

**MINUTES** of a meeting of the **DERBY AND DERBYSHIRE LOCAL ACCESS FORUM** held in the Gothic Hall, Elvaston Castle on **Friday 15 June 2012.**

**PRESENT**

David Blackburn, Geof Cole, Richard Curzon, John Disney, Joan Dryburgh, Ian Else, Richard Felton, David Giles, Edward Hicklin, Howard Langley, Barbara Robinson and John Wiltshire.

**County Council Officers:**

Claire O'Reilly (Countryside Access Improvement Officer) and Richard Bonner (Assistant Head of Countryside).

**City Council Officers:**

Ray Brown (Senior Planning Officer, Neighbourhoods Directorate)

**Natural England:**

Elizabeth Barnicott (Lead Advisor, People and Partnerships team)

**Joan Dryburgh  
(in the Chair)**

27/12	<p><b><u>Apologies</u></b> Apologies for absence were received from Robert Aspey, John Clarke, Tim Brooks, Irene Hayward, Lyndsay Jones (attended site visits), Councillor Sarah Russell, Andrew Shirley and Councillor Jean Wharmby.</p>	
28/12	<p><b><u>Minutes</u></b> <b>It was agreed</b> that the Minutes of the meeting held on 23 March 2012 be accepted as a true record of the meetings.</p>	
29/12	<p><b><u>Membership</u></b> Ray Brown informed members that Councillor Sarah Russell replaced Councillor Mike Carr as Derby City Council's representative on the Forum. Councillor Russell is the Cabinet Member for Business, Finance and Democracy.</p> <p>It was agreed that the Chair writes a letter to Councillor Mike Carr to thank him for his contribution to the Forum and to wish him well for the future.</p> <p>The Chair reported that Noel Walsh had offered to provide advice on issues relating to impaired sight if required by the Forum.</p> <p>The Forum currently had two vacancies and the term of office for four members would expire in September 2012. An advert for new members would be placed in appropriate media and a letter would</p>	JDr

	<p>be forwarded to the four members asking if they wished to stand for a further 3 years.</p>	COR/RB
30/12	<p><b><u>Rights of Way Improvement Plan – Derbyshire County Council</u></b>  <b><u>(a) Revised Statement of Action 2012/17</u></b> Claire O'Reilly presented the Forum with an early draft of the revised Statement of Action.</p> <p>The report detailed proposals to refresh the existing Rights of Way Improvement Plan for the next five years to take it up to its formal 10 year review in 2017. Work has involved updating the chapters to allow the document to stand alone, although it was still intended that it be read in conjunction with the original RoWIP. The document was being produced during a very challenging period for local authorities facing significantly reduced budgets.</p> <p>The first draft was circulated to officers in Countryside, Integrated Transport, Highways, Planning and Legal Services divisions of the County Council and key organisations including the Peak District National Park Authority, Derbyshire Sport and the specially formed sub group of the two Local Access Forums (DADLAF reps – John Wiltshire, Ian Else, Geof Cole and Irene Hayward; Peal LAF reps Henry Folkard, Charlotte Bright and Sue Weatherley with Mike Benten as a co-opted member). The feedback has been very supportive and comments received have been taken on board and acted upon. More work on indicating priorities was required and members' comments would be welcomed.</p> <p>Members were asked to forward any comments, before Friday 22 June 2012, about the revised Statement of Actions in order that they could be incorporated into the formal draft document that would be presented to the County Council's Cabinet at the end of July 2012. There would be a further opportunity for the LAF to receive and comment on the official draft document at the September LAF meeting.</p> <p>Formal public consultation should be undertaken during the summer with a view to presenting a final document to the County Council's Cabinet at the end of 2012.</p> <p>Ian Else suggested that there could be reference to adjacent local authorities and working towards continuity of the rights of way network. There was also no mention of permissive paths and encouraging landowners to provide such paths.</p> <p>David Blackburn congratulated the authors of the Statement of Action for their hard work. He thought there was scope for introducing innovation as a theme and asked what stage the Rights of Way Charter was at. He was reluctant to support any discussion about prioritisation fearing that anything branded as a low priority would not get tackled.</p>	

