

Lancashire Local Access Forum

Tuesday, 30th January, 2024 at 1.30 pm in Committee Room 'C' - The Duke of Lancaster Room, County Hall, Preston

Agenda

No. Item

1. **Apologies for Absence**
2. **Minutes of the Meeting held on 11 July 2023** (Pages 1 - 6)
3. **Matters Arising**
4. **Terms of Reference Discussion** (Pages 7 - 12)
Item to be introduced by the Chair.

The Terms of Reference of the Forum is attached. Comments received on the Terms of Reference, prior to the last meeting of the Forum are also attached at Appendix 'A'.
5. **Lancashire's Unsurfaced, Unclassified Roads - Responses** (Pages 13 - 14)
Item to be introduced by the Chair.

The responses from Blackburn with Darwen Council, Blackpool Council, and Lancashire County Council, on how they deal with unsurfaced, unclassified roads, as requested at the last meeting, are attached.
6. **Coastal Access** (Pages 15 - 16)
Item to be introduced by David Kelly.

Written response attached.
7. **Any Other Business**
8. **Date of Next Meeting**
The next meetings of the Forum will be on:
 - Tuesday 9 July 2024 at 1.30pm
 - Tuesday 28 January 2025 at 1.30pm

Meetings to be held at County Hall, Preston.



County Hall
Preston

H MacAndrew
Director of Law and Governance



Lancashire Local Access Forum

Minutes of the Meeting held on Tuesday, 11th July, 2023 at 10.30 am – Teams Virtual Meeting

Present:

Chair

Richard Toon

Forum Members

County Councillor John Shedwick
Peter Edge
David Kelly
Chris Kynch
Mike Prescott

In Attendance from the Public Rights of Way and Access Forum

County Councillor Sue Hind
County Councillor Stephen Clarke
County Councillor Carole Haythornthwaite
Brian Dearnaley
Chris Peat

Officers

Alison Boden, Wyre Borough Council
David Goode, Lancashire County Council
Lorraine Mellodey, Blackburn with Darwen Council
Iollan Banks, Blackburn with Darwen Council
Julie Paton, Lancashire County Council
Joanne Mansfield, Lancashire County Council

1. Apologies for Absence

Apologies were received from County Councillor Cosima Towneley, County Councillor Shaun Turner, Neil Herbert, Adam Briggs, Rosemary Hogarth and Paul Withington (officer, Blackburn with Darwen).



2. Minutes of the Meeting held on 17th January 2023

The minutes of the meeting held on 17th January 2023 were agreed as a correct record.

3. Matters Arising

Long term replacement for the Local Transport Plan for Lancashire – Richard Toon asked for a response to be included in the minutes which is as follows:

'Lancashire County Council are currently working with Blackburn with Darwen and Blackpool Councils to prepare the next Local Transport Plan – LTP4, which will be the first joint LTP for Lancashire.

Some preparatory work has been ongoing by the 3 Local Transport Authorities over the last few years, but with the Covid-19 pandemic disruption and changes to government policy, Atkins has now been commissioned to undertake an initial review of the transport policy position for the whole of Lancashire, and to highlight key transport issues. New government guidance on the format of LTP4 has been awaited for almost a year. Based on what it is expected to contain, an emphasis on decarbonisation is anticipated. In Autumn, Lancashire will be confirming a timeline for the preparation of the joint LTP4 for the broader County with Atkins, which can be shared in due course.'

Concessionary routes no longer being shown on MARIO – Richard Toon asked for a response to be included in the minutes which is as follows:

'There is no central source of permissive routes but mostly these are outside the 3 authorities' control and often awareness so they are not, and cannot be, advertised on the respective websites (except the few that run over the council's own land or are agreed by them).'

Reappraisal of Forum – it was acknowledged that there was ongoing debate in relation to how much access to the countryside there was. It was the Forum's role to advise the county council and to lobby government on legislation changes, where appropriate.

