

Agenda Item 7



A statutory advisory body to Lincolnshire County Council, North East Lincolnshire Council and other providers of outdoor recreational access

LINCOLNSHIRE JOINT LOCAL ACCESS FORUM 17 NOVEMBER 2021

PRESENT: CHRIS PADLEY (CHAIRMAN)

Representing Lincolnshire County Council: Councillors R J Cleaver

Representing Independent Members: John Beaven, Sid Mill, Sharon Hayes, Angie Tomlin, Peter Hinton JP MBA, Sandra Harrison, Jon Thornes MBE, Victor Clark and David Salkeld

Officers: Matthew Chaplin (Public Rights of Way Officer – North East Lincolnshire Council) Robert Close (Democratic Services Officer - Lincolnshire County Council) and Chris Miller (Deputy Head of Environment - Lincolnshire County Council)

Also in attendance:

15 WELCOME AND INTRODUCTIONS

The Chairman welcomed Forum to the meeting and offered the opportunity for new members to introduce themselves.

16 PUBLIC QUESTIONS

No public questions were raised.

17 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor J Cairns, Mr R Graham, Mr J Law, Ms E Spurrier and Mr N Tomlin.

18 DECLARATIONS OF MEMBERS' INTERESTS

No declarations of interest were made with respect to any items on the agenda.

19 MINUTES OF PREVIOUS MEETING OF LINCOLNSHIRE JOINT LOCAL ACCESS FORUM HELD 18 JANUARY 2021

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On minute number 12, the Deputy Head of Environment, Lincolnshire County Council (LCC), advised that, after investigation, officers hadn't identified any bridges out of use adjacent to busy roads in Lincolnshire. However, if any were subsequently identified these would be brought back to the Forum.

RESOLVED

That the minutes of the 18 January 2021 meeting of the Lincolnshire Local Access Forum be approved.

20 ACCESS DELIVERY IN LINCOLNSHIRE COUNTY COUNCIL AND NORTH EAST LINCOLNSHIRE COUNCIL

That Forum received a presentation from the Deputy Head of Environment (LCC) and the Public Rights of Way Mapping Officer, North East Lincolnshire Council (NELC), on the access delivery team structures for Lincolnshire County Council and North East Lincolnshire Council respectively.

The Committee considered the report, and during the discussion the following comments were noted:-

- The Forum asked for details Lincolnshire County Council's access delivery team's primary working premises. Deputy Head of Environment (LCC) advised that, as LCC was still acting cautiously in relation to office use, officers were predominantly working from home. This situation was likely to continue in the immediate future given the significant IT infrastructure supporting it. The Definitive Map Modification Team were expected to move within LCC's archives. Furthermore, it was clarified that within NELC, the Rights of Way Officer, and his two inspectors, continued to work from home.
- Observing the separation between the Public Rights of Way Officer (NELC) and Highways Maintenance Officers (NELC), the Forum asked what process was undertaken when maintenance was required. The Public Rights of Way Officer (NELC) clarified that the practical maintenance tasks were completed through an electronic work order. From there, officers checked for necessary stock, before completing the maintenance subject to capacity. It was clarified that the Public Rights of Way Officer was responsible for maintaining stock.
- Appreciating the access team structure charts, the Forum requested that, upon amendment, a revised copy be emailed to Forum members.

RESOLVED

1. That the overview of access delivery in Lincolnshire County Council and North East Lincolnshire Council be noted.
2. That a structure chart for Lincolnshire County Council and North East Lincolnshire Council be circulated, and any future changes be relayed to the Forum through an updated chart.

21 ROUND UP OF ISSUES ENCOUNTERED BY AUTHORITIES IN DELIVERING ACCESS WORK DURING PANDEMIC PROTOCOLS

That Forum received a verbal update from the Deputy Head of Environment (LCC), detailing the issues encountered throughout the Covid-19 pandemic. It was advised that a noticeable increase in public footpath usage was observed at the start of the pandemic. This created problems for the landowners who also noticed an increased presence of access users. Concerns from landowners of virus transmission were subsequently relayed to officers, particular concerns were raised of surface contamination. Occurrences

of illegal obstructions to public rights of way were recorded, which were mitigated through promotion of alternative routes. Other issues included fires, barbeques, litter, car parking and wild camping which all contributed to increased service pressures. It was however stressed, that the increased use of public rights of way benefitted to health and wellbeing, sustainable transport, and the tourism economy. This may have contributed to the substantial allocation for cycling infrastructure funding within the Chancellor of the Exchequers' budget.

