

## Public Rights of Way and Access Forum

Tuesday 11 July 2023 at 10.00 am – Teams Virtual Meeting

### Agenda

**No. Item**

- 1. Apologies**
- 2. Minutes of the Last Meeting held on 17 January 2023** (Pages 1 - 6)  
Attached.
- 3. Matters Arising**
- 4. Highways Act Orders and Town and Country Planning Act Orders** (Pages 7 - 8)  
Attached.
- 5. Definitive Map Modification Orders** (Pages 9 - 10)  
Attached.
- 6. Footpath Clearances**  
David Kelly.
- 7. Footpath Claims**  
David Kelly.
- 8. Diversion Backlog**  
County Councillor Hind and County Councillor Towneley.
- 9. Any Other Business**
- 10. Date of Next Meeting**  
To be confirmed.

County Hall  
Preston

H MacAndrew  
Director of Law and Governance



## **Public Rights of Way and Access Forum**

**Minutes of the Meeting held on Tuesday, 17th January, 2023 at 10.00 am –  
Teams Virtual Meeting**

### **Present:**

#### **Chair**

County Councillor Sue Hind

#### **Committee Members**

County Councillor Stephen Clarke  
County Councillor Carole Haythornthwaite  
Alison Boden, (Wyre Borough Council representative)  
Mr Brian Dearnaley, (Peak and Northern Footpath Society)  
Mrs Rosemary Hogarth, (Long Distance Riders Group representative)  
David Kelly, (Ramblers Association)  
Mrs Shirley Northcott, (Peak and Northern Footpaths Society representative)  
Ms Chris Peat, (British Horse Society representative)  
Mike Prescott, (Cycling UK)  
Neil Herbert, (Lancaster Ramblers Association)

#### **Others**

Chris Kynch, (Lancashire Association of Local Councils)  
Lorraine Mellodey, (Blackburn with Darwen)

#### **Officers**

David Goode, Lancashire County Council  
Julie Paton, Lancashire County Council  
Joanne Mansfield, Lancashire County Council

### **1. Apologies**

Apologies were received from County Councillor Cosima Towneley, County Councillor Shaun Turner, Adam Briggs (National Farmers' Union) and Paul Withington (Blackburn with Darwen).



## **2. Minutes of the Last Meeting held on 12 July 2022**

The minutes of the meeting held on 12<sup>th</sup> July 2022 were agreed as a correct record, subject to an amendment to the date on page 4 which should have read **Tuesday 17<sup>th</sup> January 2023**.

## **3. Matters Arising**

There were no matter arising.

## **4. Reappraisal of Forum**

David Goode explained that the Public Rights of Way and Access (PROWA) Forum in Lancashire, in common with many others throughout the country, had existed prior to the establishment of the Lancashire Local Access Forum (LLAF). Although the intention from the Countryside and Rights of Way Act 2000 had been for the Local Access Forum to take over from the PROWA forum (and equivalents in other parts of the country), the differences between the forums were acknowledged and a decision made to keep them separate. The PROWA forum could consider geographical and user group issues whereas the LLAF had a statutory remit to advise the access authorities (Lancashire, Blackpool and Blackburn with Darwen Councils) – this was a relatively restricted limit and was on a strategic level. However, as the issues discussed by both forums overlapped, this was why now one meeting directly follows another.

David Goode invited comments from Members on the re-appraisal of the Forum and how it could help improve the service to the public.

David Kelly stated that a mechanism was required to raise problems with public rights of way, faults and other issues that used to be dealt with by the Rangers Service. It was noted that the Forum did try to address these problems but a lack of funding was always an issue.

Chris Kynch stated that, from a Parish Council point of view, they were aware of gaps in communication where the sharing of information could help to resolve any problems. David Goode suggested that, as Parish Councils knew exactly where developments were being built, the Forum could play a similar role in those areas that did not have Parish Councils.

The Chair informed the Forum that Parish Council conferences took place 2/3 times a year, and suggested that Public Rights of Way be an agenda item for these meetings. David Goode agreed that this opportunity should be taken up.

It was reported that the Lancashire Association of Local Councils sent a regular newsletter out to all its member Parish Councils which was a good way of getting information out. Submissions for the newsletter could either be sent to the LALC or via Chris Kynch; the contact details would be sent to the Forum.