England Coast Path - it was confirmed that the name of the England Coast Path changed to the official name of King Charles III England Coast Path in May 2023. Richard Toon asked what implications there were in terms of changes to information/signage and expressed concern that the new name of the path may invite graffiti. It was reported that there was only a very short stretch of the ECP in West Lancashire that had been opened at the same time as the official naming of the route. There would therefore be no implications for Lancashire as the stretches already in place were either signposted as the England Coast Path or other signage was in place for the King Charles III England Coast Path. As and when other stretches were opened, they would have the official name on.



4. Terms of Reference discussion

Richard Toon stated that the Terms of Reference needed to be looked at more broadly and potentially include the lobbying of government and others on relevant issues as this was often done in conjunction with other North West LAFs.

Comments had been received from Members on the Terms of Reference which had been included with the Agenda papers. It was agreed that these be discussed at a future meeting.

5. Lancashire's Unsurfaced, Unclassified Roads

This matter had been raised at the Northwest Regional LAF Chairs meeting in October 2022.

It was agreed that Blackburn with Darwen Council, Blackpool Council and Lancashire County Council be asked for details of how they dealt with unsurfaced, unclassified roads, in terms of adding these on the Definitive Maps and Statements. Responses would be brought back to the next meeting.

6. New Government Time-limit on Registering Rights of Way

It was reported that the cut-off date for registering rights of way was 31st January 2031.

7. Progress on the Rights of Way Improvement Plan

Richard Toon complemented the county council on the new cycling route in Preston, on the interchange between County Hall and the River Ribble, where there was a new cycling infrastructure; bicycles could be borrowed for the route which linked to the Guild Wheel. Richard stated that it was a positive move in making Preston more cycle friendly. Mike Prescott had also used the route, stating that it was very good and that you did not have to wait long to cross. Richard recommended that Forum Members go and have a look at the route, whether as a cyclist, in a car or a pedestrian.

8. Update on the King Charles III England Coastal Path

Julie Paton provided an update on the King Charles II England Coast Path.

Access rights for the Cleveleys to Pier Head (CPH Section 4 - Tarleton Lock to Pier Head) commenced on 10 May 2023. The remaining length of Cleveleys to Pier Head (CPH Section 1-3 - Tarleton Lock to Lytham at the boundary with Blackpool) had received Secretary of State approval and would be the next section to be implemented. Works along this stretch would not commence until all the proposed infrastructure had been reviewed to confirm this was still necessary; discussions had been held with landowners and the establishment grant approved. The path would then be opened as one continuous stretch up to the Blackpool boundary.



From Cleveleys onwards, it was possible to get as far as the Wyre Estuary on the west side of the ferry – signage was just required for this. The section between Knott End and Glasson Dock was still with the Planning Inspector. A couple of smaller sections leading up to Silverdale had been approved although, as these were in the middle of a stretch, works could not be undertaken until approval for either the top or bottom section had been granted. It would be winter 2023-spring 2024 before the next stretch could be fully opened.

David Kelly reported that there had been a delay with a section of the route in Dorset which was due to a resources issue.

Alison Boden asked for more detailed clarification on what the infrastructure for sea defences was likely to be on the section from Cleveleys to Fleetwood, and how this may link in with the Wyre way around Knott End/Fleetwood. Julie Paton stated that the infrastructure needed to be put in place for the lower section and, because it was around the existing promenade up to Fleetwood, this was mainly signage; the next section had not yet been approved. Julie would be in touch with Alison within the next few months to provide details of the infrastructure.

Richard Toon thanked Julie Paton for all her hard work on the King Charles III England Coast Path.

Following the meeting, it has been announced that the outstanding sections of Silverdale to Cleveleys awaiting the outcome of the Planning Inspector has received Secretary of State approval.

9. Diversion Backlog

This had been discussed at the Public Rights of Way and Access Forum.

County Councillor Hind had reported that, although a full-time Public Path Orders Officer had been appointed, an extra member of staff was required to deal with the diversions as the process was extremely time consuming.

David Goode had agreed to provide a business case for an extra member of staff, although agreement to this would depend on budget.

The Forum had supported this request.

