



**MID-LINCOLNSHIRE LOCAL ACCESS
FORUM
19 JULY 2016**

PRESENT: CHRIS PADLEY (CHAIRMAN)

Representing Lincolnshire County Council: Councillor D McNally

Representing North East Lincolnshire Council: Councillor Iain Colquhoun

Representing Independent Members: Dr Chris Allison, Ray Shipley, Deborah North, Richard Graham, David Mills and Katherine Mills

Officers: Steve Blagg (Democratic Services Officer) and Chris Miller (Environmental Services Team Leader (Countryside Services))

1 ELECTION OF CHAIRMAN FOR 2016/17

RESOLVED

That Chris Padley be elected Chairman of the Forum for the ensuing municipal year 2016/17.

2 ELECTION OF VICE-CHAIRMAN FOR 206/16

As no nominations for the office of Vice-Chairman were received it was agreed to consider this at the next meeting.

3 DECLARATIONS OF MEMBERS' INTERESTS

No declarations were made at this stage of the meeting.

4 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor D C Hoyes MBE (Lincolnshire County Council), Sheila Brookes (independent member), Sandra Harrison (independent member), Katherine Mills (independent member), David Mills (independent member) and Colin Smith (independent member).

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5 MINUTES OF THE PREVIOUS MEETING OF THE MID LINCOLNSHIRE
LOCAL ACCESS FORUM HELD ON 26 APRIL 2016

RESOLVED

That the minutes of the previous meeting of the Mid Lincolnshire Local Access Forum held on 26 April 2016, be agreed as a correct record and signed by the Chairman.

6 UPDATE OF ACTION TAKEN ON THE MINUTES OF THE PREVIOUS
MEETING (IF NOT ALREADY ON THE AGENDA)

6a Minute 46 (a) - Obstruction of Route from Saltfleet Paradise (Blackridge) to
Seaview Access

Chris Miller stated that he had located and walked the footpath at Saltfleet Paradise and added that part of the bridleway duplicated in part another public footpath. He stated that a gate had been installed partly across the bridleway by Natural England with a gap of five feet being left which was not convenient for equestrians. He stated that there was no lawful authority to install the gate and he would talk to the Environment Agency and the Wildlife Trust as there was a need to show that the bridleway had suffered fly tipping and other anti-social problems before any gate could be installed. He stated that the notices had been put up by the Environment Agency about the breach of byelaws if horses were taken across the sea bank and added that the entrance to Saltfleet was on the dunes and therefore not suitable. Chris Miller agreed to send a map of the location to members.

Comments by the Forum and officer responses on this topic included:-

1. What was the purpose of the gate? Chris Miller stated that the Wildlife Trust had had problems with fly tipping and had considered that the gate was not an obstruction.
2. There should be an alternative to a gate like bollards to prevent vehicular access.
3. Authorisation from the Council was still required for a gate to be installed.
4. The diversion of the footpath was a possibility.

6b Minute 46(d) - Lost Ways Update

The Forum received a report by Colin Smith which gave an update of the on-going work in finding Lost Ways. Colin Smith's overall conclusion was that to make progress more volunteers were required to undertake the necessary work.

Comments by the Forum and officer responses on this topic included:-

1. If a Lost Way existed there was a requirement to complete a pro-forma to register it. Officers stated that legislation provided details of the form to be used to register a Lost Way although the type of form varied in each Local Authority.
2. What was the deadline for registering a Lost Way? Officers stated that the deadline for the registration of Lost Ways was 2026. However, until the regulations relating to registration had been passed by Parliament this was still in abeyance.

3. The Forum agreed that the opportunity should be taken to publicise the need for volunteers to help with the Lost Ways project at the Walking Festivals.
4. The Forum noted that Alec Hill, a representative on the South Lincolnshire and Rutland Local Access Forum, had taken the lead on the Lost Ways Sub Group would act on behalf of this Forum.
5. The Forum noted that Colin Smith, together with his wife, Miriam, was examining anomalies relating to Lost Ways including termination of supposed rights of way at Parish boundaries to ensure that these routes were saved. Chris Miller stated that some rights of way up to Parish boundaries with anomalies had already been referred to Colin Smith.
6. The Forum noted that it was still possible to gather evidence of Lost Ways despite the "cut-off date legislation currently not being activated.
7. The Forum noted that during the survey of rights of way in 1951-53 Parishes had been asked to list rights of way and this had led to the establishment of Definitive Rights of Way maps. However, this had led to many terminations of rights of ways at Parish boundaries.

RESOLVED

That the report and comments by the Forum be noted and actioned accordingly.

7 NATURAL ENGLAND LOCAL ACCESS FORUM ANNUAL REVIEW FORM FOR 2015/16

Members considered a number of questions asked by Natural England as part of their Local Access Forum Annual Review Form for 2015/16.

