

Shropshire Local Access Forum
15 July 2010
10.00 am

Item
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**MINUTES OF A MEETING OF THE SHROPSHIRE LOCAL ACCESS FORUM
HELD ON 4 FEBRUARY 2010 AT 10.00 A.M. AT THE SHIREHALL ABBEY
FOREGATE SHREWSBURY**

Present

Members

Mr Stephen Bell, Mr Gareph Boxley, Mr Chris Chillingworth, Mr Richard Cotham, Mr Bob Hill, Mrs Jane Ing (Vice-Chair), Mr Clive Leworthy, Dr Jane Morris, Mr Roger Plowden, Ms Sula Rayska (Chair), Mrs Zia Robins, Mr David Shelley and Mr Mark Weston.

Officers

Ms Carolyn Healy, Parks and Countryside Sites Manager, Ms Deb Hughes, Countryside Access Manager, Mrs Kate Nore, Public Path Orders Officer, Mr Jim Stabler, Access Development Officer, Mr Andrew Ventin, Definitive Map Review Officer and Mr David Wise, Forum Secretary

1. Dennis Nisbet

The Chair referred to the death of Dennis Nisbet on 16 January 2010 and asked members and others present to observe a minutes silence in his memory.

2. Apologies for Absence

Apologies for absence were received on behalf of Mrs Caroline Bedell, Mr Steve Charmley, Mr David Cowell and Mr David Roberts

Mr Jonathan Felton, Natural England, had also indicated that he was unable to attend the meeting.

The Forum noted that Mrs Bedell had been unable to attend a meeting since 23 October 2008 and it was

RESOLVED: That Mrs Bedell be asked to clarify her position.

3. Declarations of Interest

No declarations of interest were made by Members.

4. Minutes

RESOLVED : That the Minutes of the last meeting held on 20 October 2009 be approved and signed by the Chair as a correct record.

Arising thereon:

4.1 Countryside Access Team (Item 3.1)

The Chair confirmed that she had sent representations over the 2010/11 rights of way budget to Mr Ryley, Chief Executive of Shropshire Council. Mr Ryley had agreed to attend the next meeting and come on the proposed away day.

4.2 Definitive Map of Public Rights of Way (Item 8)

Members criticised the short notice they had been given in which to make comments to the Task and Finish Group.

Ms Hughes explained that that the timetable had been imposed by the Committee system. The Group were having further meetings to consider maintenance and enforcement and benchmarking work with other local authorities and it might be possible to extend the timescales for reporting back. At some point it might be necessary to have a special meeting of the Forum or Group. She agreed to let Forum members have more information about the Task and Finish Group and confirmed that their meetings were not open to the public

In answering a question about whether the review would be completed before the Definitive Map was closed to claims for historical rights of way in 2026 Ms Hughes explained that there had not been an in-depth discussion about capacity. No evaluation had been carried out as to whether they would meet the cut-off date, but they had agreed a forward programme for the review. An Asset Management Plan had also been drafted.

4.3 Shropshire Way (Item 9)

Mr Stabler reported that he had discussed with Mr Plowden the possibility of an alternative route for an on-road section of the Shropshire Way/ Jack Mytton Way at Plowden. Mr Plowden stated that he was awaiting detailed plans.

Mr Stabler confirmed that bids for funding for the development of the northern route had been submitted and he was quietly confident about being successful.

5. Public Question Time

It was reported that a question had been received from Mr Bill Hodges, in relation to the diversion of rights of way which would be considered later on the agenda

6. Parks and Countryside Sites Update

Ms Carolyn Healy, Parks and Countryside Sites Manager gave a power point presentation (copy on the webpage for this meeting) which covered the introduction of this new service, the team, parks (131 sites managed by the team), the promotion of access, community involvement and volunteers, play development and strategic open space planning.

A member referred to the importance of 'wildlife' and its recording and management on sites. Ms Healy replied that the Council were managing nature conservation interests. In Bridgnorth great links had been made with voluntary groups to make recordings on behalf of the Council and she wanted to encourage the involvement of local wildlife groups with Shropshire Council.