	<p>Following a question from David Blackburn it was confirmed that the County Council's Environmental Management Team was very supportive of the RoWIP and the Statement of Actions. The document raised the awareness of links to the Local Transport Plan, Service Plan, Greenway strategy, District Planning Framework and Highways and assisted joint working.</p> <p><b>Resolved</b> that comments on the draft Statement of Action be forwarded to Claire O'Reilly by Friday 22 June 2012.</p> <p><b><u>(b) Joint RoWIP Sub Group Comments</u></b>  Geof Cole stated that he had attended the joint sub group and members had endeavoured to balance hard targets against aspirations when considering the Statement of Actions. He felt it was risky to assign priorities.</p>	LAF Members	
31/12	<p><b><u>Rights of Way Improvement Plan – Derby City Council</u></b>  <b><u>(a) Draft Outline of RoWIP Plan 2012-17</u></b> Ray Brown presented the City Council's Draft Outline of Rights of Way Improvement Plan 2012-2017.</p> <p>The new plan did not require the detailed assessment of the original plan but would build on its strengths and address the weaknesses. The plan would be restructured and in addition to the standard introduction, statement of actions and monitoring chapters, there would be two new key sections, the first would focus on improving path infrastructure and the second on promoting the use of local rights of way by as many people as possible.</p> <p>To take account of the City Council's overall objectives six new aims have been developed, they were briefly to support growth and economic competitiveness; to contribute to tackling climate change; to provide learning and health benefits; to contribute to better safety and security; to provide and promote greater choice and equality of opportunity and to improve quality of life for all people in Derby by investing in multiuser routes.</p> <p>The RoWIP would be an updated version of the original and retain the overall objectives. In consultation with the Derby RoWIP Sub Group the themes have been amalgamated into Economic benefits; Sustainable Transport; Recreational Access and Health promotion; Social Inclusion and Biodiversity and Local Heritage. The RoWIP would be an integral part of Derby City Council's Local Transport Plan LTP3, the Council Plan, Derby City Partnership Plan and City of Derby Local Plan Review (January 2006).</p> <p>The Statement of Actions would list the individual actions the City Council would take and the report detailed some of the revised and draft new actions.</p> <p>Ray Brown stated that the document was currently in draft officer</p>		

	<p>format and had not be consulted on outside his department.</p> <p><b><u>(b) Sub Group</u></b> The Chair reported that there were signs of RoWIP actions as she had noticed an increase in cycling and new footpath signs and resurfacing of paths. When a new path was created they connect to other paths and were constructed to a good standard.</p> <p>The next steps for the outline RoWIP was for the Sub Group to meet to discuss and form a fuller plan. Consultation would be undertaken when the sub group and City Council have commented on the first draft plan.</p> <p>David Blackburn stated that the LAF was well served by the officers from both the City and County. They were consistently helpful and the LAF was fortunate in this respect compared with other Forums.</p>	
32/12	<p><b><u>Natural England</u></b></p> <p><b><u>(a) Richard Benyons' Audio Address to the National Chairs Conference</u></b></p> <p>The audio address made by Richard Benyon to the National Chairs Conference was played to members.</p> <p><b><u>(b) Elizabeth Barnicott – Current NE Issues</u></b></p> <p>Elizabeth Barnicott delivered a presentation on the Paths for Communities programme.</p> <p>The programme was launched at the beginning of May 2012 and was intended to encourage local communities to work with landowners to make improvements to the public rights of way network by creating new permanent paths. The programme would operate until March 2014 and had a £2m total fund. It was expected that grants would range from £5,000 with a few at £150,000. The programme would operate under strict regulations as it was being supported by European monies. Natural England had published on its website a map indicating the rural areas covered by the programme and other useful documents. The first step, for interested groups who think their project would be eligible, was to complete the 'Expression of Interest' form. If the project was eligible a Natural England Local Grants Officer would work with the group to develop the application. The application form would then be submitted to the Grants Panel who would assess the projects and decide which ones would be awarded funding. This Panel would meet monthly.</p> <p>Concern was expressed that the process was bureaucratic and would deter smaller or volunteer groups from applying. It was understood that payment was retrospective and many of the groups LAF members were associated with would not be able to fund a project and reclaim the monies.</p> <p>The Chair stated that questions had been raised on Huddle</p>	

	<p>regarding the possible expense to local authorities in relation to any Deeds of Dedication. It was noted that Elizabeth had raised this issue with colleagues and was awaiting a response.</p> <p>The Local Grants Officer covering the DADLAF area was based in Leeds and there was also an office in Peterborough.</p> <p>Howard Langley stated that he would look into the prospect of applying on behalf of Friends Groups in Chesterfield</p> <p>John Wiltshire stated that if new paths were created the landowner would still be liable for injuries sustained on the path. It would be more useful if the programme targeted upgrading or enhancing routes.</p> <p>Members had many reservations about the complexity of the programme however it was monies available for rights of way and this was welcomed.</p> <p>It was agreed that members would consider possible projects in their local area and if viable talk to the Parish Councils. Any comments or projects to be put forward could be detailed to the LAF Secretary who would circulate to all members for information.</p> <p>Elizabeth Barnicott was asked if the presentation could be forwarded to the LAF Secretary who would circulate it to members.</p> <p>The Chair reported that she had attended a meeting in May 2012 relating to a proposal for a Local Nature Partnership for Lowland Derbyshire and Nottinghamshire. This was expected to deliver positive changes in the local area and to work with the environmental sector.</p> <p>Elizabeth Barnicott informed members that this was a Defra local agenda initiative and it was expected that successful bidders would be announced in due course. There was also a similar project in the Peak District.</p>	<p>LAF Members</p> <p>Elizabeth Barnicott</p>
33/12	<p><b><u>Defra Consultation on ‘Improvements to the Policy and Legal Framework for Public Rights of Way’</u></b></p> <p>Members considered the documents relating to the Defra Consultation on Improvements to the Policy and Legal Framework for Public Rights of Way.</p> <p>Farming practices and crops have changed over the last 40 years and it was generally agreed that Defra should have considered some of the legal issues arising from this such as the need from a landowners perspective to have more flexibility in temporary diversions.</p> <p>It was agreed that this was an important consultation and a sub group should be set up to formulate a LAF response. The Sub</p>	<p>AS/RB</p>