Comments by the Forum and officer responses on this topic included:-

1. It was suggested that members should email their comments to Chris Miller.
2. Officers stated that the main issue which Natural England was keen to receive the views of the Forum on about was what the Forum wanted to achieve over the next three years.
3. Natural England should be asking the Local Authority if they had responded to advice from the Forums.
4. There should be a review of network connectivity with routes behind hedge rows given as an example.
5. The completion of the Coastal Footpath and the Coastal Country Park. In the case of the latter the work done by Richard Graham and Colin Smith on the Lincolnshire Coastal Country Park Access and Recreation Group was welcomed.
6. Chris Miller stated that preparation of ROWIP 2 would be required by November 2017 but its delivery could be an issue in view of the reduction in funding.

RESOLVED

(a) That Natural England be informed that the Forum wished to see the following achievements in the next three years:-

Completion of the Coastal Footpath

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Completion of the Coastal Country Park
Improved Network Connectivity
Completion of work on ROWIP 2

(b) That members be asked to email any additional views to Chris Miller on any other achievements they would wish to see in the next three years.

8 PAST CHAIRMAN'S REPORT

The Chairman stated that he had not prepared a report on this matter as members were aware from their attendance at meetings what the Forum had done over the last year.

Comments made by the Forum included the difficulty of quantifying achievements, the protracted time it took to complete work due to the need to meet the democratic process which involved having to consult and engage with numerous people although it was accepted that the Government were trying to simplify rights of way law.

9 DANGER FROM ERODED SIDES OF TARMAC ON CARRIAGEWAYS

The Chairman stated that many roads had deep fissures at the sides of the tarmac and where there was no footway and the verge was overgrown this was presenting a hazard for walkers. He wondered how aware the Local Authorities were of this hazard for walkers. He stated that the transfer of the Rights of Way team out of highways was an issue as members had an interest in ordinary roads. He added that he did not know how North East Lincolnshire interfaced between its Rights of Way function and other highway authority functions?

Chris Miller stated that the County Council had never received any complaints about this issue and suggested that the Chairman should write to the Council to ask for their views on this matter.

Councillor Iain Colquhoun stated that North East Lincolnshire operated differently to Lincolnshire County Council due to the number of fatal accidents on the A18. He stated that following one major incident the Coroner had made reference to the number of ruts on the A18 and the Highways Officer in his response had stated that while there were numerous ruts on the verge the ruts on the A18 were not as bad as on roads in other parts of the country.

Chris Miller suggested that the Forum should enquire about the effects of the reduction in verge cutting adjacent to the highway as this had not been addressed in the ROWIP.

RESOLVED

That the Chairman write to both Local Authorities to enquire about their policy on this issue as this was increasingly presenting a hazard to walkers and to report on the outcome to a future meeting.

10 PRIORITY 3 PATHS WITH KIRKBY ON BAIN 171 AS EXAMPLE

The Forum received a paper from the Chairman on how Lincolnshire County Council's policy of not signposting or clearing priority 3 footpaths where there was a blockage was working in practice and to consider the case of Kirkby on Bain footpath No. 171 which exemplified some of the issues arising from the policy.

The Chairman stated that both he and Colin Smith had examined this issue and that the priority 3 footpath at Kirkby on Bain No. 171 had no obstruction other than a missing ditch bridge and expressed concern that building was planned with no mention of the existence of this right of way in the planning application. He stated that the public would perceive that the right of way did not exist, was not maintained and was not signposted.

Chris Miller suggested that the Chairman should speak to Jonathan Stockdale, Senior Highways Officer, about this footpath. However, no complaints had been received and there had not been any maintenance as this was a priority 3 footpath which would only be maintained resources permitting. Officers added that some out buildings existed at the northern end of the footpath which could cause issues.

Chris Miller stated the County Council's Rights of Way section had commented on this planning application to the District Planning Authority and had drawn the Local Planning Authority's attention to the existence of a right of way in the vicinity of the application site. If a diversion of the existing footpath was necessary this would open the whole footpath up.

The Chairman stated that it was always preferable if the right of way was considered by the planning authorities at an early stage but if the footpath was not sign posted this gave the impression to the public that the footpath did not exist. Chris Miller stated that there was nothing to prevent the Forum from asking the County Council to increase its investment in the rights of way network. Officers stated that following the recent reductions in expenditure rights of way would only be cut twice a year instead of three. There had also been a reduction of 20% in footpath maintenance budgets together with a cessation of the Parish Paths Partnership scheme which had led to many complaints regarding a lack of vegetation clearance.

Chris Miller stated that if a complaint was received about an obstruction the Council would act to ensure compliance. Farmers in some cases had been requested to make footpaths wider.

RESOLVED

That the report and comments made by the Forum be noted.

11 ADDING SECTIONS OF THE WOLDS' WAY TO THE DEFINITIVE RIGHTS OF WAY MAP

The Chairman stated that he had been requested by Sheila Brookes, in her absence, to raise the issue that sections of the Wolds' Way used by horse drawn carriages

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were not being added to the Definitive Rights of Way Map. Chris Miller stated that requests were recorded but remained to be actioned; there were currently 156 cases in the back log and stated that the requests were listed for investigation before 2026.