With respect to the development of outdoor play areas, children and young people's satisfaction surveys into the effective use of such investment had been carried out, as monitoring was a condition of grant aid towards their provision from central government. In terms of the general population an Active People survey had been commissioned by Sport England. There had also been a number of site user satisfaction surveys, but they also needed to pick up non users and what prevented them from taking part in outdoor recreation.

A member also raised the fact that horse riding occurred on many sites but their presence hadn't been mentioned. Ms Healy replied that there was a whole range of users of parks and countryside sites that had not been mentioned in the presentation. There was also the opportunity to create circular links between sites and she was keen to do this.

7. Public Rights of Way and Development

Mr Andrew Ventin gave a presentation on his work in ensuring that development proposals took into account the rights of way network in the county.

He referred to the legislation requirements set out under Section 257 of the Town and Country Planning Act 1990, which placed a duty on the local planning authority to make a stopping up or diversion order if satisfied that it was necessary to enable development to take place. This was different to orders under the Highways Act 1980 where the local authority had discretion.

He reported on the history of problems with development in Shropshire, with over 500 of the known 913 anomalies on the Definitive Map caused by development. Now for the first time in over thirty years, since Shropshire Council became a unitary authority in 2009, both highway and planning were again under the same authority. The opportunity to address development issues now rested with the Access Mapping Team.

In giving different examples of changes in land use which affected the public rights of way network he pointed out that the biggest impact was caused by mineral and housing developments. They were also working closely together

with user groups to provide public access and improvements, and were beginning to achieve results.

Following taking over responsibility since October 2009 for Town & Country Planning Act orders, guidance and work practice notes had been prepared, which drew on best practice elsewhere in the country, in order to give clear guidance for developers to address issues in a timely and professional manner. The Section also liaised closely with Highways Development Control, and links were being provided on the website so that developers would be referred automatically to the design guidance page. He emphasised the importance of pre application consultation, as paths might not be directly affected by the development, but still needed to be taken into account e.g. it was hoped to address a dead end bridleway west of Oswestry. A member also hoped that the authority would take into account the impact of development on the local access network e.g. opportunities to provide links to schools etc.

Activity in the housing market remained low, and the opportunity had been taken to look at issues which had not been so pressing when the market had been vibrant.

Ms Hughes added that these changes to working practices had improved the Access Team's relationship with the Planning Team and their responses to public consultation. While Mr Ventin's work was self-financed by the cost of development, it was a part-time post and the situation was being monitored in terms of capacity. There was also a legacy of development issues because certain District Councils had not insisted on the provision of adequate alternative routes in giving planning permissions. It was intended that the Access Team Plan for the next five years would tackle some of these outstanding issues.

In responding to questions officers explained that when it was discovered that rights of way were affected then the planning officer was informed and advised to contact the applicant to take the information into account. If a development order was required then the applicant would be encouraged to contact the Access Team. They could not give the same assurance in respect of possible encroachment over UCRs, but planning officers would be expected to contact Highways and this would be checked.

Members welcomed the information provided.

8. Unsurfaced County Highways/White Roads – LAF Update

Ms Hughes presented an update report on a survey which had identified that approximately 67 kilometres of un-surfaced unclassified roads should be maintained from a recreational perspective. It was likely to take 4-5 years to restore access to these routes, which would be marked as Green Lanes on the Highways GIS data base on the Council website and maintained to BOAT status.

It was confirmed that the cost of maintenance works would be borne by the Highways budget and the Access Team would not be taking over enforcement issues on such routes.

The Forum also received information on the work of the national Highways Records Working Group.

9. Highways Act Diversions of Public Rights of Way

Ms Hughes responded to a letter from Mr Bill Hodges about the diversion of public rights of way, who had expressed concern about whether income for diversion orders from applicants and the funding of officer posts could be affecting policies. She explained that unlike Mr Ventin, Mrs Nore was core funded from within the Access Team Budget, so the same considerations did not apply.