10. Enforcement Policy

A draft Enforcement Policy for Minor Highways/Public Rights of Way had been circulated prior to the meeting.

David Goode reported that enforcement was an important part of the Public Rights of Way Team's day to day work and approximately half of their time was spent dealing with enforcement. The boundary between maintenance and enforcement was not always clear. As an example, although a broken stile was a question of maintenance as it needed to be repaired or changed to a gate, it was also a question of enforcement as it belonged to a landowner and it was their responsibility. In practice,



it was about the county council working in partnership with landowners. The county council did not have the resources to go through the public rights of way network taking out perfectly good stiles, it was about taking opportunities to improve the network when issues arose. There were lots of more serious obstructions and some took a very long time to resolve.

Richard Toon made the point that enforcement could not be done without evidence. He informed the Forum that a waymark had been prised off several times on the footpath from Coppull to Charnock Richard on the Charnock Richard side. The diversion was very awkward as it was only a few yards wide which had been trampled by horses and led onto a steep drop down into a stream. There was no sign of a path there and it was very difficult to negotiate; if it was regularly walked then it would be more suitable.

David Goode reported that the Enforcement Policy was being consulted on and was about prioritising those routes that most people would use if they were not blocked.

Richard Toon asked why bulls in fields had been referred to in the Policy but other animals that could be a danger to the public had not been. The Forum were informed that there was specific legislation for bulls although this was out of date in relation to popular breeds/species changing by the time the 1981 Act had been enacted.

The Lancashire Local Access Forum approved the draft Enforcement Policy and Richard Toon expressed his thanks to David Goode for writing the Policy.

11. Any Other Business

- Richard Toon referred to the draft minutes of the meeting of the Northwest Regional LAF Chairs held on 20th October 2022 which had been circulated prior to the meeting:

Environmental Land Management Scheme (ELMS) – David Goode informed the Forum that the Public Rights of Way Team had no involvement in this. Alison Boden was involved in working with farmers and land managers and there was lots of discussion around what was going to happen in the future as ELMS was a big area of concern/change for farmers. In the Forest of Bowland, they had the Farming and Protected Landscapes initiative and there were a number of projects supporting farmers in the time gap between the changes taking place with ELMS. This had enabled a number of farmers to undertake different projects, one of which was Bleasdale where a new concessionary path was developed within the public rights of way network and was based on an older one that used to exist; this was a good example of where public access can be considered as part of the benefits within protected landscapes. It was requested that ELMS be an agenda item for the next meeting.

Test and Trial 159 – this had been undertaken to test the willingness of 50 landowners and land managers in the Mendip Hills to create a multi-user strategic access network, to promote sustainable travel, recreational public access and a nature recovery network based on creating permanent



aspirational (bridleway or restricted byway) routes across their land holdings. 90% of landowners/land managers had said they would be willing to join such a scheme to create or improve access.

It was reported that every local authority was being asked by DEFRA to confirm a secretariat contact for their respective LAFs.

- What3Words – Richard Toon encouraged Members to have a look at the What3Words app, which was much more precise than postcodes as it pinpointed individual properties. It was starting to be used by the police, fire service and mountain rescue and would be extremely useful for a whole range of issues, including delivery drivers travelling to remote parts of Lancashire. Many people did not know how to use OS co-ordinates and not all international mapping systems used these. Richard encouraged the Forum to familiarise themselves with the What3Words app and look at ways in which it could be used; Richard would raise this issue regionally as it needed to be taken on board by several organisations. Iollan Banks informed the Forum that Blackburn with Darwen Council used the What3Words app. However, if the 3 words were given by the customer over the telephone, different dialects could be an issue or people with dyslexia could struggle to spell the words. Another issue was that if a call came through the contact centre and the words were not noted down correctly as this could direct you to a totally different location, possibly in a different country, and if no other contact details had been provided, it could be difficult to locate the customers. Iollan's preference was to use the OS Locate App which pinpointed your exact location quickly on an OS map anywhere in Great Britain using grid references.

