

CUMBRIA LOCAL ACCESS FORUM

Minutes of a Meeting of the Cumbria Local Access Forum held on Tuesday 27th March 2007 at Hutton Roof Village Hall, Hutton Roof at 13:15 pm.

PRESENT

Mr D G Graham (Chair)

Mrs E D Barraclough
Mr J S Bevan
Mr D A Chalmers
Mr D Fairbairn
Mrs E Fell
Mr B Jeffrey
Mr J Loxham
Mr J Morley
Mr M Murgatroyd
Mrs J Rogers
Mr I Stewart
Mr M Tennant
Mr C Woodley-Stewart
Mr D Young

Also in attendance:-

Ms A Bonacker - Volunteer Co-ordinator
Ms E Borrino - Countryside Access Ranger
Mr S Boyd - Cumbria LAF Secretary
Mr T Burns - Countryside Access Ranger
Mr A Coleman - Countryside Access Manager
Mr G Fewkes - Countryside Access Ranger
Mr D Gibson - Rights of Way Officer (Planning)
Ms A Mansley - Countryside Access Development Officer
Mr B Muscat - Countryside Access Ranger
Mr R Terwey - Head of Transport & Spatial Planning

125 WELCOME AND INTRODUCTIONS

The Chair welcomed everyone to the meeting, particularly Andrea Bonacker and Andrew Coleman.

126 APOLOGIES FOR ABSENCE

Apologies for absence were received from Mr C Ecroyd and Mr J T McQueen.

127 DISCLOSURES OF INTEREST

There were no disclosures of interest by any member in relation to any items on the agenda.

128 EXCLUSION OF PRESS AND PUBLIC

No members of the public were present at the meeting.

129 MINUTES OF THE PREVIOUS MEETING

The minutes of the previous meeting, held on Thursday 14 December 2006 were agreed and signed with the amendment that Mike Murgatroyd attended the Cumbria Coastal Way Steering Group Committee meeting.

130 MATTERS ARISING

Red Squirrels

Simon Boyd reported on further letters that had been written to both Natural England and the National Farmers Union. Both agencies had replied to the LAF stating they are awaiting the review of the HLS scoring system. The LAF has pursued this as far as possible and awaits the outcomes of the review.

Equine Tourism

Simon Boyd reported that the Equestrian Tourism steering group met on 01.02.07 when members heard that the original £2.5million NW region bid to NWDA had been rejected. The steering group had been encouraged to re-draft a Cumbria specific bid which will have a £750k budget. Volunteers are also planning to survey Loop 4 on the ground to assess the current condition of the route and any enhancement work that would be necessary. The steering group will next meet on 17.04.07 after which Simon Boyd will report back progress at the June LAF.

Members Handbook

Simon Boyd thanked all members who had sent in comments and suggestions to improve the content of the member's handbook. Redrafting is ongoing and the revised content chapters will be circulated to LAF members before the June meeting.

Warcop

John Bevan reported that Warcop had produced a new information leaflet detailing access opportunities, which is available at local information points. Warcop have also set up a web page where similar access information can be sought. We are still awaiting the PDF version of the leaflet and Clare Hetherington is working to resolve internal MOD issues here. A joint media release has also been recently published and was covered in both the Cumberland News and the Cumberland and Westmorland Herald. The Chairman thanked John Bevan and Charles Ecroyd particularly for their highly successful efforts to improve partnership working with Warcop.

131 MEMBERSHIP

Brain Leah's membership has been terminated due to poor meeting attendance. Robert Benson has also had to tender his resignation due to increasing workload commitments. Currently the Forum has 17 members. RT reported that he is identifying through Mike Heslop potential West Coast members. The Chairman wondered whether the LAF needed a cycling representative. The Chairman asked all members to forward the names of any new potential members to Simon Boyd.

132 National Issues

Simon Boyd reported on both the LAF Regulations (*SI 2007 No.268*) and the LAF Guidance from the Secretary of State bringing members attention to the following points:

Regulations

- The regulations came into effect on 19th March 2007 replacing the earlier regs from 2002. Parts 1 and 2 largely re-enact the earlier provisions on the establishment, administration and conduct of forums.
- Part 3 introduces new powers for appointing authorities to adapt the organisational structure and geographical coverage of forums. This is intended to assist authorities who wish to make changes to better suit changing local needs.
- Part 4 places a new duty on appointing authorities to supply Natural England with information on their forum(s) such as copy of Annual Report, secretary details, changes to areas covered by forums. Regulation 21 prescribes additional bodies for local access forums to advise (Sport England, parish or town councils and AONB conservation boards). Regulation 22 states that LAFs advise on improvement to access for open-air recreation and enjoyment and additionally can now advise on 'public access to land (includes land with water on it) for any lawful purpose. Essentially LAFs now advise on recreational, functional and utility access.

