



Committee and Date
Shropshire Local Access Forum
11 April 2013
10.00 am

Item
2
Public

**MINUTES OF A MEETING OF THE SHROPSHIRE LOCAL ACCESS FORUM
HELD ON THURSDAY, 31 JANUARY 2013 AT 10.00 AM IN THE SHREWSBURY
ROOM, SHIREHALL, SHREWSBURY, SY2 6ND**

10.00 am – 12.40 pm

Responsible Officer

Linda Jeavons

Email:

Linda.jeavons@shropshire.gov.uk

Telephone: 01743 252738

PRESENT:

Jane Ing (Chairman)

Stephen Bell, Gareph Boxley, Peter Carr, Chris Chillingworth, Margaret Markland, Janet Mees-Robinson, Stuart Morgan, Dr Jane Morris, Alison Parker, Roger Plowden, Zia Robins, Madge Shinton and Paul Wynn.

OFFICERS:

Shona Butter, Mapping and Enforcement Team Leader

Mick Dunn, Walking Co-ordinator, Countryside Access Team

Deb Hughes, Outdoor Recreation Manager

Jim Stabler, Countryside Access Development Officer

Stuart Thomas, Area Planning Manager

Tim Ward, Committee Officer / Commons Registration Officer

Linda Jeavons, Committee Officer

29. APOLOGIES FOR ABSENCE / WELCOME

The Chairman welcomed everyone to the meeting, including Dave Mellor and Alex Carson-Taylor (prospective members).

Apologies for absence were received from:

Members:

Richard Cotham, David Cowell, Pauline Dee and Mark Weston.

ACTION

30. MINUTES

RESOLVED:

That the Minutes of the last meeting held on 18 October 2012 be approved and signed by the Chairman as a correct record.

30.1 Arising on the minutes:

- (i) Internal Annual Report – (A list of leader headings was distributed and would be attached to the signed minutes). Jim Stabler reported that all Local Access Forums had to present a report on the discharge of their functions to Natural England on an annual basis, covering the period from October to October. The report expected by Natural England was not sufficiently comprehensive to provide a full picture of the achievements of this Shropshire Local Access Forum (SLAF); and, accordingly, a more in-depth internal annual report would be prepared and presented to members of this SLAF. The report would set out in more detail what had been achieved, and include any aspirations and plans for the coming year. He invited all members to forward any comments or information to him for inclusion. This internal annual report would also be submitted to Natural England.
- (ii) Raven Meadow Planning Application – It was noted that this planning application 12/03258/FUL was still pending consideration.
- (iii) Wenlock Quarries Update (Planning application 12/03034/MAW – Lea Quarry, Wenlock Edge) – It was noted that this application had been partly refused and partly approved at the South Planning Committee held on Tuesday, 29 January 2013.

As a Member of the South Planning Committee (SPC), Councillor Madge Shineton, provided an overview of the SPC's reasons for their decision. She expressed the SPC's annoyance at the application being retrospective; and commented that a wealth of information had been gleaned from a site visit attended by Members of the SPC, the Officer's report, and from the enormous amount of letters, objections and comments from consultees and members of the public. The SPC had determined that the business was needed in the area, was geographically the most appropriate place for this type of business, would provide employment, and was in line with Shropshire Council's policy to reduce emissions. The company had agreed to certain undertakings (which had been added and formed part of the conditions to the permission), and would see the company providing annual funding amounting to £25,000 pa for a minimum of five years, which would support the objectives of the Company's Management Plan and provide for enhancements in the area, including permissive footpaths.

ACTION

JS/AII

With reference to the permissive routes, Jim Stabler sought clarification on the location of these routes as there were plans in the offing to link up rights of way in the area. Some Members commented that they understood that the routes would actually be designated routes and link-up with other rights of way in the area, and bridleways had been promised. In response, Stuart Thomas agreed to share copies of the report and approved plans.

For Information: The report and approved plans were available for viewing on the Planning Portal on Shropshire Council's website (Planning Application No: 12/03034/MAW).

31. PUBLIC QUESTION TIME

It was reported that a question had been received from Sula Rayska as follows:

“Will the Local Access Forum deplore that fact that the Highways section is permitting someone to enclose a very long section of wide verge on a quiet country lane with stones, and plastic bollards which they appear to have provided him free of charge?”

