

PRESENT: CHRIS PADLEY (CHAIRMAN)

Representing Lincolnshire County Council: Councillor D McNally

Representing North East Lincolnshire Council: Councillor Iain Colquhoun

Representing Independent Members: Sandra Harrison, Ray Shipley, Dr Chris Allison, Sheila Brookes, Colin Smith, Richard Graham and Pete Skipworth

Officers: Steve Blagg (Democratic Services Officer), Nicola Hardy (Public Rights of Way and Mapping Officer), Chris Miller (Countryside Access Manager) and Andrew Savage (Senior Countryside Access Officer)

21 APOLOGIES FOR ABSENCE

An apology for absence was received from Alison Healey.

22 MINUTES OF THE PREVIOUS MEETING HELD ON 17 SEPTEMBER 2013

RESOLVED

That the minutes of the previous meeting of the Forum held on 17 September 2013, be agreed as a correct record and signed by the Chairman.

23 MATTERS ARISING FROM THE MINUTES HELD ON 17 SEPTEMBER 2013 (IF NOT ALREADY ON THE AGENDA)

See minute 24.

24 COUNTY FARMS' LANDHOLDINGS - MAP SHOWING THEIR LOCATION IN THE AREA COVERED BY THE MID LINCS LOCAL ACCESS FORUM (ANDREW SAVAGE) (TO BE TABLED AT THE MEETING)

Andrew Savage tabled detailed plans showing the location of County Farms in the area covered by the Mid Lincs Local Access Forum (LAF) and stated that he had requested specific maps showing access to those County Farms in the geographic area covered by this Forum whose were coming up for renewal.

Andrew Savage, as an example, tabled a plan showing the location of two County Farms in the vicinity of South Reston. The Forum agreed that there was no opportunity to create new links and it was agreed that this plan should be passed to the working group to examine.

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The Chairman reminded the Forum that both Lincolnshire LAFs were examining County Farms to see if there were opportunities to improve access before new tenancies were agreed. He stated that a joint working group established by South Lincs LAF was examining this issue in detail and the Forum agreed that the working group's findings should be reported to this Forum.

RESOLVED

That the report be noted and that the conclusions of the joint working party be reported to this Forum.

25 ITEMS RAISED BY THE CHAIRMAN

26 LINCOLN EASTERN BY-PASS - PUBLIC INQUIRY

The Chairman, with the agreement of the Forum, wished to raise an additional agenda item in connection with a forthcoming Public Inquiry for the Lincoln Eastern By-Pass (which was to examine Side Road Orders and Compulsory Purchase Orders), to be held in Lincoln. He stated that he had been asked by local people to attend the Public Inquiry to give evidence. He added that the evidence given by him would be the same evidence he had submitted when the planning application had been considered by the County Council in 2013.

Local people had concerns about cycle and pedestrian access.

The Forum gave their support to the Chairman's attendance at the Public Inquiry and, it was agreed that if the Forum had any additional comments they should let the Chairman have them as soon as possible.

RESOLVED

That the attendance by the Chairman at the Public Inquiry be supported and that, in the meantime, members let the Chairman have their comments as soon as possible.

27 NATURAL ENGLAND LOCAL ACCESS FORUM NATIONAL
CONFERENCE 2014

The Chairman sought the support of the Forum to attend the forthcoming Local Access Forum's National Conference in Durham, organised by Natural England.

RESOLVED

That the attendance by the Chairman at the Local Access Forum's National Conference in Durham, be supported.

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28 TO CONSIDER THE WAY DISTRICT COUNCILS CONSULTED ON RIGHTS OF WAY PLANNING MATTERS (SEE MINUTE 17 OF THE LAST MEETING OF THE FORUM)

The Chairman stated that this item had been placed on the agenda because he wished to get planning local authorities to take a more proactive and strategic approach on the effect of planning applications on public footpaths. Some local authorities were better than others and enquired if it was possible to get one of the Lincolnshire planning authorities interested in talking to the Forum about this matter.

Sandra Harrison agreed to provide the name of the Executive Councillor for planning at East Lindsey District Council to enable the Chairman to pursue this matter further.

Comments by the Forum included:-

1. The Secretary of State for the Environment seemed to be in favour of housing development at the expense of the environment.
2. LAFs did not have any specific powers in this area and therefore there was a tendency for planning authorities to treat communication with LAFs as an inconvenience instead of an opportunity to provide useful advice.
3. There was a need for planning authorities to be more proactive in their approach about the effects of planning applications on public footpaths and to ensure the LAFs were kept informed.
4. Most planning authorities had a checklist of consultees for planning applications and a deadline for them to respond. However, it was quite common for consultees not to respond.
5. West Lindsey District Council was cited as a local authority which followed best practice in consulting about planning applications.
6. It was time consuming for volunteers to examine all planning applications in detail.