Secretary of State Guidance

- The Secretary of States revised guidance disseminates good practice and is intended for forum members, but will additionally be a useful information resource for wider use.
- 3.2 (page 5) outlines bodies to which LAFs can give advice: the MOD are clearly mentioned.
- 3.3.2 (page 7) suggests a template for making sure that the legal status of the forum's advice is made clear to the recipient. This would have been particularly applicable to the recent Dog Control Orders from Carlisle City Council. It will be a useful template for future consultation responses.
- 4.6.2 (page 14) makes note of the need to ensure that the purpose and status of a sub-group meeting should be agreed beforehand. If advice is to be given to a Section 94 body without first reporting back to the full

LAF then the sub-group meeting must operate in accordance with the full regulations e.g. open to the public, papers available etc.

- 6.5.9 (page 25) deals with any conflicts of interest.

In summary the documents will be a useful resource for LAF members. The Chairman added that Natural England is yet to produce a promised companion guide for LAF members.

National Access Forum

The Chairman reported on his work to establish a National Access Forum through David Gear at DEFRA. Progress has been slow: Natural England are thinking of forming a national body which would only have 1 LAF member involved, who in theory would represent all 80 LAFs nationally. The Chair thought that this would be unworkable in terms of collating and disseminating LAF views effectively. The Chair was hopeful that LAFs will be able to comment on any proposed National Forum before it is established so this remains an ongoing issue.

133 Cumbria Countryside Access

Andrew Coleman reported on the tabled paper bringing LAF members up to date with regard to the consultation process with Cumbria Countryside Access. Positive consultation responses were received on the 'draft partnership agreement'. Several issues have been raised by the consultees that will need to be addressed before the partnership moves forward. It is intended that CCC will send out a holding letter and also go back to individual consultees who raised concerns and iron these out. Rob Terwey had undertaken to discuss the revised draft with the LAF representatives on CAPB. It is then intended that the Operational Steering Group will hold its first meeting in June. All **AGREED** that these were the logical steps to take.

134 COUNTRYSIDE ACCESS TEAM UPDATE

The Chairman reported that the Countryside Access team is now at full strength with the appointment of both Andrea Bonacker as the Volunteer Co-ordinator and Andrew Coleman as the Countryside Access Manager. Both Andrea and Andrew introduced themselves to the group.

135 REPORT FROM TRAINING SESSION

Capita Symonds - Countryside Management and the Enquiries List

Simon Boyd summarised this item from the training session, at which the LAF received a presentation from Iain Wilson, Associate (Countryside Management) at Capita Symonds. Great strides forward have been made, especially with the writing of the Service Level Agreement (SLA) and reduction in the number of outstanding and frozen queries on the enquiries list. There is however significant work still ahead.

The Chairman thought that the SLA has been an excellent vehicle to identify both concern and good performance areas in Capita's delivery of Countryside Management services on behalf of the County Council.

Rob Terwey commented that it was a two way process with positive attitudes now established. Further work is required to ensure continued effective management and the setting and achievement of realistic targets. Ian Stewart thought that this was an improving picture. If LAF members identify any problems on the Rights of Way network problems these should be passed to Simon Boyd who will forward them to Capita.

Arnside & Silverdale AONB Unit

Simon Boyd summarised this item from the training session, when the LAF received a presentation from Ian Henderson, Manager of the Arnside & Silverdale AONB Unit.

The AONB is unique in terms of its geography, habitats and fauna and is a heavily visited resource. 20% of the area is covered by SSSI designation, 20% consists of limestone pavement, 20% is county wildlife sites and large tracts are estuarine. 217 Rights of Way are within the AONB boundary. There is negligible (CRoW) access land.

There are a number of ways to improve partnership working between the AONB and the County Council and these revolve around improving communication and having a better understanding of the environmental conditions within the AONB, which for example requires vegetation to be cleared from path edges three times a year to ensure Rights of Way remain navigable.