12 JOINT ANNUAL REPORT 2015/16

This item duplicated minute 8.

13 COUNTRYSIDE FOR ALL

The Forum received a report from John Laws, a member of the South Lincolnshire Local Access Forum, in connection with "Countryside for All".

RESOLVED

That the paper be received and noted.

14 LINCOLNSHIRE COUNTY COUNCIL COUNTRYSIDE ACCESS AND RIGHTS OF WAY IMPROVEMENT PLAN (ROWIP)

Chris Miller stated that the production of the ROWIP 2 was required by November 2017 but he was not confident that this deadline would be met. He stated that to go out to consultation similar to ROWIP 1 was too expensive. It was possible to give a flavour of the current situation, i.e. the effects of reduced resources with fewer grants available and whether the new Government was prepared to continue to make grants available in view of Brexit.

15 NORTH EAST LINCOLNSHIRE COUNTRYSIDE AND RIGHTS OF WAY IMPROVEMENT PLAN

The Forum received on North East Lincolnshire Council's latest position in connection with its Countryside and Rights of Way Improvement Plan. Councillor Iain Colquhoun stated that Nicola Hardy, Rights of Way officer had taken up a new post in the Council.

The Forum placed on record their appreciation for the work undertaken by Nicola and
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RESOLVED

That the report be noted and that a letter of appreciation be sent to Nicola for her service to the Forum and to wish her well in her new post.

16 LINCOLNSHIRE COUNTY COUNCIL PROGRESS OF DEFINITIVE MAP MODIFICATION ORDERS

The Forum received a report from Lincolnshire County Council on the progress of Definitive Map Modification Orders.

Chris Miller gave an update of progress since the report was published as follows:-

1. New Leake (Case No. 353) – not confirmed by the Secretary of State as it did not meet the Common Law test.
2. South Willingham/Benniworth (Case No. 96) – not confirmed as insufficient evidence.
3. Navenby (Case No. 384) – it was decided not to make an order.
4. The County Council's Definitive Map and Statement of Public Rights of Way Sub Committee had made a decision to move Case No.379 (North Ormsby) higher up the priority list of cases to No. 19 (currently Case No.151) and Case No. 377 (Long Bennington) to case No. 20 (currently No. 152) because both met criteria No.1 detailed in Highways and Traffic Note HAT 33/3/11.

RESOLVED

That the report be noted.

17 NORTH EAST LINCOLNSHIRE COUNCIL PROGRESS OF DEFINITIVE
MAP MODIFICATION ORDERS

The Forum received a report from North East Lincolnshire Council on the latest position in connection with its Definitive Map Orders.

Councillor Iain Colquhoun stated that he did not wish to add anything to what was already detailed in the report.

RESOLVED

That the report be noted.

18 LINCOLNSHIRE COUNTY COUNCIL PROGRESS OF PUBLIC PATH
ORDERS

The Forum received a report from Lincolnshire County Council on the progress of Public Path Orders.

Chris Miller gave an update since the publication of the report as follows:-

1. Coastal Country Park – the package of diversions to realign routes was still being examined.
2. Tallington and Whisby level crossing diversion orders – in the case of Tallington news was still awaited from Network Rail and for Whisby an application had been received to divert the footpath from crossing the railway line to crossing a newly built bridge.
3. Claypole – talks were on-going with Network Rail to divert a number of rights of way in the area across a new bridge.
4. North Somercotes - a diversion to enable the managed realignment of the coastal sea defences was awaiting the outcome of an appeal.

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5. The dedication of a new bridleway at Swinhope to improve equestrian access had been achieved in conjunction with the local Farmer.

Comments made by the Forum and responses by officers on the topic included:-

Proposals by Network Rail to close 180 public footpaths across railway lines nationwide. Chris Miller stated that a delegation of Public Rights of Way officers had met Network Rail and had informed them that the use of the Transport and Works Act to expedite the closure of rights of way was not the most suitable way to address this issue. He stated that the impression from the meeting was that Network Rail was unaware of the consultation process particularly with Local Authorities. Chris Miller stated that by having regular contact with Network Rail this would help matters.

RESOLVED

That the report be noted.

19 NORTH EAST LINCOLNSHIRE COUNCIL PROGRESS OF PUBLIC PATH ORDERS

The Forum received a report from North East Lincolnshire on progress of their Public Path Orders.

Councillor Iain Colquhoun drew the Forum's attention to footpath 21 (Stallingborough) stating that it had been necessary to introduce an emergency footpath closure on highways safety grounds due to the increased traffic flows on the A180 Interchange and stated that this had not been an easy case.

RESOLVED

That the report be noted.

20 DATE AND TIME OF THE NEXT MEETING

Tuesday 18 October 2016 at 2.00pm at the County Offices, Lincoln.

The meeting closed at 7.40 pm