	<p>Group would be Ian Else, Richard Felton, David Giles, Geof Cole and Andrew Shirley who would lead and co-ordinate the group. Ray Brown agreed to provide technical assistance if required. The County Council's response would be prepared by Legal Services and Richard Bonner would inform Ray Brown or Andrew Shirley of the officer leading on this.</p>	RBo
<b>34/12</b>	<p><b><u>Update on Policy on Prioritisation Orders</u></b> David Blackburn asked for an update on the policy for prioritising orders.</p> <p>Richard Bonner reported that Countryside Service views have been forwarded to the County Council's Legal Services Division and a response was awaited. The additional staffing resources to assist with the backlog have been extended for a further period.</p> <p>It was anticipated that a draft policy document could be ready for the next LAF meeting.</p>	
<b>35/12</b>	<p><b><u>Access Land and Signing</u></b> David Blackburn asked if the County Council would be improving signage for Access Land.</p> <p>Claire O'Reilly accepted that this issue was an action in the RoWIP which it had not been possible to deliver due to lack of staff time. The County Council would be pleased to work with LAF members who could visit the access land sites, detail the signs currently erected, suggest additional signs or relocation of signs.</p> <p>It was agreed that Claire O'Reilly would draw up a check list for inspections and arrange to meet with interested LAF members before the next meeting in September.</p> <p>Richard Felton, Joan Dryburgh, John Disney, David Blackburn, Geof Cole, Howard Langley and Barbara Robinson indicated their willingness to be involved in this task.</p>	COR/LAF Members
<b>36/12</b>	<p><b><u>Suggested Public Path Order Policy</u></b> It was agreed that this item be included in the Agenda for the LAF meeting in September 2012.</p>	LAF Secretary
<b>37/12</b>	<p><b><u>Process for Authorising Diversions for Public Path Orders</u></b> Geof Cole had raised the question of the process adopted for authorising diversions for public path orders. Often planning permission was granted where a diversion of a footpath was required and there needed to be a process to ensure the order was competed and logged on the appropriate map.</p> <p>Richard Bonner stated that diversions under the Town and Country Planning Act were undertaken by the District Councils. Most District Councils did not have dedicated footpath officer, however the County Council provided support if requested. Unfortunately</p>	

	<p>although planning permissions state the requirement to divert a footpath not all appear to have been followed through. Information had been provided to the County Council's Regulatory – Licensing and Appeals Committee on the number of uncompleted diversions arising from granted planning permission. The County Council could correct and finish the process, which would have significant financial implications; or challenge the District Council's to process their own orders. On balance it would seem more appropriate to forge better working relations with the District Council's and encourage them to deal with their footpath diversion responsibilities.</p> <p>Following a question from David Blackburn on the surface and signing of 'new' paths, it was agreed that the LAF and County Council could work together to promote good practice with the District Councils.</p>	RBo
38/12	<p><b><u>Access to Inland Water for Bathing</u></b></p> <p>Members discussed the advantages and disadvantages of supporting the use of inland water for bathing. Ian Else and Richard Curzon stated that many lakes were dangerous to swim in and they generally could not support the use of inland water for bathing. The Chesterfield Canal attracted many people however David Blackburn stated that the locks and hidden debris was a health and safety concern, its use could not be managed effectively. Howard Langley had personal experience of sites with reservoirs and confirmed that health and safety, together with landowners' liability, would in many cases discourage the consideration of reservoirs for bathing.</p> <p>It was agreed that the concept was aspirational however the amount of safety issues precluded the LAF from supporting this matter.</p>	
39/12	<p><b><u>Reports from Sub Groups</u></b></p> <p><b><u>(a) Sub Groups</u></b></p> <p><b><u>(i) Erewash Strategy</u></b> Lyndsay Jones had forwarded a report on the meeting held to discuss how the path from Roman Way to Station Road, Borrowash could be upgraded for use by horse riders.</p> <p>Representatives from Erewash Borough Council had no objection in principle to the section owned by them being used as permissive bridleway, however some outstanding issues would need to be resolved. Before any trial use the County Council would provide guidance on acceptable minimal standards for a bridleway, in order to provide some reassurance to Erewash Borough Council on the fitness of the path for its new use.</p> <p>The remainder of the path belonged to Derby and Sandiacre Canal Trust. The fence was partly collapsed and would need removing or moving nearer the lock. The path was narrow at the Station</p>	