Ian Stewart challenged the LAF to push the environment agenda to help to influence the imminent re-drafting of the partnership agreement between the Liberal Democrats and the Conservatives. Ian requires any suggestions within 1 month, **AGREED**.

136 BEST VALUE PERFORMANCE INDICATOR SURVEY FIGURES

Andrew Coleman reported on the disappointing 2006 BVPI survey figures for the whole of Cumbria. There has been a slightly poorer performance on ease of use (52%), and a marginally better performance on signposting (86%). The reduced ease of use performance appears to be attributed to the poorer survey findings within Carlisle City and District. This appears to be at least partly as a result of a lack of way marking along some routes identified by the Ramblers Association, who are now carrying out independent surveys of the network.

Duncan Fairbairn and Elisabeth Barraclough were concerned by the figures. Ian Stewart added that the problem has been identified, and an action plan has been drafted to begin solving the problems.

The Chairman quoted figures from the Ramblers Association stating that Cumbria is the second worst performer nationally. If authorities can attain 60% then that is regarded as respectable: this has to be a realistic aim for Cumbria. John

Bevan commented that improving signposting is an easy way to increase the BVPI score, more costly work will be required to improve the ease of use value.

137 RIVER ACCESS

Simon Boyd reported that from the last CLAF meeting there was clear work to be done to encourage partnership working between different stakeholders on rivers - riparian users and canoeists particularly. The letter tabled has been sent out to stakeholders to look at improving access on the River Eden in the first instance. This initial meeting will identify who else may need to be involved and then look to address issues in wider Cumbria on other rivers.

John Bevan commented that representation at this meeting from the British Canoe Union needs to be confirmed, **AGREED**. Jim Loxham wondered whether a canoeist member needs to be sought for the LAF.

138 COASTAL ACCESS

Simon Boyd reported that coastal access has been on and off the LAF agenda during the last year. On 21.02.07 Natural England's Board agreed new coastal access proposals with recommendations to government on creating new legislation for a 4,500km continuous corridor of access. The tabled paper brings LAF members up to date with the issue. Natural England intends to run a three month consultation during 2007. This access development could have substantial impacts on the County Councils resources and funding. Work will be initiated in light of information on the consultation process to audit the Cumbrian coast along with partners to see where the priorities and battles will be.

Bryan Jeffrey thought that there would be big battles to be fought in terms of animal conservation along the coast such as for Oystercatchers and also public safety issues. The Chairman added that Natural England seem to be pursuing the legislative approach. John Bevan thought that Natural England has ducked the mapping issues this time. Douglas Chalmers commented that there would be a number of concerns from landowners; including compensation, liability and responsibility for structures.

139 CUMBRIA RIGHTS OF WAY IMPROVEMENT PLAN

ROWIP current position

Andrew Coleman updated LAF members on the current status of the Rights of Way Improvement Plan and thanked Abi Mansley and the ROWIP sub group for all their efforts, the document is very nearly finished. The plan will go in front of committees from both the YDNPA and LDNPA and finally go to CCC Cabinet on the 22.05.07 to be given the go-ahead for publishing in June. Abi Mansley asked if Ian Stewart would be happy to endorse the Foreword. Ian Stewart **AGREED** to sign the foreword.

John Bevan reported back from the last ROWIP sub group meeting, outlining that the ROWIP will have three components.

1. The main statutory document will be published as a bound volume, this will be supported by
2. The appendices, which will not be published but they will be readily available on request and
3. At the front end there will be material which comprises the foreword and detail on what the ROWIP is. This will also be a free standing flyer, 8 pages in length and full of colour images. The flyer will also be available on the web and be downloadable.

The Chairman thought that there will soon be a need for the ROWIP group to prepare the first annual action plan, **AGREED**.

The LAF members **AGREED** and approved the proposed components as outlined for the ROWIP.

ROWIP implementation correspondence

Andrew Coleman alerted LAF members to some concerning messages within the Minister's reply letter in regards funding avenues for ROWIPs. These included the idea that ROWIP projects should form part of the statutory duties of Highway Authorities and fall within the Local Transport Plan. This has never been the case, ROWIPs have always been aspirational. Andrew did however note that there was an extensive list of supplementary funding avenues which must be explored. Abi Mansley reported on a recent meeting held with Natural England and partners regarding ROWIPs, there was a clear and concerning message from this meeting that other local agencies such as Government Office North West had only recently been made aware of the very existence of ROWIPs.

