

Lancashire Local Access Forum

Minutes of the Meeting held on Tuesday, 16th July, 2019 at 10.30 am in Committee Room 'C' - The Duke of Lancaster Room, County Hall, Preston

Present:

Chair

Richard Toon

Committee Members

County Councillor Ian Brown
County Councillor Cosima Towneley
David Kelly
Steve Kirby
Paul McKeown
Mike Prescott

Officers

David Goode, Lancashire County Council
Lorraine Mellodey, Blackburn with Darwen (Capita)
Paul Withington, Blackburn with Darwen (Capita)

1. Apologies for Absence

Apologies were received from Arthur Baldwin and Peter Edge.

2. Minutes of the Meeting held on 9 April 2019

The minutes of the meeting held on 9 April 2019 were agreed as a correct record.

3. Matters Arising

After a request was put out for volunteers for researching routes, Chris Peat, British Horse Society, informed the forum they there had been many replies. Richard Toon would draft a letter regarding the cut-off date of 2026 to be sent to the Minister at Defra.

The Future of the Forum would be discussed at Item 4 of the meeting.

4. The Future of the Forum

Two options were proposed. The first option was for one large annual meeting of the LLAFF where forum members could inform LCC beforehand of the topics it would like to be raised and discussed, then all the relevant officers would be invited to the meeting and give their

presentations and updates to the forum. Forum members could hold informal meetings whenever they chose.

The second option was for two basic LLAF meetings a year where clerical support would be provided.

It was a legal requirement for local access forums to meet at least every six months but there was no stipulation about how often local authorities were obliged to provide support for the meetings and for officers to attend.

It was stated that there were currently a number of vacancies on the forum and there seemed to be no attempt by the county council or the unitary authorities in Blackpool and Blackburn with Darwen to fill them. County Councillor Cosima Towneley felt it was difficult to recruit people because the forum was regarded as ineffective and had not achieved anything. It was the individuals around the table who had made a difference as part of other groups.

The Chair, Richard Toon, stated some LLAF achievements. The proposed changes to protection measures for hen harriers and revised guidance on upland access during wildfire risks. He informed the forum he would prepare a list of the LLAF's achievements and circulate to members.

After forum members gave their opinions to the new set up, it was agreed to hold two meetings a year. Lancashire County Council would facilitate them at County Hall or in one of the unitary authorities.

Paul McKeown, Pennine Mountain Bike Action, stated it was important to determine the future ambition for the LLAF under the new arrangements. He felt the forum was important as it was a testing point for user groups. It was important to know what the LLAF was supposed to achieve. The user groups could push the county council officers and LCC could test out its strategy. The authority would be poorer for not having that opportunity.

David Goode, Public Rights of Way Manager, welcomed this vision for the LLAF but stated that currently the LLAF did not operate in this way. It was not up to LCC to direct how the LLAF operated. The problem was that the LLAF did not have any power, just an unclear advisory remit. LCC was frustrated with not being able to get something useful out of the LLAF.

Resolved: Lancashire County Council will support two Lancashire Local Access Forum meetings a year.

5. Bull Hill (Holcombe Moor)

The forum was informed that the Ministry of Defence had declared Bull Hill (summit of Holcombe Moor) out of bounds at all times and that it had no public rights of way and it was not access land. The MoD had stated that people were crossing the area.

Paul McKeown pointed out that the MoD had not tried to manage people or access properly. It did not engage with people in the area properly and it needed to review what it

was doing about access. The positioning of the red flags was poor. A map of the site would be circulated to forum members after the meeting.

David Kelly stated that the MP for the area had given his full support to maintaining access in the area.

A request was put forward for an update on the situation at Holcombe Moor from The Friends of Holcombe Moor for the next meeting of the LLAF.

6. Yorkshire, Humber and North Lincolnshire Regional Access Forum Minutes

One of the items picked out from the Yorkshire, Humber and North Lincolnshire Regional Access Forum minutes was 'Conservation Covenants'. It was proposed to introduce 'Conversation Covenants' into English Law. Under these, landowners and managers would be able to enter into agreements with public bodies and charities to manage land in ways that included public benefits including access agreements. There were concerns whether the proposals had sufficient safeguards. There had to be a need for transparency and any agreed public benefits must be clearly set out. There were concerns about inheritance tax breaks for landowners given in lieu of public access. There was no way of knowing if landowners were complying.