Shropshire County Council's website says the following:

“Verges are cut to:

Maintain visibility for road users, especially on road junctions, visibility splays and crossroads

Keep traffic signs clear

Keep verges passable for pedestrians, horse riders and cyclists

*Verges provide **important habitats for a variety of species of insects and animals.** As a consequence, we cut a limited width of most rural verges only once a year. By keeping the width of cutting to a minimum, the remaining verge area can provide an important habitat for wildflowers and wildlife.”*

In the following discussion, Members were appalled that people were stealing the highway and turning verges into gardens and suburbanising the countryside. Members commented and all concurred that stones and bollards were a hazard to all users, and a trespass on the highway; in some places it made it impossible for vehicles to pass each other; bollards were unnatural and not in keeping with the countryside; the use of verges by highway users was an historical legal right; the Highway Authority would be responsible for any injuries caused by stones and the shards from damaged plastic bollards; and manicured verges would have a detrimental impact on the flora and were out of keeping in the countryside. All agreed that this encroachment of verges had to stop.

ACTION

In response, Deb Hughes explained that she was concerned that if not stopped, it would give the wrong message to landowners, especially if horse riders were prevented from using verges, when they had a legal right to do so, and this, along with the concerns of members of this SLAF, would be passed on to colleagues in Highways.

Following discussion, it was **AGREED:** That a letter be written to Shropshire Council's Highway Department deploring the fact that sections of verges were being enclosed with stones and plastic bollards, and requesting them to provide reassurance to this Forum that they were committed to carrying out the law of purpresture, to following the Council's recommendations for the upkeep of verges along the highways, and where anomalies arose to put them right as soon as possible.

JS/DH/JI

32. DISCLOSABLE PECUNIARY INTERESTS

Members were reminded that they must not participate in the discussion or voting on any matter in which they had a Disclosable Pecuniary Interest and should leave the room prior to the commencement of the debate.

33. MAJOR PLANNING APPLICATIONS AND LAF CONSULTATION

Stuart Thomas, Area Planning Manager, was in attendance and provided an overview of the work of the Planning Department. Shropshire Council dealt with up to 4,000 planning applications on average, and they ranged from small scale domestic schemes right through to large scale commercial schemes.

As part of the consideration process, formal consultation was undertaken on all planning applications, with statutory consultees including English Heritage, and relevant individuals, groups and organisations such as Town and/or Parish Councils and the Ramblers' Association. As consideration of planning applications was a public process, Shropshire Council had invested heavily in public access via the planning portal (a web-based system for hosting all the information relevant to planning applications) available on Shropshire Council's website (www.shropshire.gov.uk), where anyone could view plans and supporting documents, and make comments /objections. There was a 21-day statutory consultation period for people to make their comments.

The overall planning approach, including the National Planning Policy Framework and the Core Strategy Development Plan Document, was very much a pro-development strategy, centred around sustainable development, economic development and stimulating development across the board.

ACTION

Planning applications were determined by either the Area Planning Committee (of which there were three – North, South and Central) or under Officers' delegated powers. The number of planning applications refused was less than 10% of the overall volume; and the majority of decisions were delegated to Officers.

In response to questions, Stuart Thomas responded as follows:

- If there were any local groups who wished to engage in the process of commenting on planning applications, then they could do so;
- The web-based system permitted anyone to register; it had an excellent search facility; and an email notification could be requested and would be sent whenever a certain type of application had been validated and registered on the site; and
- Any group could register to make comments - all that was needed was a designated contact and an email address.

In response to a comment, Stuart Thomas explained that the system would be altered to ensure that comments from the Ramblers' Association would be listed as coming from a consultee, rather than from a member of the public. A Member raised concerns that the Ramblers' Association was consulted on planning applications, but not the Horse Riders' Society.

ST

A member commented that despite Town and Parish Councils' (T&PCs) making objections, planning applications had still been approved; he questioned why T&PCs were now being advised to send a representative to Planning Committees to speak and provide justification/clarification for the reasoning behind their objections; and asked how they could ensure that sufficient weight would be given to their comments? In response, Stuart Thomas explained that 'weight' was a matter for the decision-maker; T&PCs did have the right to attend Planning Committees, and were encouraged to do so to speak and convey their concerns; all objections were fully documented and addressed and commented on in the Officer's report; pre-application discussions with Planning Officers' were undertaken extensively with developers and advocates, although this was discretionary and Officers had no powers to insist that this offer should be taken up; and negotiations did take place with applicants to see if any changes could be made to planning applications to address any concerns/objections.

In response to a Member asking if public rights of way and the impact developments could have on quiet country lanes during the application process, and could a S106 Legal Agreement be added to large developments stipulating that a developer should re-instate any affected rights of way, and/or include non-motorised routes, Stuart Thomas explained that any impact would be assessed on a case-by-case basis, a S106 Legal Agreement covered a range of issues and was negotiated between a local authority and the applicant to secure improvements in the scheme. He stated that these comments would be taken on board by Planning Officers.