RESOLVED

That the comments made by the Forum be noted and that Sandra Harrison let the Chairman have the details of the Executive Councillor with responsibility for planning at East Lindsey District Council so that the Chairman can discuss arrangements for a District Planning Authority to speak to the Forum about strategic planning and how planning applications affected public footpaths.

29 "LOST WAYS" (A PRESENTATION BY SARAH BUCKS AND PHIL WADEY (BOTH FROM THE BRITISH HORSE SOCIETY) HAS BEEN EMAILED TO MEMBERS OF THE FORUM)

The presentation by Sarah Bucks and Phil Wadey, from the British Horse Society, in connection with "Lost Ways" had been emailed to the Forum before this meeting.

The Forum agreed to receive the presentation at its next meeting and to invite the two authors to the meeting.

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RESOLVED

That the Forum receive the presentation on "Lost Ways" at its next meeting and that the authors be invited to the meeting.

30 ISSUES ARISING FROM THE EAST MIDLANDS LOCAL ACCESS FORUM
CHAIRS' MEETING HELD ON 1 OCTOBER 2013

RESOLVED

That the minutes of the meeting of the East Midlands Local Access Forum Chair's meeting held on 1 October 2013, be received.

31 FOOTPATHS IN CRISIS AND BUILDING ON FOOTPATHS - RESPONSE
OF THE LOCAL AUTHORITIES

Pete Skipworth referred to a recent article in the national press in connection with the effects of proposed new legislation which would give priority to the building houses over the routes of public footpaths.

Chris Miller stated that he had not read the newspaper article but thought that this might have emanated from the recent discussion of the Deregulation Bill and the proposal to allow a "right to apply" for path diversions and for this to be extended to gardens and farmyards. He added that within the Parliamentary Review Committee report on the Bill the effects on public footpaths had been the main discussion point and that it was possible that there could be changes when the Bill was discussed in the Commons and the Lords.

Chris Miller stated that the current planning process allowed people to comment on planning applications which affected footpaths and to suggest alternative routes.

The Forum suggested that government legislation was too rushed nowadays compared to procedures in the past when a Green Paper would have been published for consultation purposes before major legislation was enacted.

Pete Skipworth raised a separate issue in connection with the reporting of problems with public footpaths by volunteers to the County Council and the lack of feedback. Some members of the Forum stated that they had not experienced any problem.

Officers stated that volunteers should receive feedback to an enquiry about a problem with a public footpath and the response should state the action proposed to address the problem. A reference code was always issued in any response by the Council to help with tracking communication.

RESOLVED

That the comments made by the Forum and the responses given by officers be noted.

32 DENTON TO SKILLINGTON, THE DRIFT/VIKING WAY - PROPOSED
PROHIBITION OF DRIVING ORDER - CURRENT SITUATION

Consideration was given by the Forum to the outcome of the decision made by the County Council's Planning and Regulation Committee on 4 December 2013, in connection with a total ban for all motorised vehicles, including motorcycles, from using the length of road, known as The Drift/Viking Way (Denton to Skillington).

Chris Miller stated that The Drift was not recorded on the Definitive Map and Statement and formed part of the "ordinary roads" network albeit that it had an unsealed surface and was used more for recreation than utilitarian access. However, it did form part of the Viking Way long distance footpath route and added that there would be issues in connection with managing the use of the route to prevent 4x4 vehicles and quad bikes continuing to use it. The possible use of carriage gaps would be examined.

Following an enquiry by the Forum about whether PC Nick Willey, the Police Officer with responsibility for Rural Crime in Lincolnshire, had been consulted, Chris Miller stated that the Council's highways section had contacted the local Police about the issues with this Green Lane.

The Forum noted that there were similar problems in the Wolds AONB. Following an enquiry from the Forum, Chris Miller stated that he would be surprised if the Council would be able to use highway powers to record a Byway Open to all Traffic on The Drift/Viking Way and agreed to examine the issue.

RESOLVED

That the report be noted and that Chris Miller examine whether highway powers could be used to record a Byway Open to all Traffic for The Drift/Viking Way.

33 NORTH EAST LINCS COUNTRYSIDE ACCESS AND RIGHTS OF WAY
IMPROVEMENT PLAN UPDATE

Consideration was given by the Forum to a report from Nicola Hardy in connection with North East Lincolnshire Council's Countryside Access and Rights of Way Improvement Plan.

Nicola Hardy stated that in connection with Public Footpath 21 Stallingborough, an alternative route had been out to informal consultation and had received support with the exception of an objection from one landowner. The case would be pursued and submitted to the Planning Committee for approval in due course.