There were concerns in the minutes over the current poor delivery performance of ROWIPs. They were not going anywhere and implementation was minimal. As ROWIPs were a Defra creation it must bear some responsibility.

7. Yorkshire, Humber and North Lincolnshire Response to Cut Off Date

The forum was informed that 7 LAFs had agreed that the cut-off date of 2026 should be postponed or abandoned. 1 LAF thought postponing or abandoning the cut-off date would remove the incentive to get on with correcting the Definitive Map which was unsatisfactory for both users and landowners.

The scale of the challenge facing our councils was such that they would simply be overwhelmed by the task of meeting the cut-off date deadline, unless a properly organised strategy was put in place.

The conclusion was that accurate and fair recording of historical public rights of way required political leadership and funding but there were no assurances that those would be forthcoming.

8. House of Lords Briefing on Historic Rights of Way

The briefing identified relevant reports and useful documents, including recent parliamentary materials and press articles, which might be of assistance to Members in preparing for the following debate:

'Lord Greaves to ask Her Majesty's Government what assessment they had made of the progress that had been made in the registration of historic rights of way and of the benefits of extending the cut-off date for their registration.'

9. Contact with Regional Forums

Richard informed the forum that the topic of contact with Regional Forums was to be discussed at the North West Regional LAF Chairs meeting. He also pointed out that there used to be a meeting once a year for the LAFs. Defra used to support these meetings but this had now stopped.

East Midlands Regional Access Forum had managed to keep going for the last few years despite the phasing out of Natural England support, and had continued to meet twice a year. It was able to continue meeting by getting volunteers to act as Secretary and Chair of its ad hoc meetings. The meetings were not formally regarded as a Regional Forum.

Regarding the North East, Natural England had withdrawn funding for the Regional Co-ordinator and then their support altogether across the North East. The Regional Group was still running, at present meeting twice a year.

10. Coastal Access Update

The forum was informed that the current plan was that Natural England was aiming to publish its reports for the two stretches around Morecambe Bay in mid-October 2019. Natural England was still working hard to finish off the final elements of the Habitats Regulations Assessment and other relevant assessments but it was almost there now.

Natural England had also recently submitted 3 applications to Defra PINS for consent to do work on common land on the coast near Warton and Bolton-le-Sands. Separate consent was needed for common land to carry out certain work Natural England planned to include in its ECP proposals. Natural England felt it would be useful to try to get this consent in place as soon as possible.

Once the reports were published the Lancashire Local Access Forum Coastal Access Sub-Group would hold a meeting with Natural England.

11. Redundant Gates and Stiles

The condition of stiles across Lancashire was slowly getting worse the forum was informed. Landowners were being encouraged to replace worn out stiles with gates or even to leave the way completely unhindered. When the stiles came to the end of their natural life, it was the responsibility of the landowner to replace them so that public paths remained freely passable.

If a stile or gate was in situ at the time a footpath came into being, then it was permissible to replace it like for like.

If Lancashire County Council had to intervene to ensure the work was carried out, the authority was taking the opportunity to ask landowners to consider whether they needed any barrier in place at all. If they did then LCC might then offer to pay to replace the stile with a more easily negotiated gate.

Wherever LCC could see improvement it would look at improvement for access. The authority was very conscious of the quality of access and wanted to improve stiles, gates and surfaces.

12. Any Other Business

Roger Wright pointed out that he had submitted a Freedom of Information request to LCC regarding a Traffic Regulation Order. The Information Access Officer had contacted the Records Office who had replied stating they had no record of it.

Roger explained to the forum that it was a Statutory Order and as a Legal Order it should be freely available. There was a problem with access to records.

13. Date of Next Meeting

It was noted that the next meeting of the Forum would be held on Tuesday 21st January 2019 at 10:30am, in the Duke of Lancaster Room (former Cabinet Room 'C'), County Hall, Preston.

L Sales
Director of Corporate Services

County Hall
Preston