



**SOUTH LINCOLNSHIRE AND
RUTLAND LOCAL ACCESS FORUM
14 JANUARY 2015**

PRESENT: COUNCILLOR R WOOTTEN (CHAIRMAN)

Representing Lincolnshire County Council: Councillor D Brailsford

Representing Rutland County Council: No representative

Representing Independent Members: Bryan Bowles, Rosemary Harris, Alec Hill, John Williams, Ian Cox, Dr Rebecca Johnson, Paul Marshall and Barbara Smitheringale

Officers: Andrea Brown (Democratic Services Officer), Stuart Crook, Chris Miller (Countryside Access Manager) and Andrew Savage (Senior Countryside Access Officer)

29 PUBLIC FORUM

The Chairman welcomed Mr Stephen Flanagan to the meeting and invited him to address the Forum. Mr Flanagan explained the background of a planning application in Leasingham, North Kesteven for an Anaerobic Digester plant. The application had been refused but was expected to be considered by the Planning Inspectorate as part of an appeal on that decision.

Mr Flanagan confirmed that he was keen that the refusal be upheld as the farm track which would be used for Heavy Goods Vehicles, should it be approved, was currently used as a footpath, mainly for school children travelling to the primary school in Sleaford from Holdingham. It was also confirmed that an application for a Definitive Map Modification Order (DMMO) had been submitted to Lincolnshire County Council.

Officers advised Mr Flanagan to ensure that the pending application for a DMMO be included within the information submitted to the Planning Inspectorate as this was a material consideration for the appeal.

The Forum were asked to support the dismissal of the appeal and the decision to refuse the application to be upheld by the Planning Inspectorate.

RESOLVED

That a letter to the Planning Inspectorate, in support of the dismissal of Appeal Reference Number APP/R2520/A/14/222/8674, written by the Chairman on behalf of the Forum.

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The Chairman thanked Mr Flanagan for bringing this issue to the Forum's attention and hoped that the objectors would be successful in their endeavours.

30 APOLOGIES FOR ABSENCE

Apologies for absence were received from Mr John Law, Mrs Audrey Morley, Mr Gordon Norris and Councillor William Cross.

31 MINUTES OF THE PREVIOUS MEETING HELD ON 15 OCTOBER 2014

In relation to page 12, Minute No. 26, bullet point 2, it was clarified that the points raised by Councillor Cross and Mrs Harris were in relation to the combination of use of new paths near main roads was not appropriate. For example, it was felt to be dangerous to have a combination of cyclists, busy traffic and horses in close proximity to each other.

RESOLVED

That the minutes of the meeting held on 15 October 2014, noting the clarification above, be approved and signed by the Chairman as a correct record.

32 ACTIONS ARISING FROM THE MINUTES OF THE PREVIOUS MEETING

32a Minutes No. 20 - Hedge between Newstead Mill and Belmesthorpe

The Chairman advised that a response had been received from Highways in relation to the outstanding item. The contractor had inspected the site and advised that boggy ground conditions meant they would be unable to use the correct machine without leaving deep ruts. They, therefore, proposed to do this work in the spring. Highways Officers were concerned that this was too close to the bird nesting season and would continue to pursue completion of this work before then.

RESOLVED

That Chris Miller, Countryside Access and Definitive Maps Manager, actively pursue completion of the works and provide updates to the Clerk to the Forum

32b Minute No. 25 - Definitive Map Modification Orders (Rutland County Council)

In relation to the legal position at Rutland County Council for Definitive Map Modification Orders (DMMO), the Public Rights of Way Officer for Rutland County Council advised that legal sign off of the outstanding reports was still with the Legal team for action.

In relation to the Wardley claim, it was expected that refusal would remain the recommendation but this would be subject to review of the additional evidence submitted.

RESOLVED

That the update be noted.

33 COUNTRYSIDE ACCESS & RIGHTS OF WAY IMPROVEMENT PLAN
UPDATE

33a Rutland County Council

The Public Rights of Way Officer, Rutland County Council, circulated a briefing note to members and explained that they had not been collecting the same statistical information as Lincolnshire County Council and were now considering undertaking a full network survey as previously undertaken in 2007.

It was noted that Rights of Way projects were funded from the Highways Capital Programme which were now included within their three year work plan although the budget path would remain the same.

The timetable provided in the circulated briefing note give a "Report to LAF" line but this did not coincide with the meeting dates. It was agreed that the report be circulated to Members, via the clerk to the Forum, when expected on the timetable, to allow time for consideration prior to discussion at the following meeting.

RESOLVED

1. That the update be noted;
2. That the report be circulated in line with the timetable but carried forward to the next meeting agenda for discussion.