Neil Herbert asked whether there was a regular slot about DMMO applications and maintenance, and what could be done to assist the county council. The Chair stated that she had attended a Parish Council meeting where they had offered to part-fund the maintenance of a footpath so working together would be a way forward.

Brian Dearnaley stated that better consultation was needed with user groups, for example, the change of policy to deal with roadside signs, which had been implemented without this consultation. It was reported that this was not a policy change but that there had been greater awareness of an existing policy; however, policy change was within the remit of elected Members and that it was not something the Forum could decide although user groups could be consulted.

Alison Boden suggested that the Forum could look at particular issues at district level and how we make our public rights of way more user friendly for people with disabilities and those with dementia, and to have the opportunity to raise where there may be gaps or particular issues in the rights of way network in specific areas of the county.

County Councillor Haythornthwaite stated that footpaths in urban areas could sometimes be overlooked where development was taking place, and that it was not always clear where the rights of way were at local level. Accessing this information was difficult so anything the Forum could do to help information sharing with elected Members would be appreciated. It was reported that urban areas were just as important as rural areas and particularly in terms of providing non-motorised connectivity for access to schools, shops, etc and, as these areas did not have Parish Councils, volunteer groups could potentially help with these issues as 'eyes on the ground'. It was acknowledged that the planning website was difficult to access. Information on where public rights of way were could be accessed on MARIO, although any developments could not easily be seen – this was where the Parish Councils had an important role to play as they were aware of where development was happening. The Chair emphasised the importance of health and safety in that where developments were being built and the developers closed a footpath, an alternative route for people to use during the building works was essential.

In relation to a question about volunteers, it was considered that this would be of great benefit although if the Forum wished to move in that direction, volunteers would need to be organised at a local level. Mike Prescott reported that he was experiencing problems finding volunteers for a restoration project, and that other groups were experiencing similar problems. Chris Kynch suggested that the Town Councils in urban areas could be a possible link to progressing this issue. Another option was that the University of the Third Age had lots of people who were keen to get involved, many of which had the expertise so this was another partnership link that could be developed. The Chair was a Member of this network so would raise this issue at the next meeting.

## **5. Highways Act Orders and Town and Country Planning Act Orders**



In relation to Highways Act Orders, the Forum was informed that Legal services had **85** live files. Since the last Forum, Legal Services had received **4** new applications and **3** matters had been closed.

**40** applications had not yet been to Committee. **8** applications were awaiting Order making and **1** Order was awaiting confirmation authorisation.

**5** Orders needed to be submitted to the Planning Inspectorate as they had received objections. **1** Order was with the Planning Inspectorate.

**2** Orders were awaiting confirmation as they required groundworks to be undertaken before they were confirmed. **28** Orders had been confirmed but were awaiting to be certified fit for use.

In relation to Town and Country Planning Act Orders, Legal Services had **4** live files and **4** matters were waiting to be confirmed following further advice from the Rights of Way Team.

Concern was expressed that numbers had not changed a great deal since the last meeting.

It was reported that, going forward, improvements should be seen due to a new full-time Public Path Orders Officer being appointed and that these reports should now start filtering through to Regulatory Committee.

## **6. Definitive Map Modification Orders**

It was reported that Legal Services had **210** live files. Since the last Forum, they had received **8** new applications and **5** matters had been closed.

**140** matters were either in the consultation period or were being investigated before going to Committee. **4** Orders were awaiting making. **58** Orders had received objections and would need referral to the Planning Inspectorate.

**2** Orders were with the Planning Inspectorate for determination. **4** Orders were awaiting confirmation. **2** Orders had been confirmed by the council or the Planning Inspectorate and were in the high court application window.

**5** Orders had been confirmed by the council or the Planning Inspectorate and the high court application window had expired; these matters had been closed.

In relation to the numbers of DMMOs waiting to be submitted to the Planning Inspectorate, it was very difficult to recruit Solicitors experienced in Highway law so they had to be trained in these matters, once appointed, so reports also needed to be cleared by the Principal Lawyer until training had been completed. The Paralegals also played a very important role in the process although there was not a full staff complement at the moment. Arrangements had been put in place to address these issues.

