

East Midlands Local Access Forums
Regional LAF Chairs Meeting
Tuesday 4th January 2011, City Hall, Lincoln

Minutes

<p>LAF Chairs Meeting Brian Montgomery, South Lincs & Rutland Christopher Padley, Mid Lincs Christopher Precey, Leicester City Edwina Edwards, Peak District Joan Dryburgh, Derby and Derbyshire John Boland, Nottingham City Peter Hiley, Nottinghamshire Roy Denney, Leicestershire David Parker, Natural England Claire Herring, Regional Co-ordinator</p>	<p>Apologies Andrew Shirley, DADLAF</p>	<p>Joint Meeting with Officers <i>(Items 10 & 11)</i> Stuart Crook, Rutland County Council Chris Miller, Lincoln City Council Stephen Jones, Nottinghamshire County Council John Lee, Nottingham City Council Edwin McWilliam, Leicestershire County Council</p>
<p>1. Welcome and Apologies Apologies were received from Andrew Shirley who is continuing to act as chair of DADLAF for a further year. The meeting was pleased to welcome Joan Dryburg representing DADLAF in AS's place. The meeting also welcomed Edwina Edwards who is the new chair of the Peak District LAF.</p> <p>No response has been received from the Northamptonshire LAF regarding attending regional meetings.</p> <p>There was a brief discussion about the continuing relevance of regional boundaries. There may be benefit in inviting LAF chairs from North Lincolnshire, Doncaster or parts of the West Midlands to future meetings. Northamptonshire may feel they have more natural links to LAFs in the East Region.</p> <p>Action: DP to ask local Natural England contacts for feedback on contact with LAFs. CH to continue to try to establish whether Northamptonshire wishes to participate in East Midlands regional activities.</p>		<p>DP / CH</p>
<p>2. Matters Arising from the previous minutes Definitive Map Modification Orders (DMMOs) / ROWIP2 As agreed at the September meeting, Chris Padley has produced a paper outlining the Forum's position on DMMOs and ROWIP2. CH forwarded the paper to Andrew Mackintosh for inclusion on the agenda of the next EAF meeting. However, continuing difficulties concerning the future of the EAF mean that there are no future meetings planned.</p> <p>Action: In order to identify the most effective channel for the voice of East Midlands LAFs, the meeting agreed that CH should write to Richard Benyon, Parliamentary Under Secretary of State (Natural Environment and Fisheries). The letter should seek an opinion as to how LAFs can most effectively engage with the new administration and continue to act as a sounding board for how policy plays out on the ground. The tone should be helpful, bringing knowledge and expertise in a way which exemplifies the values of the big society. The issue of DMMOs can be used as an example, but the purpose of the letter is not to seek an opinion on the DMMO problem, but rather on the</p>		<p>CH</p>

<p>question of communication channels.</p> <p>CH will circulate a draft letter to LAF chairs. The final letter will be circulated to other regional LAF co-ordinators and copied to Phil Lendon, acting national LAF co-ordinator for Natural England, and also copied to Defra civil servants who are known to hold an access and recreation brief, including Ruth Sanders, Jonathon Tweney and Tanya Arkle.</p>	<p>CH</p>
<p>3. Definitive map cut-off date and financial / staffing cuts</p> <p>At the current rate of progress few local authorities will meet the 2026 cut-off date. The loss of staff and other resources as a result of budget cuts will only make this situation worse. Peter Hiley provided a report to the meeting of the implications of the cuts proposed at Nottinghamshire County Council. The severity of the budget cuts proposed (50% to the rights of way department) have rendered the already difficult task of meeting the 2026 cut off date for new claims impossible.</p> <p>Although the CROW Act clause referring to the definitive map cut-off date has not yet been enacted, it would be a relatively quick matter for a government to issue a statutory instrument to do so at some time in the future.</p> <p>The meeting identified that this problem affects both urban and rural LAFs. Urban ginnels not shown on the definitive map could be more easily gated and short gaps in the rural network – often around field gates could render whole sections of the network unusable.</p> <p>Joan Dryburg asked whether LAFs could pool their collective wisdom to identify a viable solution which is quicker and cheaper than the current court process, for example mediation.</p> <p>Roy Denney advised the meeting that in the past local land tribunals had performed a function like this and that the Local Access Forums were well placed to fulfil this role.</p> <p>Chris Padley argued that the process itself is not at fault but rather the way in which it is followed. It is ensnared by the appeals process and many cases are thrown out on technicalities rather than substantive reasons. This makes local authorities very wary of going to court and exacerbates the slow processing of claims.</p> <p>The Stepping Forward Report published by the Stakeholder Working Group in March 2010 sought to find a way forward which was satisfactory for landowners and user groups. This report has not yet been adopted by the current government.</p> <p>DP reported later in the meeting that Natural England was continuing to pursue the recommendations of the Stepping Forward Report with Defra and Ministers as the preferred solution to this impasse. A copy of the Stepping Forward Report can be downloaded from the following link.</p> <p>http://naturalengland.etraderstores.com/NaturalEnglandShop/NECR035</p>	
<p>4. Items carried forward from the last meeting</p> <p>4.1 Charging for Equestrian Access on the Forestry Commission Public Estate</p> <p>This issue also affects other users such as orienteers. There is a principal of natural justice and equity – walkers and cyclists are not routinely charged for access although they may be charged for parking.</p>	