12. Date of Next Meeting

It was agreed that the next meeting in January should take place face to face in County Hall, with a reception held on the rising of the Lancashire Local Access Forum meeting. The Chairs of both the PROW and LLAF would be contacted for their availability.

At the January meeting, meeting dates for the next 12 months would be set.

H MacAndrew
Director of Law and Governance

County Hall
Preston



Lancashire Local Access Forum Terms of Reference

Title

1. The Lancashire Local Access Forum as defined by the administrative boundary of the County Council and the unitary authorities of Blackburn-with-Darwen and Blackpool Borough Councils.

Role and responsibilities

2. Section 94 of the Countryside and Rights of Way Act 2000 places a statutory duty on highway authorities to establish advisory bodies to be known as Local Access Forums. The primary purpose of the Lancashire Local Access Forum is to provide advice to the authorities and to the Countryside Agency on how to make the countryside more accessible and enjoyable for open-air recreation, in ways that address social, economic and environmental interests. The Forum will encourage and assist access provision, giving advice on issues of particular local relevance.
3. The Lancashire Local Access Forum will give advice on three main topics:
 - a. development of recreation and access strategies that cater for a wide range of people.
 - b. improving the rights of way network; and
 - c. implementation, management and review of the statutory right of access to the countryside.
4. The Lancashire Local Access Forum will work to:
 - a. develop a constructive and inclusive approach to the improvement of recreational access to the countryside;
 - b. respect local circumstances and different interests while operating within national guidance;
 - c. provide advice on issues of principle and good practice, which is consistent with national guidance;
 - d. engage in constructive debate and seek consensus wherever possible; and
 - e. where consensus is not possible, make clear the nature of differing views, and suggest how they might be resolved.

In carrying out these functions the Forum shall have regard to:

- the needs of land management;

- the desirability of conserving the natural beauty of the area for which it is established, including the flora, fauna and geological and physiographical features of the area;
- guidance given from time-to-time by the Secretary of State; and
- proper liaison with neighbouring authorities.

Membership

5. The membership will:
 - a. be balanced to avoid dominance by any single interest group or coalition of like interests; and
 - b. include a cross-section of local interests in the Countryside.
6. The membership will include:
 - a. An independent chair; and
 - b. an optimum number of 12-16 and a maximum of 20 members.
7. Members in total must bring a wide range of experience, including:
 - a. recreational use, for example walking, riding, climbing, cycling;
 - b. land management for example, tenants, landowners and occupiers, and others with an interest in the land; and
 - c. nature conservation, heritage, tourism, health, business, trade unions and transport.
8. Members not experienced in the topics at 7, or aligned with any particular interest group will be appointed and known as independent members.
9. Each forum should contain roughly equal number of members ascribed to each of the categories in 7a, b, c and 8. Members who genuinely have experience and credibility in relation to more than one category in 7 will be particularly useful.
10. Members will be appointed by the authority according to selection criteria, which assess if candidates have sufficient experience of access to the countryside in the local area to be able to make an informed and constructive contribution to improving access provision.
11. Before appointment members will be asked to confirm:
 - a. their support of the positive purpose of local forums;

- b. commitment to working within the terms of reference and achieving the aims of the local forum through constructive working with other members; and
- c. that they are able to devote the necessary time to attend meetings, training and to network with a wide range of interest outside meetings.

Substitute Members

- 12. Occasional substitute members will be permitted to attend meetings of the forum, in place of the nominated member, provided that the substitute is adequately briefed and represents the member's category of interest and can therefore, contribute effectively to the meeting.

Attendance

- 13. In accordance with paragraph 11c, members are expected to be able to devote the necessary time to attend meetings. Where a member misses two consecutive meetings the forum shall review his/her position (a review shall be carried out even where the member has sent a substitute).

Subject to a review at paragraph 12 and it is agreed by the forum that a member be replaced, the replacement member should ideally be from the same interest group and the appointment shall be subject to the usual selection procedure (organised by the lead authority).