RESOLVED: That a member of this Shropshire Local Access Forum be designated as the contact person to make comments on planning applications affecting rights of way.

34. COMMONS – CLARITY OF ACCESS

Two information leaflets entitled: “Visiting Open Access – Your rights and responsibilities” and “Access to Commons” had been circulated prior to the meeting, and would be attached to the signed minutes.

Shona Butter and Tim Ward were in attendance for this item and invited questions from the floor. The rights of mountain bikers on commons was raised and it was confirmed by SB that there were no rights for mountain bikers under the Countryside Rights Of Way Act.

Members noted that, at this point in time, there was no specific information available which detailed the access arrangements that applied to each individual piece of common land. It was important that this information was made available to the public.

35. PENFOLD REPORT – UPDATE

Shona Butter provided an update on the position to date regarding the Penfold Report. She reported that the Government had decided not to devolve the stopping up and diversion order process to a local level. Consultation responses had suggested that any devolution should be accompanied by a charging regime; additional costs and charges would be by both local authorities and those making applications, with no guarantee of a simpler or faster process. The Government did not feel that placing additional burdens on local authorities and costs on developers was right at this time. The Government was aware that the speed of processing applications for stopping up or diversion orders had increased considerably in the last year. Additionally, they did not propose to reform or encourage a greater use of Section 116. The Government did support the first option, to allow stopping up and diversion applications to be made alongside planning applications.

36. MOUNTAIN BIKING ON THE LONG MYND

In the absence of Pete Carty, Jim Stabler suggested that this item be deferred, and that a written update be attached to the minutes.

From the floor, it was suggested that one of the problems seemed to centre around inconsiderate cyclists riding on the rough ground on the Long Mynd who gave little regard to people walking on the pathway.

During the ensuing discussion, members of the SLAF commented that cyclists might not be legally aware that they should give way to horse riders and walkers on a bridleway; the National Trust promoted some tracks as fast downhill cycle routes; cycling was a growing leisure pursuit, and substantially promoted on the Long Mynd; there were both responsible and irresponsible people in all walks of life and there would always be one or two irresponsible people spoiling it for others; no amount of increased signage would stop some from acting irresponsibly; a member thought 'RideUK' indicated cycling routes - it was explained that blue RideUK signs promoted horse riding routes, which formed part of the National Bridleway Network; and, at times, there were many people enjoying many varied interests on the Long Mynd at the same time. In conclusion, it was noted that a training and awareness raising exercise would be the way forward.

37. WALKING FORUMS

Mick Dunn, Walking Co-ordinator, was in attendance and provided an update on the progress and work of the Walking Forums, during which the following points were raised/discussed:

- There had been much discussion with regard to the provision of walk leaflets, and to identifying gaps in information. There was an abundance of walk material available in Much Wenlock, but more information regarding linear and circular routes accessible by public transport and linked up to bus routes was required;
- One of the barriers to enjoying the countryside was the fear of getting lost and the inability to read maps; therefore, some basic courses in map reading would be organised;
- Consideration would be given to producing Community Walks leaflets, which hopefully would be funded by the local Town/Parish Councils and other groups; an on-line walking diary; and a walking newsletter, which would be published two/three times per year;
- The use of social media, ie Twitter and Facebook, would be explored to promote walks, events and festivals; and
- Social media training sessions would be arranged for those groups that do not use social media. The aim was to invite these groups to send in the relevant information to Shropshire Council so we could promote it on our own website.

In the ensuing debate, members welcomed the use of social media, and commented that groups were starting to use this as a way to inform of inclement weather. Those not registered on Twitter, could easily be set up to receive such messages via their mobile phone. Members noted that the main request to come out of the User Survey from walkers had been the identification of more local circular walks, pub routes, and doorstep walks, so this is what would be concentrated on in the near future. A member expressed concern that as the weight of traffic increased, verges were being

destroyed either by inappropriate parking, or generally destroyed because navigation systems were sending motorists down inappropriate lanes, and suggested that people should be made aware of this problem. Also, the importance of parking information and cross-border links was raised.

In response to concerns, the Mapping and Enforcement Team Leader reminded everyone that a priority matrix existed, which prioritised enforcement and maintenance as a result of problems reported on the countryside access network. We had a duty to protect the network, and support those routes that communities want supported, and to ensure that publicised routes were available when visitors wanted to use them.