	<p>Road end where it was close to the railway line, however it was felt that the removal of alder trees and shuttering works to the canal side, could open up this section. Anna Chapman, Derbyshire County Council, was prepared to recommend that this work be undertaken but there would be a significant cost. There were several options for the access point however all would need Highway Department design and approval.</p> <p>David Giles said that the sub group had an aspiration to provide this bridleway but he suggested that alternative options for this narrow section of the route be considered further by the group.</p>	
40/12	<p><b><u>Regional and National LAF Matters</u></b>  <b><u>(a) Regional Chairs Meeting</u></b></p> <p>It was noted that the next Chairs meeting was programmed to take place on Tuesday 19 June 2012.</p> <p>It was agreed that the volunteer assistance with signage for Access Land be reported as a good news story from DADLAF to the regional meeting.</p>	
41/12	<p><b><u>Traffic Orders – Simplifying the Process</u></b></p> <p>Members thanked the Chair for co-ordinating the response. It was agreed that there should be more than one way of communicating an impending Order to the public. Notices displayed on site could be viewed by local people and users of the route.</p>	
42/12	<p><b><u>Gating Orders</u></b></p> <p>Ray Brown reported that no gating order had been made for the public footpath linking Western Road to Gordon Road, Derby.</p> <p>Ray Brown informed Members of the Home Office white paper on 'Putting Victims First – More Effective Responses to Anti-Social Behaviour'; which had been brought to his attention by Nottingham Local Access Forum. It was intended that a Community Protection Order (public space) would replace Dog Control Orders, Gating Orders and the Designated Public Place Order. It was understood that primary legislation would be required and further information should then be available. It was agreed to discuss this issue further at the next meeting of the Forum in September 2012.</p>	
43/12	<p><b><u>Huddle</u></b></p> <p>The Chair reported that Natural England had increased the number of 'champions' to 5 per Forum. Joan Dryburgh and Edward Hicklin were currently Huddle champions for this Forum and other Members who were interested should contact the Chair.</p>	LAF Members/ Chair
44/12	<p><b><u>News Items from Members</u></b>  <b><u>(a) Chesterfield Walking Festival and Audio Walks</u></b></p> <p>David Blackburn reported that the Chesterfield Walking Festival had been extremely successful with a 50% increase in participation. David also reported that audio trails and in particular</p>	

	<p>the Chesterfield Canal towpath could be downloaded from the following website:-</p> <p><a href="http://www.hidden-gems.org.uk/hidden-gems/chesterfield-canal-audio-trail">http://www.hidden-gems.org.uk/hidden-gems/chesterfield-canal-audio-trail</a></p> <p>Following investment by the County Council towpaths and trails were increasingly accessible.</p> <p><b><u>(b) Sub Groups</u></b></p> <p>David Giles reported that following a discussion at the Peak LAF relating to proposals for their Vehicles Sub Group and Green Lanes Forum, it was highlighted that in relation to mechanically propelled vehicles Defra guidance referred to Forums only advising on improving recreational access and not to restrictions.</p> <p>It was suggested and agreed that Forum guidelines be considered at a future meeting.</p>	
45/12	<p><b><u>Date of Next Meeting</u></b></p> <p><b>It was agreed</b> that the next meeting be held on Friday 21 September 2012 commencing at 10.00am at a City Council venue.</p> <p>The Chairs Pre Agenda meeting will take place on Friday 24 August 2012.</p>	
46/12	<p><b><u>Matters Arising from the Minutes and Action Sheet not covered by Agenda Items</u></b></p> <p>The Action Sheet was noted.</p>	
47/12	<p><b><u>Countryside Code</u></b></p> <p>Members were informed that the new Countryside Code had been published. The document could be accessed on the following link:-</p> <p><a href="http://publications.naturalengland.org.uk/publication/987819?category=38017">http://publications.naturalengland.org.uk/publication/987819?category=38017</a></p>	
48/12	<p><b><u>Site Visit</u></b></p> <p>Following the meeting a site visit was undertaken to Longhorse Bridge to view the new river crossing and a section of the Sandiacre Canal north of Elvaston to see work championed by the Erewash Strategy Sub Group.</p>	