Administration

- 14. Meetings will be held at least twice a year, and more frequently when necessary. One of these meetings will be the Annual General Meeting at which the Chair and Vice Chair shall be elected.
- 15. Meeting agenda will be agreed between the chair and the secretary.
- 16. Members of the Forum will be entitled to submit agenda items to the Secretary 14 days prior to the meeting.
- 17. Meetings will be advertised in advance and held in public.
- 18. Agenda, papers and minutes of meetings will be available to the public.
- 19. The chair will invite observers to the meeting when appropriate.
- 20. Observers will be able to contribute to the proceedings at the discretion of the chair.
- 21. The public will be able to ask questions on the business of the meetings at the discretion of the chair.

22. The lead authorities will have the right to review the membership of the local forum on a three yearly basis if necessary.

Reporting Lines

23. The secretary shall prepare regular progress reports of the forum's business to the lead authority.

Previous Comments Received on the Terms of Reference

- Remove the Countryside Agency from the membership and possibly replace with Defra.
- Attendance – I recognise that many people will have missed more than 2 meetings so there needs to be either a rethink of membership or a note for dispensation.
- Substitute members – may have a lack of grasp of the issues.
- Terms of Reference seem fine. To echo the point around attendance, I've not been able to attend many meetings given the fact that I look after the whole of the North West and not just Lancashire. Noting the point around substitutes, it would be good, from a National Farmers Union perspective, if the option to attend could be shared between 2 or 3 people who could attend rather than just myself, which should hopefully mean that we would be more regularly represented at the forum.
- Consequences of Terms of Reference not being adhered to - e.g. we can't get a balance of members. Getting landowners committed to improving access is difficult.

Lancashire's Unsurfaced, Unclassified Roads – Responses

NB. Please note that there can be different interpretations in terms of the definition of an unclassified road.

- **Blackburn with Darwen's Response**

Response received from: Paul Withington, Highway Inspection Manager

"If a PROW is successfully claimed over an Unsurfaced, Unclassified Road, it would be added to the Definitive Map as whatever status it is claimed.

When I think of Unsurfaced, Unclassified Roads I think of private roads, these are often recorded on the National Street Gazetteer but not the Definitive Map."

- **Blackpool's Response**

Response received from: Ian Large, Head of Highway and Traffic Management Services

"I would agree with what Paul from Blackburn has said, and in my mind a PROW and unsurfaced/unclassified roads are two separate things, the PROW recorded on the Definitive Map and un-adopted, un-surfaced, un-classified on the National Street Gazetteer and our asset register."

- **Lancashire County Council**

Response received from: David Goode, Public Rights of Way Manager

"Unsurfaced unclassified roads are generally taken to be those which are publicly maintainable roads but without a sealed (tarmac or concrete) surface. Because of the legislation, most of the road network has never been researched so we don't really know what public rights exist although we know that those on the List of Maintained Streets (or equivalent map) are publicly maintainable, whereas for those on the Definitive Map and Statement we have a recorded status, but we don't know whether they are publicly maintainable.

Mostly, this is no problem because we just assume that the vehicular rights exist on the tarmac ones, and we know that any way on the Definitive Map and Statement is publicly maintainable if it has been through a diversion order or if a public footpath/bridleway is older than 1949. The ones which fall through the gap are old roads on the List of Streets (or equivalent) historically

which don't have a tarmac surface. These are generally carriageways, i.e. have vehicular rights, which is not determined by whether it has a tarmac surface or not but are mostly used differently than the majority of the road network. The question is whether to go through a Definitive Map Modification Order process, which is quite onerous, just for the sake of copying them from one Council Record to another (we are resisting this, obviously but where there is a formal application, we have to process it).





Item 6 – Coastal Access

Preparations for infrastructure replacements between Tarleton Lock and the boundary with Blackpool are being progressed for the sections of the King Charles III England Coast Path where existing public access rights exist. Due to land management changes a section of the approved line at Preston Docks requires a deviation. Once the revised line is determined works to the sections where new rights are being created will be undertaken and the route signed to enable Coastal Access Rights to commence.

Julie Paton

Public Rights of Way Capital Project Officer