ROWIP implementation in Cumbria

Rob Terwey reported real concern that there will be no funding available in the Local Transport Plan settlement or supplementary budgets to implement any of the ROWIP projects. The Countryside Access team will have to work hard at finding and tapping into complementary funding streams.

Ian Stewart suggested that the LAF should write to the Local Government Association to push this issue onto their agenda, **AGREED**.

140 FIRE MANAGEMENT PLANS

Abi Mansley reported on behalf of herself and Charles Ecroyd, bringing LAF members up to date in regards ongoing work with Fire Management. Abi reported that there had been a positive meeting with Natural England on 06.03.07 discussing this issue, though system tweaks would not be ready for implementation this year. There will be extensive work required by the Countryside Access team to educate the public on reducing the risk of fires.

The Fire Severity Index (FSI) will need national advice and input before any changes can be made and the Fire and Rescue Services must be involved. More work will be required in Cumbria to circulate information on the recommended courses of action depending on the level of risk on the index. Consideration

must also be given to the future robustness of the system with the potential impacts of global warming.

Abi is attending a National Wildfire Conference in June and is working with Duncan Taylor from the Cumbria Fire and Rescue Service to undertake a presentation to the June LAF meeting on Fire Management. Duncan Taylor has just attended a European best-practice seminar.

In terms of County Council activity Abi reported that much of it will be public education, the Rangers are working on which open access areas would require closure as well as developing appropriate signage. Rangers are also helping landowners to update their fire management plans by providing details on water resources and vehicle access. There is going to be a live burn training exercise in Northumberland and two Rangers will attend.

Duncan Fairbairn asked whether the position and issues are mirrored within National Parks. Abi explained that National Parks are designated authorities in their own right in regards Fire Management and can implement their own land closures.

The Chairman suggested that work on the relevant authority front be looked at next year as it would require legislative changes, **AGREED**.

141 CURRENT CONSULTATIONS

Relevant Authority Guidance Review

John Bevan reported that the tabled letter was the formal reply from the Countryside Access Partnership Board on this consultation. Major concerns raised in the response concerned mapping, aggregation of restriction periods and application of the least restrictive principle.

Spadeadam Section 28 Indefinite Direction

John Bevan reported on the tabled paper regarding the Spadeadam direction. Representatives of CCC/CLAF met MOD officers at Warcop on 13.03.07 to informally discuss this proposed Direction. A red flag system has been in operation at the site for a number of years with no public incidents. No military byelaws currently apply to the site and it is mapped as access land though not shown on OS maps. The public do currently have a legal right to enter the danger area until byelaws or a Section 28 direction are established to inform them otherwise - however undesirable this might be.

The LAF are generally supportive of excluding public access north of the road on safety grounds; however the LAF will fight hard to ensure access remains south of the road including the routes down to the waterfalls.

The formal response will be deferred until feedback has been gained from the Warcop meeting which needs to be chased, **AGREED**. The consultation response must be submitted before 27.04.07.

National Park Authorities and Traffic Regulation Orders

John Bevan reported on the draft response to this consultation and asked for LAF member comments. LAF members supported the observations and approved the response as written.

142 PENNINE BRIDLEWAY NORTHERN SECTION CUMBRIA LOOPS STUDY

David Gibson reported on the Pennine Bridleway Northern Section Cumbria Loops Study which has been undertaken by Capita Symonds. The study has assessed the feasibility of setting up three separate stand alone loops along the northern extension of the Pennine Bridleway through Cumbria - one loop would be based close to Kirkby Stephen, the second close to Melmerby (links in with North Pennines AONB packhorse trail routes) and the third at Brampton.

This feasibility study will be a useful tool to help pull in external funding to secure the northern extension in the future by illustrating that sustainable loops can be identified and implemented. Natural England has been non committal in terms of earmarking any funding for the northern extension. David asked if LAF members could pass comments back on this draft study and also use their networking contacts to bring it to the attention of other stakeholders.

Concern was noted about the use of a section of the coast-to-coast route close to Smardale Bridge: although the proposed route here is an existing bridleway, there may be problems with increased horse-riding use on the walled section rising from the bridge.