<p>Since the September meeting when this question was first raised, the issue of future access to FC land has become a greater concern with the proposed divestment of the public forest estate.</p> <p>LAFs would like to raise the following questions:</p> <ul style="list-style-type: none"> • What provisions are there for access to land voluntarily declared under S.16 of the CROW Act to be protected? • What is meant as access – access on foot, or will higher rights be protected e.g. access for equestrians and other sports suited to the forest environment such as orienteering or husky driving. • What is meant by “Free” access? <p>ACTION: CH to produce a combined East Midlands LAFs response to the Nature of England consultation (deadline 31st January) which incorporates these concerns.</p> <p>4.2 Re-creation of rights of way on MOD land following disposal.</p> <p>The context for this is that many paths were permanently stopped up by the Emergency Powers Act shortly before the outbreak of war in 1939. Following the Strategic Defence Review, increasing areas of the defence estate is likely to be divested and there is an opportunity to re-connect parts of the network.</p> <p>Many paths currently go up to the boundary of a military site and then reappear at the other side. When land is divested, Defence Estates is obliged to obtain market value for the land. A common sense approach needs to be taken to the re-creation of rights of way which should not necessarily be re-created on their original route. Alternative routes can be negotiated which reconnect the network, without having a substantial impact on the market value of the land. In order to achieve this, it is necessary that LAFs be one of the stakeholders involved when divestment of defence estates land is proposed.</p> <p>The meeting agreed that LAFs which are seen to be realistic about economic realities are more likely to be taken seriously. It would be beneficial if general principals could be established before specific areas of land come on the market.</p> <p>ACTION: CH to draft a letter to the Defence Estates Recreation and Access Team and to the Defence Estates Divestment Team setting out the value of re-connecting the network, setting out that LAFs are realistic about economic realities and asking for a commitment that LAFs will included as a stakeholder group when proposals for divestment come forward.</p> <p>4.3 Coastal Access and Equestrian use</p> <p>Chris Precey was concerned that the development of the new coastal right of access may result in some existing coastal bridleways being downgraded. This concern had been voiced at a national level by the British Horse Society Access Officer Mark Weston.</p> <p>The forum was not aware of any cases of this in the East Midlands and agreed that should future examples arise, then these would be addressed on a case by case basis.</p>	<p>CH</p> <p>CH</p>
<p>5. Higher Level Stewardship</p> <p>The meeting discussed the implications of the withdrawal of revenue support for permissive access, education visits and public liability insurance from HLS. Frustration was expressed that this voluntary option, which was one means of avoiding DMMOs had been lost from the “toolkit” of network improvement. There was also concern about the way in which LAFs had been informed of this decision as there had been no official</p>	

<p>cascade of information.</p> <p>This decision had been taken strategically by Defra. Natural England had sought to retain HLS access support, but was now obliged to carry out this decision.</p> <p>The meeting expressed its concern over what will happen “in the field” as agreements come to an end. In places where the public has grown used to using a particular route over the past 10 years, there will be confusion, and ill-will generated towards landowners who may be seen as the “bad guys”. It is anticipated that some users will continue to use permissive routes and this may lead to conflict or costs for landowners.</p> <p>DP is interested to hear feedback from landowners and users groups as to the impact of this decision on the ground. Roy Denney suggested that Paul Tame, NFU and LLA member, would be able to provide an interesting perspective on this.</p> <p>ACTION: CH to invite Paul Tame to the next meeting.</p> <p>ACTION: EMLAFs believe that compensation for permissive access should be restored. This view should be incorporated into the combined EMLAF response to the Shaping the Nature of England consultation.</p>	<p>CH</p> <p>CH</p>
<p>6. Ride Welland – a paid model of equestrian access</p> <p>Brian Montgomery introduced Ride Welland. (www.ridewelland.co.uk)</p> <p>Ride Welland is a tourism and farm diversification initiative which aims to address gaps in the local bridleway network and also bring in equestrian based tourism into the area. Riders pay an annual fee, 70% of which is distributed to participating landowners. The scheme works better in some areas than others – for example where there is already a good network there is less take-up.</p> <p>ACTION: CH to contact Silvia Hull who is the Ride Welland co-ordinator to ask for a copy of any codes of practice or other information which may be of interest to LAF members. Sylvia.hull@cla.org.uk 01858 468949</p>	<p>CH</p>
<p>7. Regional Co-ordinator’s update</p> <p><i>7.1 The Nature of England – Environment White Paper discussion document</i></p> <p>A further round of consultation specifically aimed at local and community organisations has now been opened by Defra. This “grassroots consultation” hopes to get views on how people engage with places that are special to them within their own local environment. Responses are welcome from groups and / or individuals – even if your LAF responded to the first round, further contributions will be welcomed.</p> <p>Three supporting documents can be found at www.defra.gov.uk/environment/natural/</p> <p>Completed forms should be returned to: naturalenvironment@defra.gsi.gov.uk</p> <p>CH will circulate a regional response, but individual LAFs are also encouraged to respond.</p> <p><i>7.2 Planning Aid Training – February 1st 2010</i></p> <p>CH expressed concern that bookings were low for the Planning Workshop. This is the last chance we will have to work with Planning Aid as their funding has been withdrawn from the end of March. LAF chairs and secretaries were asked to remind members of the opportunity.</p>	<p>All Chairs</p> <p>All Chairs</p>