Mrs Nore, Public Path Orders Officer then gave a power point presentation on public path orders under the Highways Act 1980. (A copy of the presentation is on the webpage for the meeting). This covered the legal tests for diverting, creating and extinguishing paths, who might apply, charging policy, application procedures and different examples of orders.

A member asked for an assurance that pro-active action was being taken to improve rights of way where desirable and necessary. Ms Hughes replied that the Access Team were always looking to see where improvements could be made to the network.

Mr Hodges expressed his thanks for the information provided about the processing of diversion orders, which had settled his concerns to some extent.

10. Work of the Local Access Forum

10.1 Feedback to LAF from England Access Forum

Mr Stabler reported that the interface between Natural England and Local Access Forums was not working. Further details about the situation would be made available to members when received.

The Forum received the minutes of the England Access Forum held on 30 June 2009. Mr Stabler agreed to check whether there had been any feed back from Natural England in relation to the surfacing of shared use of public rights of way (Item 6). It was noted that the November 2009 meeting had been cancelled.

10.2 Forward Programme

Mr Stabler reported that the presentations had mainly been reactive. It was intended to build a forward programme including development days e.g. at Colemere Country Park which could cover the work of Shropshire Outdoors, volunteering etc.

It was suggested that funding for maintenance and statutory duties e.g. the safeguarding of routes before the 2026 cut -off date, should be discussed at the next meeting.

It was agreed that if EAF also had a forward programme then individual LAFs could feed in comments before issues were considered. The lack of information

about EAF and the slowness in updating information on the Natural England website was also criticised.

10.3 Membership

Mr Stabler reported that he was advertising for new Shropshire LAF members and intended to introduce induction training. New members would also receive a documentation pack. He asked members to contact him about what would information would have been helpful when they had been first appointed.

10.4 Away Day Proposals

Mr Stabler recommended that the next meeting 27 April should be changed to an Away Day at Much Wenlock. This would include a visit to Lea Quarry, Much Wenlock when members would be able to discuss future open access with the National Trust.

There would also be the opportunity for members to talk to senior officers from Shropshire Council, including the Chief Executive, and put their views across on the delivery of services.

RESOLVED : That an Away Day be held on 27 April 2010 at Much Wenlock.

10.5 Future Dates

RESOLVED : That meetings be held (starting at 10.00 a.m.) on
Thursday 15 July 2010 at Craven Arms Community Centre (Annual meeting).

*Thursday 28 October 2010

Monday 24 January 2011

Wednesday 27 April 2011

** Date changed after the meeting to Thursday 21 October 2010*

Concern was expressed that no future dates of the UCR working party had been scheduled and that Highways should be represented at meetings.

11. Appointment of Vice- Chairman

RESOLVED : That Mrs Jane Ing be appointed Vice- Chairman until the annual meeting in July.

12. Feedback from other forums and items for noting

The Forum received for information:

Minutes of Shropshire Riding and Carriage Drivers Groups held on 8 June 2009
Minutes of Shropshire Hills AONB Access, Recreation and Tourism Working
Group held on 22 September 2009
Shropshire Cycle Forum Minutes of 2 December 2009
Minutes of the Walkers Forum meeting held on 3 December 2009
Access newsletter issue No. 42

Copies of Access newsletter issue No. 43 and minutes of a Livestock and Access
meeting held on 15 January 2010 were tabled at the meeting.

With regard to page 2 of the Shropshire Hills AONB Access, Recreation and
Tourism Working minutes, concern was expressed about the proposed cycle
route between Minsterley and Pontesbury along a disused railway line, which
appeared to involve the removal of a valuable ancient hedge.

It was agreed that more details were required and that Alison Kennedy should be
invited to attend the next meeting on 15 July to answer questions about this and
other cycling topics including multi user routes.

A member expressed concern that a new replacement bridge had been erected
between Cressage and Much Wenlock and there had been no consultation
between Highways and the AONB partnership. It was hoped that proper
consultation would be carried out on such issues in future.

Chair.....

Date15 July 2010.....

The meeting closed at 12.45 p.m.