33b Lincolnshire County Council

A report was received from Lincolnshire County Council which outlined the progress made in the implementation of the Lincolnshire Countryside Access and Rights of Way Improvement Plan.

Andy Savage, Senior Countryside Access Officer, introduced the report and confirmed that the improvements programme was now complete. Of 16 schemes in total, all but two were complete.

Members raised no questions.

RESOLVED

That the report be noted.

34 DEFINITIVE MAP MODIFICATION ORDERS**34a Rutland County Council**

A report was received from Rutland County Council which noted the progress of the Definitive Map Modification Orders in the county.

Stuart Crook, Public Rights of Way Officer, introduced the report and advised that one application on Yew Tree Lane was wholly privately owned and the nature of the public right to use that woodland area was currently being appraised. Discussions between RCC, the Forestry Commission and the owners were expected.

In relation to Braunston, the draft order had been made but this was now waiting for comments from the legal department. It was expected that the responsible director would support officer recommendation.

During discussion, the following points were noted:-

- All decisions in relation to DMMO matters in Rutland were taken by the Director for Planning, Environment and Transport. On occasion, contentious matters had been sent to the Cabinet for their decision but this is not a legal or constitutional requirement.

RESOLVED

That the report be noted.

34b Lincolnshire County Council

A report was received which provided the progress of the Definitive Map Modification Order work since the inception of the current prioritisation policy.

Chris Miller, Countryside Access and Definitive Map Manager, introduced the report and invited Members to ask any questions.

During discussion, the following points were noted:-

- Cases were dealt with in date order unless they met one of the eight exception criteria. If so, the case would be prioritised to ensure dealt with appropriately depending on the exception;
- Should it be determined that a case remain at the bottom of the list it would be subject to appeal. It would then be assessed by the Definitive Map and Rights of Way Sub-Committee who may reconsider the decision made;
- The oldest case was in Heydour, near Grantham, and had been listed since 1985. It was found that a lot of the issues raised were pertinent at the time but that once the antagonists moved away, the cases became less of an issue. Having said that, these cases were constantly reassessed;
- In relation to the Claimed Public Footpath Along Sea Bank Adjacent to North Shore Golf Course – Skegness, this would be considered when the officer returned from maternity leave, although a definite date could not be given. It was noted that this would have footpath status only, should the order be

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approved, and would not allow cycling. Cycling was allowed on the promenade as this was not a Public Right of Way.

RESOLVED

That the report be noted.

34c Derby and Derbyshire Local Access Forum

A report was received from the Derby and Derbyshire Local Access Forum (DADLAF) who had requested that this be considered at each of the regional Local Access Forums.

The Deregulation Bill had gone through the Commons with no changes but at the first stage of the Lords slight amendments were suggested. It would then go back to the Commons to amend the Bill which would mean it would be unlikely to fit in with the election timescale. DEFRA had advised that DMMO would be removed from the Bill no matter the government.

Other Councils were facing the same frustrations in relation to the DMMO and it was hoped the removal of this from the Deregulation Bill would give the Councils the opportunity to improve the process and make it more efficient.

Members agreed with the comments provided by the Vice-Chairman, Mr John Law, and asked that these be submitted on behalf of the Forum.

Comments - As this legislation was currently being considered by Parliament and the proposed guidance dealing, in part, with the issues, it was felt it appropriate to wait until the new system was in process before commenting fully on this subject. The frustration felt by individual LAFs was, however, understood.

RESOLVED

1. That the Clerk forward the comments of the Forum to Mandy Sims, East Midlands LAF Coordinator; and
2. To include the process followed in Lincolnshire for DMMO.

35 PUBLIC PATHS ORDERS PROGRESS REPORT

35a Rutland County Council

A report was received from Rutland County Council which provided an update on Public Path orders within the county.

Stuart Crook, Public Rights of Way Officer, introduced the report and advised that a confirmation notice for Uppingham would be published in the Rutland Times on 15th January 2015. This application had been pending since 17th July 1998 and was the oldest outstanding case in Rutland.

Members had no questions on this item.

RESOLVED

That the report be noted.

35b Lincolnshire County Council

A report was received from Lincolnshire County Council which provided a progress update on Public Path Orders within the county.

Chris Miller, Countryside Access and Definitive Maps Manager, introduced the report noting that one case (Ballast Hole Crossing) was due to hold a public inquiry. The Public Inquiry would be held on Tuesday 24th February 2015 at 10.00am in The Showroom, Tritton Road, Lincoln, LN6 7QY.

RESOLVED

That the report be noted.