## **7. Fault Reporting (Two Aspects) - (a) Lack of Clearance Reports being issued**



## **by LCC. (b) The Planned New Fault Reporting System of 'LoveCleanStreets')**

David Kelly stated that reports made last year were not appearing on the spreadsheet. David Goode gave an assurance that these reports had not been lost but that changes could not be made to the current IT system as work to get the new system up and running was being done. Once the new system had been set up, this information would be able to be accessed instantly from LoveCleanStreets. A test version of the LoveCleanStreets app for rights of way would be available next week and was expected to go live 3/4 weeks after that; the app had already been implemented for the Highways Service. As photographs could be uploaded 'on the spot', the exact location of where the problem was could be pinpointed. Members of the public needed to be encouraged to comment on the photographs they took, to provide more detail of what the issue was. For those people who did not have a smartphone, if they took a photograph, they could upload it onto the website/version of the app through a computer at home or, alternatively, the details of the problem could be emailed and a photograph attached.

### **8. Update Regarding the Provision / Replacement of Missing Footpath Signs.**

It was reported that there had been delays on this, partly due to staff time but mainly due to problems getting hold of contractors and the materials required. The framework order was about to be re-tendered. Mostly plastic signposts were used and the county council were currently waiting on two large orders for the plastic to be made. Priority was mainly given to other infrastructures than to signposting although it was appreciated that signs were important.

It was noted that no full districts had had signs provided/replaced although smaller areas had been done. It was acknowledged that this work was behind schedule but had to be balanced against other workload.

Rosemary Hogarth informed the Forum that Parish Councils could ask for signs to be provided so that they could be replaced as part of the local delivery scheme and that this worked well. This gave Parish Councils the opportunity to prioritise what was important to their parishioners.

CC Haythornthwaite reported that some road signs in her division had turned around in the wind; these had been reported to Highways and dealt with quickly.

### **9. Update on the Footbridge on the North West Side of Winter Hill**

David Kelly reported that the footbridge situation at Winter Hill had remained unchanged and asked who would be undertaking the repair work. It was reported that, although repairs such as this would have been done in the past, the work was non-statutory, and that unfortunately the county council no longer had the resources to carry out non-statutory work.

### **10. Any Other Business**

Chris Peat reported that she was unable to print maps from her PC from the MARIO system, and that any applications submitted that did not include maps would be



returned. David Goode confirmed that supporting evidence could instead be emailed if there were any printing issues. Neil Herbert suggested using the snip and sketch facility which could be downloaded free from Microsoft, which allowed specific areas of a document to be captured and printed.

#### **11. Date of Next Meeting**

It was noted that the date of next meeting was to be confirmed.

L Sales  
Director of Corporate Services

County Hall  
Preston





# Agenda Item 4

## HIGHWAYS ACT ORDERS – Forum 11<sup>th</sup> July 2023

- Legal services have **96** live files. Since the last forum we have received **9** new applications and **0** matters have been closed.
- **47** applications have not yet been to Committee
- **10** applications are awaiting Order making
- **1** Order is awaiting confirmation authorisation
- **5** Orders need to be submitted to the Planning Inspectorate as they have received objections
- **1** Order is with the Planning Inspectorate.
- **2** Orders are awaiting confirmation as they require groundworks to be undertaken before they are confirmed
- **28** Orders have been confirmed but are awaiting to be certified fit for use

## TOWN AND COUNTRY PLANNING ACT ORDERS

- Legal Services have **7**live files.
- **4** matters are waiting to be confirmed following further advice from the Rights of Way Team
- **3** Orders need to be submitted to the Planning Inspectorate as they have received objections



**INFORMATION TO FORUM FROM LEGAL SERVICES**

**11<sup>th</sup> July 2023**

**DEFINITIVE MAP MODIFICATION ORDERS**

- Legal Services have **206** live files.
- Since the last Forum we have received **4** new applications and **8** matters have been closed.
- **139** matters either are in the consultation period or are being investigated before going to Committee.
- **2** Orders are awaiting making.
- **60** Orders have received objections and will need referral to the Planning Inspectorate.
- **1** Order is with the Planning Inspectorate for determination.
- **1** Order is awaiting confirmation.
- **1** Order has been not confirmed by the Planning Inspectorate and notice of the decision needs to be served.
- **2** Orders have been confirmed by the council or the Planning Inspectorate and are in the high court application window.
- **4** Orders have been confirmed by the council or the Planning Inspectorate and the high court application window has expired, these matters have been closed.
- **4** Applications have been decided, no orders made, and these matters have been closed.