<p><i>7.3 Succession Planning</i></p> <p>It is unlikely that the regional co-ordinator's contract will be renewed after the end of March. Thought needs to be given to how the Forum can continue to operate effectively in the coming year in the absence of a paid co-ordinator. It was agreed that the agenda for the March meeting be mostly focussed on this issue.</p>	
<p>8. Any other business:</p> <p>The Highways Agency User Group and Environment Committee meeting will be taking place on 14th January at EMDA offices in Nottingham, 2pm – 4pm.</p> <p>Peter Hiley has previously attended this meeting. Other LAF chairs were interested but disappointed at the short notice provided. CH said that the meeting secretary had been asked after the previous meeting to include LAF chairs on the mailing list, however there had been a change of secretary in the interim and this message had clearly not got through.</p> <p>Edwina Edwards apologised for having to leave the meeting early and asked whether the issue of illegal 4x4 access could be raised on the agenda for the next meeting.</p>	
<p>9. Date of next meeting</p> <p>March 17th 2011, 10.30am <i>Rutland to be confirmed</i></p>	CH
<p>10. Update from Natural England</p> <p>David Parker provided the joint meeting with an update on the future shape of Natural England.</p> <p>There will be a reduction of staff across Natural England of about a third, with 400 jobs to go this spring and another 400 by 2013/14. Alongside this NE is actively looking for a new delivery model for the Walking for Health programme and is exploring options for the divestment of the National Nature Reserves.</p> <p>There will continue to be a core business focused on sustainable land and sea management, landscape and biodiversity and land use planning functions with a small statutory access team and a small capability around access and engagement. The role of this team will be to provide research, advice and dissemination of evidence, good practice and the promotion of standards.</p> <p>There will be four delivery teams themed around:</p> <ul style="list-style-type: none"> a) Coastal Access b) Open Access and rights of way delivery team c) National Trails Team d) People and Partnerships Team <p>There are no figures available yet on budgets, these are not likely to be forthcoming until March.</p>	

<p>11. The future role of LAFs: the Big Society and Financial Austerity</p> <p>CH set out the challenge and the opportunity. On the one hand LAFs have the potential to be an excellent example of the “big society” in action. On the other, there is a danger of some user groups resorting to court action with access being the overall loser.</p> <p>The meeting discussed ways in which the role of LAFs might be expanded to provide support to rights of way departments. Some LAFs are already active in a practical role e.g. Nottinghamshire LAF volunteers carry out ploughing and cropping surveys, using digital cameras to record findings.</p> <p>There were concerns about job substitution. However in reality the decision to cut jobs has already been taken. Working more closely with LAFs and other volunteer groups is a means of continuing to operate, not a cost cutting measure in itself.</p> <p>The meeting identified the following areas where LAFs might be able expand their role – not all participants agreed on all points:</p> <ul style="list-style-type: none"> • Eyes and ears on the ground • Archive research & file management • Priority setting • Lobbying central government <p>It was agreed that a clearer sense of purpose and a broader range of ways of getting involved would help LAFs recruit and retain members.</p> <p>Members of the meeting were asked to identify factors which would help in this process and factors which would hinder. The following points were raised on post-it notes by individual members of the meeting.</p>	
<p>WHAT will HELP</p> <ul style="list-style-type: none"> — LAFs help with archive research and file management — LAFs have a better political profile and support — Surveying — Trust - works both ways — Lobbying politicians — Better / more communication between officers and LAF members. — Make sure volunteers have a good experience. — Realisation that priorities and funding will have to change. — Desperate need by officers. — Raising the profile of the LAF — Volunteers' enthusiasm. 	<p>WHAT will HINDER</p> <ul style="list-style-type: none"> — Entrenched defensive officer attitudes must go. — No sense of responsibility - only rights. — LAFs that find it hard to recruit / retain members - need some consistency. — Finding the right volunteers for a particular job. — Lack of outputs leading to dissatisfaction — Systems and ways of working that have built up layers of complexity - does it <u>have</u> to be so fraught with difficulty? — Politics
<div style="border: 1px solid black; padding: 5px; display: inline-block;">Change in officer culture</div>	
<p>It was agreed that this exercise was a useful starting point and that further consideration needs to be given to this issue. It was also agreed that LAFs chairs and ADEPT members should aim to co-incide their meetings at least once a year.</p>	