36 DISABILITY SUB-GROUP UPDATE

Mr Paul Marshall presented a verbal update to the Forum on the work undertaken by the Disability Sub-Group.

All walks worked on over the last year were now complete and, having met with an LCC officer the previous week, all measurements and descriptions of walks had been added to the leaflets. They would then be forwarded to the printers.

Two more walks were being started in February, one in Mablethorpe and the other in Lincoln.

The group were also working on promotion of a short slide-show which could be shown in GP surgery waiting rooms, etc.

Members suggested that hospitals could also be included and encourage the sub-group to contact the four Clinical Commissioning Groups within Lincolnshire as they were felt to be the most appropriate vehicle for this type of promotion.

The Chairman asked that details of the walks agreed be sent to the clerk for circulation to Members.

RESOLVED

1. That the clerk provide contact details for the Clinical Commissioning Groups to the Chairman of the Sub-Group; and
2. That the details of the agreed walks be forwarded to the clerk for wider circulation.

37 TRAVEL4RUTLAND PROJECT UPDATE

An update was provided by Stuart Crook, Public Rights of Way Officer, who circulated a map highlighting the completed cycleways. Only one area was outstanding, Cottesmore to Exton.

As funding for the project ended in March 2015, it was suggested that this item be removed as a standing item on the agenda. This was agreed.

During discussion, the following points were noted:-

- Discussions had been ongoing with Highways colleagues regarding how to provide horse riders safe passage by getting them off busy carriageways. Legally, horses should not use joint footway/cycleways therefore would not be encouraged by the Local Authority;
- Schemes could not be funded if Parish Council support was not in place;

RESOLVED

1. That the update be noted; and
2. That this item be removed from the agenda as a standing item.

38 "LOST WAYS" - CREATION OF A SUB-GROUP

On behalf of the Vice-Chairman, Mrs Harris asked Members if they would like to join a Lost Ways Sub-Group in order to formally document paths which had been overlooked or lost from documents over time.

The cut-off date for the Crow Act was the end of January 2026 and unless those routes were claimed before that date, they would be legally extinguished. The proposal was to create a sub-group from Forum members. Enquiries had been made in Rutland, by way of a flyer to the local history societies, and six enquiries from potential researchers had been received as a result.

It was suggested that the sub-group would coordinate the work of the individuals or groups to ensure no duplication of effort and to decide on priorities.

The following members volunteered to join the sub-group:-

Mrs R Harris
Mr A Hill
Mr J Williams
Mr J Law

It was agreed to link with the Mid Lincolnshire Local Access Forum also.

Mr Cox advised that he was to attend a meeting of the History and Archaeology Group in Lincoln and would request volunteers.

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Chris Miller, Countryside Access and Definitive Map Manager, encouraged the sub-group to nominate a lead who could meet and discuss the level of research, etc, with officers prior to commencing the project. He also offered to attend the first meeting.

RESOLVED

That the sub-group be set-up with the initial group of Members noted above.

39 SOUTH LINCOLNSHIRE WALKING FESTIVAL

Members noted the circulation of the minutes of the South Lincolnshire Walking Festival Steering Group.

Chris Miller, Countryside Access and Definitive Map Manager, had attended the meeting which was looking to mirror the success of the Lincolnshire Wolds Walking Festival to promote areas of South Lincolnshire. A website had been developed for the festival and the steering group were looking to have a programme of walks listed by Autumn.

Mr Cox mentioned that he was a member of an archaeological group who were developing a themed walk which could also be included.

It was agreed that Mr A Hill would attend the meetings of the steering group in future to represent the South Lincolnshire & Rutland Local Access Forum.

RESOLVED

1. That the minutes be noted;
2. That Mr A Hill become a member of the steering group in his capacity of South Lincolnshire & Rutland Local Access Forum.

40 ANY OTHER BUSINESS

The Chairman invited Members to raise any items of other business which may not have been raised under specific agenda items.

Coastal Access – Hunstanton and Gibraltar Point

Members were asked to note that a preliminary consultation from Natural England was underway.

41 DATE & TIME OF FUTURE MEETINGS

In agreement with the Chairman, Forum Members and Officers, the following dates for future meetings were agreed:-

- Wednesday 29th April 2015 at 6.15pm – Rutland County Council, Oakham

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- Wednesday 22nd July 2015 at 6.00pm – Barratt Court, off Lincoln Road, Skegness (this meeting would include a presentation on Coastal Access by Mr Paul Marshall)
- Wednesday 21st October 2015 at 6.00pm – South Kesteven District Council, Grantham

RESOLVED

That the above dates be noted and circulated to all members.

The meeting closed at 2.39 pm