38. COUNTRYSIDE ACCESS STRATEGY

Jim Stabler explained that the review of the Countryside Access Strategy was ongoing. The review would highlight achievements and failures from the last five years, and would result in a revised plan of action. It was likely that the vision would be published early next year.

39. PROJECTS UPDATE

Jim Stabler provided updates on the following:

Paths for Communities, including:

- Humphrey Kynaston Way (Jack Mytton Way Extension) – This included a new section of bridleway at Montford Bridge which would also give walkers a safe route, which currently had to be crossed via the A5 trunk road.
- Oswestry Loop
- Oswestry Ring
- Ellesmere Brown Moss – establishment of a new right of way

The Much Wenlock Railway Walk was on hold at this point in time.

He reported that progress on the above bids had initially been delayed because of funding complications (this had now been resolved), and a further complication had since arisen because Natural England had decided to revise the funding bid procedures / documentation. As soon as this had been resolved, the bids would be completed.

Shropshire Way – this project would hopefully be completed by the end of March.

Heritage Lottery Project - Sharing our Heritage – Using modern technology this would link the Shropshire Way to points of interest along the route in Shrewsbury, and provide access to silos of information via Smart phones etc.

The proposed reinstatement of the disused Shrewsbury Canal was noted and concerns were raised as sections of this were public bridleway and formed part of the National Cycle Network.

40. FEEDBACK FROM OTHER FORUMS AND ITEMS FOR NOTING

40.1 The following items, were noted:

Triennial Review of the Environment Agency and Natural England

The Chair reported that Defra was carrying out a triennial review of the Environment Agency and Natural England. Defra has published a discussion paper setting out a broad range of possible reforms to the current delivery arrangements, ranging from keeping the structural arrangements of the agencies as they were to having the work of the Environment Agency and Natural England carried out by a single organisation. They were requesting that any views and supporting evidence should be submitted by 4 February 2013.

The Chair expressed her annoyance that, despite Mr Benyon stating that the views of Local Access Forums were important, he valued our input, and we would be included in all consultation in a timely manner, this consultation had only just been received.

In the ensuing debate, Members expressed their annoyance at not being consulted in a timely manner and at the proper stage in the process. They considered that the status quo would be the most beneficial way forward; the Environment Agency and Natural England were two very different organisations with different missions; a better 'bed-fellow' for Natural England would be the Forestry Commission; if amalgamated access would become a lesser priority; and whatever the outcome, rights of way should continue to be maintained and upgraded from the point of view of the health benefits, tourism and social enjoyment. Members noted and concurred with the response of the Suffolk Local Access Forum, who also deplored the lack of LAF inclusion in consultation; acknowledged the benefits to health arising from public walking, cycling and riding in the natural environment; and made reference to the recent withdrawal of access as an element of the higher level stewardship, which had also reduced the opportunities for the public to access the countryside.

RESOLVED: That a response to the consultation be submitted on behalf of this Shropshire Local Access Forum outlining:

- (i) The annoyance of members regarding the lack of Local Access Forum inclusion in the consultation process, despite the promises of Mr Richard Benyon, Environment Minister, to do so;
- (ii) The preference of members of this Shropshire Local Access Forum to retain the status quo; and
- (iii) Whatever the outcome, rights of way should be upgraded and maintained from the point of view of the health benefits, tourism and social enjoyment they provide to the country as a whole.

40.2 **Minutes / Papers**

The following minutes / papers, which were circulated with the agenda for information, were noted:

- (i) North Walking Forum – Minutes of the meeting held on 1 October 2012 (marked 12.1(a))
- (ii) South Walking Forum – Minutes of the meeting held on 5 December 2012 (marked 12.1(b))
- (iii) North Walking Forum – Minutes of the meeting held on 7 January 2013 (marked 12.1(c))

40.3 **Future Meetings**

40.3.1 The following agenda items were suggested for forthcoming meetings:

- Access on National Nature Reserves
- Availability, Accuracy and Relevance of the Highways – an update from Andy Savage (Highways Development Control)

40.3.2 The following date changes for future meetings for 2012/13 were agreed:

2013	2014
11 April	6 Feb
11 July	1 May
17 October	

All meetings to commence at 10.00 am and held at Shirehall unless stated otherwise.

ACTION

40.3.3 The following dates were noted:

National LAF Conference – 27 Feb 2013

This SLAF would be facilitating at two workshops:

- Facilitating disabled access
- How can LAFs better engage with health departments

Any comments / questions that Members would like raised at the Conference to be forwarded to Jim Stabler.

Other dates of interest:

International Bog Day – 28 July

Launch of the new disabled access onto Whixhall Moss – Friday, 26 April

Chairman.....

Date.....