed to send the presentations by Natural England to Forum members.

The meeting noted that following a restructuring of the Countryside Services area Andrew Savage, Senior Countryside Officer, had taken up a new position within the Countryside Services area and would no longer be attending Forum meetings. It was agreed that a letter should be sent to him, to thank him for his service and support to the Forums.

RESOLVED

(a) That the presentation by Natural England on proposals by Natural England to install the England Coast Path in Lincolnshire be noted.

(b) That the presentations made by Natural England be sent to the Forums.

(c) That a letter be sent to Andrew Savage, Senior Countryside Officer, to thank him for his support to both Forums and to wish well in his new position.

4 THE PROPOSED EFFECTS OF THE DE-REGULATION ACT 2015

The Forums received a report on the provisions affecting public rights of way work in the De-regulation Act 2015 and the likely consequences.

Officers stated that the Act had been given Royal Assent in March 2015 and contained within it a number of provisions based on a "rights of way reform package" based on the deliberations of a stakeholder working group made up of people representing users, landowners and local authorities. Officers outlined the various changes under three major headings – Changes to the procedures for Definitive Map and Modification Orders; the introduction of the Definitive Map "cut off" provisions from the Countryside and Rights of Way Act 2000 and the the Right to apply for a Public Path Order (PPOs diversions/extinguishments).

Officers responded to comments from the Forums as follows:-

1. The local authority was able to dismiss "irrelevant" objections to make an order but must have regard to the advice of the Secretary of State which as yet was unavailable.

2. With regard to modifications to the Definitive Map and Statement it was possible to change the status of a route from a Bridleway to a footpath and a landowner was able to ask questions of the local authority in this respect.

3. In connection with a local authority making a Definitive Map and Modification Order the balance of probabilities test was preferable to the previous "reasonably alleged test".

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4. With regard to the position in connection with a right of way which was not recorded but which had been in use since 1949 the regulations would address this matter.

5. All streets on the Exemption Street List were required to be shown on the List by 2026. However, it was not possible to add a Byway Open to Traffic after 2026.

On this matter, a member of the public was permitted to ask a question.

Officers responded to a member of the British Horse Society about the classification of routes and it was stated that these routes appeared on both the official List of Streets and the Definitive Map and Statement. The Lost Ways Sub Group might examine the anomalies to try to establish exactly what rights existed. The member of the public expressed concern about the quality of the List of Streets and officers agreed that, whilst the legislation was not the same as for Definitive Maps, the County Council had in-house protocols to ensure that the List was properly maintained.

RESOLVED

That the report be noted and that a further report be presented to both Forums when the regulations are known.

5 LOST WAYS SUB-GROUP - REMIT

The Forums received a report from John Law which sought the approval of both Forums to the remit of the Lost Ways Sub-Group. John Law stated that the Sub-Group sought to advise and assist the local authorities with the aim of protecting and enhancing the rights of way network before the 2026 cut-off date for claims based on historic evidence.

John Law stated that it might be necessary to come back to the Forums with more details on the remit and that in Rutland someone had offered to volunteer to assist in the mapping of the routes.

RESOLVED

That the Forums give their approval to the remit of the Lost Ways Sub-Group as detailed in John Law's paper.

The meeting closed at 8.05 pm

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