143 CYCLING DEVELOPMENTS

Lune Valley cycle route

Simon Boyd reported on the tabled paper of notes from the exploratory meeting to discuss the proposed route with interested stakeholders. If LAF members had any questions these can be passed back to Alan McNichol.

Lis Fell wondered whether the route would be suitable for horse driving. This question will be taken back to Alan McNichol.

Ian Stewart requested that in future he be included in the loop on this proposed development.

Penrith cycling network review

The Chairman reported that this review was brought along to the last Eden ATAG meeting, where very few members were even been aware of its existence. This miscommunication of information has since been rectified.

The Chairman thought that the rural proposals heading down towards Ullswater would stimulate some interesting public debate.

Coniston to Millom cycleway

Jim Loxham reported that this project has made it into the last 120 for the Sustrans Connect 2 funding programme. If landownership issues (24 landowners involved along the length of the route) can be resolved by the end of April then the project may be short-listed into the final 80 at which point it will fall into the programme.

Ian Stewart commented that this route has links to other routes outside of the Lake District National Park. The LAF was supportive of this route in principle.

144 REPORT FROM WORKING GROUPS AND PARTNERSHIP BOARD

Countryside Access Partnership Board

The Chairman reported that all agenda items at the previous CAP Board had already been covered on this agenda. The Chairman added that the Partnership Board has excellent partnership working qualities and is striving to improve the performance management of the Countryside Access team. RT supported these comments.

ROWIP Working Group

John Bevan reported that all relevant information had been reported under item 139.

145 MEMBERS NEWS

Ian Stewart suggested that the LAF write to Richard Leafe, NW Regional Director for Natural England (NE) - passing on congratulations for his appointment as the Lake District National Park's Officer and to ensure that the LAF has a good working relationship with his NE successor.

Lis Fell commented on a Rights of Way case which she has attended this week including a footpath modification order changing the status of a route from footpath to bridleway.

David Young had attended the Allerdale ATAG which had discussed extra cycle networks around Maryport and Network Rail access to and from stations, particularly the issue of limited disabled access.

Mike Murgatroyd had been present at the last meeting of the Cumbria Coastal Way, which Bob Muscat also attended. Huge amounts of work are required and it links in with the North West Discovery Trail which is being developed from its southern start point at Chester.

Mike also attended the Copeland ATAG which received a presentation from Alan McNichol on the Millom and Haverigg cycle networks which was not well supported by members present. The short notice period given before arranging the meeting (5 days) was also noted. Poor transport facilities for cycles on public transport was also discussed. Rob Terwey added that John Kitchen is the newly appointed Rail Officer who will be looking to improve service provision along the west coast line. Rob also thought it would be useful to bring other cycling network reviews in front of the LAF at the appropriate time.

Mike also attended the Annual General Meeting of the Federation of Cumbrian Commoners, where the group launched an educational DVD on the work and role of the Commoners. This would be shown at the June training session.

Duncan Fairbairn commented on the Allerdale ATAG meeting which looked to improve cycle access on west coast line trains and also to try and encourage improved weekend train services.

Jim Loxham reported that he had been on a best practice exchange with the YDNPA. Work on Unclassified County Roads was looked at in detail using local contractor Matt Dinsdale. Matt has developed a technique of pitching the hollows for vehicles tyres which ensures water drainage and leaves the raised central section for other users such as horse riders and cyclists.

Jake Morley expressed concern on the ineffectiveness of information boards/notices from the Open Access centre in Belfast.

The Countryside Rangers reported to the group that since Open Access they have been well received generally. In new areas such as Eve's south Cumbria patch there are hurdles to overcome such as access measures on The Helm close to Kendal.

146 DATE AND TIME OF NEXT MEETING

The next meeting will be held on Thursday 7th June 2007 at 13:15pm in Stricklandgate House in Kendal. A training session for members only will be held in the morning from 10:00am.

The September meeting will be held on Thursday 27th September at 13:15pm in the Caldbeck Room at Newton Rigg Conference Centre in Penrith. A training session for members only will be held in the morning from 10:00am.

The December meeting will be held on Wednesday 5th December 2007. 10:00am for the members training session, 13:15pm for the meeting. Venue to be confirmed.

147 PAPERS FOR INFORMATION ONLY

The Pennine Bridleway - Northern Extension Barry Gardiner MP reply letter; and dedication paperwork of land at Moor House for Public Access under S16 of the CRoW Act 2000 were tabled for information.

The meeting closed at 4:00 pm