Nicola Hardy stated that in connection with Bridleway 91 at Ashby Cum Fenby, a diversion of the route had been suggested because there had been some serious accidents on the current route involving walkers and cyclists. The alternative route had been to Committee, had received approval and would be advertised as soon as possible. One objection had been received from a landowner and this would be examined as part of the Right of Way Improvement Plan.

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Nicola Hardy stated that the Council's Enforcement Policy had been updated and was now more robust compared to the previous Policy.

The Forum noted that Farmers were much more responsive in restoring footpaths to their original condition if they had been altered through their actions.

Chris Miller stated that as part of the County Council's enforcement policy, the Rural Payments Agency was informed about obstruction, ploughing and cropping breaches as the Agency might inspect the farm holding and determine that payments should be deducted if a footpath was not in good order.

RESOLVED

That the report be noted.

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

Consideration was given to a report by Andrew Savage in connection with progress made in the implementation of the Lincolnshire Countryside Access and Rights of Way Improvement Plan (ROWIP).

Andrew Savage stated that the last footpath to be improved in ROWIP 1 was located at Cherry Willingham and added that overall three kilometres of footpath had been improved in 2013.

Andrew Savage stated that ROWIP 2 would need to be adopted by the Council before being consulted upon. He hoped to submit a draft of ROWIP 2 to the next meeting of the Forum.

RESOLVED

That the report be noted.

35 NORTH EAST LINCS PROGRESS OF DEFINITIVE MAP MODIFICATION ORDERS

Consideration was given to a report by Nicola Hardy in connection with North East Lincolnshire's Definitive Map Modification Orders. There had been no change to the Orders since the last meeting of the Forum.

RESOLVED

That the report be noted.

36 LINCOLNSHIRE COUNTY COUNCIL PROGRESS OF DEFINITIVE MAP
MODIFICATION ORDERS

Consideration was given to a report by Chris Miller in connection with Lincolnshire County Council's Definitive Map Modification Orders since the inception of the current prioritisation policy and current caseloads for the period from October 2006 to 6 January 2014.

Chris Miller stated that in connection to an application submitted in 1983 (Leasingham) it had been determined that there was insufficient evidence to make an Order and that also the applicant could not be traced. He agreed to let the Chairman know the outcome of the application for Wickenby (Railway Corner to Wickenby Wood) which was with the Secretary of State.

The Chairman stated that he had been approached by South Willingham Parish Council in connection with the delays by the County Council in considering four cases in that area currently under review by officers. Chris Miller agreed that delays had been experienced with one of the cases due to constant questions being raised and agreed to examine the suggestion to impose a deadline for action and if necessary to submit the other three cases for South Willingham to the Secretary of State.

RESOLVED

That the report be noted and that Chris Miller examine the issues raised by South Willingham Parish Council in connection with one of the four outstanding cases currently being progressed by officers in connection with that area with a view to expediting their submission to the Secretary of State.

37 NORTH EAST LINCS PROGRESS OF PUBLIC PATH ORDERS

Consideration was given to a report by Nicola Hardy in connection with North East Lincolnshire Council's Public Path Orders.

RESOLVED

That the report be noted.

38 LINCOLNSHIRE COUNTY COUNCIL PROGRESS OF PUBLIC PATH
ORDERS

Consideration was given to a report by Chris Miller in connection with Lincolnshire County Council's Public Path Orders.

Chris Miller responded to questions raised by the Forum:-

1. The Council had been out to consultation in connection with the diversion of the public footpath at Donna Nook following changes made to the foreshore by the Environment Agency. Objections had been received and there was every likelihood that the Secretary of State would become involved.

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2. The Council was prepared to make a public footpath order even if a landowner disagreed.
3. The Council's highways' section was examining alternative routes and would provide clarification in due course in connection with a suggestion for an alternative route to a public footpath at Spilsby.
4. The Council was prepared to speak to and attend Parish Council meetings when public footpaths were being discussed.
5. Gaps for dogs in fencing on public footpaths could be installed but if the fence was on private land the landowner could not be forced to install a gap. The percentage of people walking with dogs was high.
6. The policy of the Council was to try and reduce the number of stiles installed to improve access for the disabled and a stile should only be installed if there was no alternative within a "gap-gate stile" hierarchy. The Council had a legal duty to fund 25% of reasonable maintenance costs of legitimate structures.
7. The installation of foot grips on stiles to assist walkers would be investigated.

RESOLVED

That the report be noted and that officers examine the provision of foot grips on stiles to assist walkers.

39 DATE AND TIME OF THE NEXT MEETING - 6.00PM ON TUESDAY 15
APRIL 2014 AT THE COUNTY OFFICES, LINCOLN

The meeting closed at 3.50 pm