The Forum considered the update, and during the discussion the following comments were noted:-

- Forum members raised the issue of sheep worrying, asking if any deterrent signage was available. The Deputy Head of Environment (LCC) explained that while bespoke signage wasn't available, officers would always endeavour to support livestock owners. The increase in rights of way users may have included people who aren't familiar with the responsibilities and etiquette of access. Issues of loose dogs and trespassing were harder for officers to support with as they were civil issues. In addition, it was advised that there was precedent for alternative routes to be offered.
- A suggestion was made by the Forum of a standard uniform sign mandating that dogs were kept under control. The Deputy Head of Environment (LCC) noted that it could only indicate a request as there wasn't currently a law mandating it. LCC did have some signage; however, they weren't considered by landowner to be large or robust enough.
- Referencing the withdrawal of the path maintenance precept, some Forum members noted that parish councils were unable to maintain paths. The Deputy Head of Environment (LCC) explained that a financial decision was made after 2011 to withdraw the public paths funding precept as a cost saving method. Officers were hoping to eventually recommence it, however currently, finances were too limited to facilitate this.

RESOLVED

That the update be noted.

22 LEGISLATIVE CHANGE PROGRAMME (DEREGULATION ACT)

That Forum received a verbal update from the Deputy Head of Environment (LCC), explaining that the Deregulation Act. 2016 was awaiting secondary legislation to become operational. A number of changes were expected, particularly effecting the process for definitive map modifications. The first major change would come in the form of a cut-off date of 1 January 2026 for applications to amend the definitive map based on evidence of a routes existence before 1949. However, it was noted that the Secretary of State for Environment, Food and Rural Affairs may offer an extension due to the impacts of Brexit and the Covid-19 Pandemic. A high number of cases had been submitted and work was being done with user groups to mitigate duplication. User groups from Nottingham had contacted Council officers to identify cross boundary paths. The building of evidence would ultimately lead to the Council taking a view as to whether to make an order and process it accordingly.

Officers explained that the second major element of the Deregulation Act. 2016 was the right to apply for diversions and extinguishments. The right to apply would change the process so that applications had to be assessed within a six-month period before creating a report of the intended objective of the application.

Other changes resulting from legislative changes included the removal of the need to advertise in the press and the order making authority being enabled to determine irrelevant objections to orders. The Deputy Head of Environment (LCC) advised that he intended to produce a report for the next meeting of

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the Lincolnshire Joint Local Access Forum detailing legislative changes and how they would be implemented by the Council.

The Forum considered the update, and during the discussion the following comments were noted:-

- The Forum noted that members of the British Horse Society experienced green lanes that hadn't been adopted into the definitive map yet had been used extensively by riders for a significant period of time. Access users feared land owners of these sites may reconsider the access' openness as their land expanded.

RESOLVED

That the report be noted.

23 ENGLAND COAST PATH

That Forum received a report from the Deputy Head of Environment (LCC) updating the Committee on the progress of the establishment, and future management, of the England Coast Path (ECP) in Lincolnshire. The ECP would be an extension of the original open access land. A trail would be established within the coastal margin to establish a national trail known as the ECP. An overview was given of the difficulties faced in relation to the Sutton Bridge to Skegness section of the ECP due to a European Court Judgement as a result of habitat relocation inspections. An overview of the four stretches of path within Lincolnshire, Hunstanton to Sutton Bridge, Sutton Bridge to Skegness, Skegness to Mablethorpe and Mablethorpe to the Humber Bridge, was offered. Officers were due to meet with Natural England in November 2021 to explore the next steps of the ECP.

RESOLVED

That the report be noted.

24 LINCOLNSHIRE COUNTY COUNCIL - LOCAL TRANSPORT PLAN 5

That Forum received a verbal update from the Deputy Head of Environment (LCC) advising that the Local Transport Plan Five was now open for consultation and was accessible to Forum members for comment. It was noted that the walking and cycling agenda had benefitted from increased engagement when compiling the strategy and greater consideration was given to recreational access use.

RESOLVED

That the report be noted.

25 LINCOLNSHIRE COUNTY COUNCIL - RIGHTS OF WAY IMPROVEMENT PLAN 2

That Forum received a verbal update from the Deputy Head of Environment (LCC) which explained that the scheduled Rights of Way Improvement Plan Two remained outstanding due to resource limitations however, Right of Way Improvement Plan One was still considered to be sufficient in the meantime. It was advised that the Lincolnshire Joint Local Access Forum would be used to support compilation through consultation.

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The Public Rights of Way Officer (NELC) advised the Forum that the Rights of Way Improvement Plan for NELC was approved in 2021, following consultation with the Local Access Forum.

The Forum considered the update, and during the discussion the following comments were noted:-

- Forum members noted that the Lincolnshire Joint Local Access Forum as a collective was intended to have a large input into the Rights of Way Improvement Plan, however, some forum members felt that the one forum member representative appointed as a consultant limited their influence in the process.
- Further feedback was offered by forum members stressing that they felt the ambition of the plan to increase resource grants limited it's focus.
- Appreciating the significant consideration given to walking and cycling routes in the Rights of Way Improvement Plan, forum members asked if comparable consideration would be given to horse riding and carriage routes. They went on to add that very limited off-road access was available in Lincolnshire, particularly on multi user trails. Moreover, it was added that carriage driver suffered further restrictions on accessible pathways. The Deputy Head of Environment (LCC) explained that the Council's capacity to facilitate additional public bridleway access was limited given the historic nature of public bridleways. Where possible, officers endeavor to promote the highest level of access feasible. Forum members were encouraged to consider these issues when setting their agendas.
- Some forum members took exception with the linked-up traffic network, feeling that access users suffered a great deal as a result of HGV movements through inappropriate roads putting riders and cyclists at risk.

RESOLVED

That the report be noted.

26 NORTH EAST LINCOLNSHIRE COUNCIL - LOCAL TRANSPORT PLAN (LTP) RECENT AND FUTURE PROJECTS

The Public Rights of Way Officer (NELC) delivered a presentation detailing the recent and future projects for North East Lincolnshire's Local Transport Plan, specifically Public Bridleway 80 and Public Footpath 79 which benefitted from a wear system and resurfacing, and Public Footpath 10.

The Forum considered the update, and during the discussion the following comments were noted:-

- Forum members asked if the resurfacing material used in on Public Bridleway 80 was acceptable for use by horses. Furthermore, forum members advised that the British Horse Society had an available fund that could be applied for to enable bridleway resurfacing, in addition to offering advice on surface materials. The Public Rights of Way Officer (NELC) explained that the decision for the material used came as a result of research and confirmed that it was appropriate for use by horses.
- Observing the surface of Public Footpath 10, forum members raised fears that the tarmac used to resurface would result in ice during winter, making it particularly unusable for horses. The Public Rights of Way Officer (NELC) appreciated forum members' concerns, commenting that the suitability for horses was always a consideration when choosing surface material. The Deputy Head of Environment (LCC) added that, a piece of work undertaken by Department for Environment, Food & Rural Affairs (DeFRA) sought to explore suitability of public bridleways for their originally intended equestrian users.

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RESOLVED

That the report be noted.

27 FORWARD AGENDA PROGRAMME

The Forum was offered the opportunity to discuss items for future meetings of the Lincolnshire Local Access Forum.

The Forum raised the following comments:-

- Some forum members expressed the intention of emphasising the recreational nature of access transportation within Lincolnshire in the Rights of Way Improvement Plan.
- While appreciating the legislative framework that governed the membership of the Lincolnshire Joint Local Access Forum, forum members felt that it would be beneficial if members' organisations and community groups could be identified, if necessary, through an informal engagement.
- The Chairman encouraged forum members to communicate any suggestions to the clerk who would share them with officers, before compiling future agendas.

RESOLVED

That the report be noted.

28 DATE AND TIME OF THE NEXT MEETING

Forum members hoped to meet more frequently in the through the next municipal year and agreed to arrange the next meeting of the Lincolnshire Joint Local Access Forum in spring 2022.

The meeting closed at 6.15 pm