

Draft Minutes
Cumbria Local Access Forum
 Meeting: Wednesday 15th July 2015
 Solway Wetland Centre

Attendees					
Charles Ecroyd (Chairman)	CE	Bridget Pickthall	BP	Gerry Rusbridge	GR
Mike Murgatroyd	MM	David Young	DY	Joe Dixon (apprentice)	
Oliver Coles	OC	Sylvia Woodhead	SW	Geoff Fewkes	GF
Alan Dougherty	AD	Chris Lyon	CL	David Gibson	DG
Jo Cleary	JC	Ron Lyon	RL	Eve Borrino	EMB

1 WELCOME

The Chairman welcomed all to the meeting.

2 APOLOGIES FOR ABSENCE

Received from; Terry Jolley, Jim McQueen, Nick Cotton, Elizabeth Barraclough and Elizabeth Mallinson.

Brian Irving is unable to attend, but we must thank Naomi and Norman for their excellent and informative site visit this morning.

3 PUBLIC PARTICIPATION

There were no members of the public present.

4 DISCLOSURES OF INTEREST

There was no disclosure of interest by any member in relation to agenda items.

5 EXCLUSION OF PRESS AND PUBLIC

There was no requirement to exclude members of the public/press.

6 SOLWAY COAST AONB

Unfortunately Brian Irving was unable to attend and sent his apologies.

The site visit in the morning was hosted by Naomi Hewitt (Solway Wetlands Landscape Partnership) and Norman Holton (RSPB) who gave an insight into the development and aims of the Solway Wetlands Landscape Partnership scheme. Further information can be found on the website at: <http://solwaywetlands.org.uk/>.

7 MINUTES OF PREVIOUS MEETING

The minutes were accepted as accurate, and will be uploaded to the website.

8 MATTERS ARISING

- Letters have been sent to the Local Nature Partnerships (LNPs). There was an immediate response from Chris Woodley-Stewart, who agreed to keep the CLAF informed. There has been acknowledgement of the letters from the others.
- SW has enrolled to participate in the Ramblers Pathwatch. DG expects the Ramblers report through around Christmas.
- The Ravenstondale scheme will go to public inquiry as one of the commoners objected to it.

CE to forward email

Post LAF

- BP has received some photographs from members which are helpful for the production of the annual report. Members are asked to continue sending CLAF related photographs.
- GF met with the Woodland Trust, re the location of access furniture at Mallerstang. There have been some minor modifications to access point locations. Access provision will be via field gates.
- DG and Tony Burns have a site visit scheduled to the Cow Green area to look into to improving cross border links.
- MM reported on the permissive path at Keswick. The existing footpath is to be maintained in perpetuity at the expense of the developer. However it is still unclear what will happen where the concessionary path continues on beyond the far side of the development.
- DG has had contact with National Grid. There is likely to be a 2 phase approach to construction. Phase one will involve the installation of the new pylons; phase 2 the removal of the old pylons. It now seems likely that the pylons to be used will not be of the new design highlighted by Terry Jolley. They have expressed a willingness to work with us and with local communities where RoW and the construction process come into contact. There is an emphasis on keeping important routes (Hadrian's Wall Trail, C2C, Whitby to Walney) open and protected whilst work is underway. SW questioned if section 106 gain might be used for improvement to RoW. DG thought this was possible by working with the parish councils who were more likely to be the direct beneficiaries.
- DG mentioned that North Yorkshire County Council had submitted a bid to their Health and Well-Being board. This was being treated as a separate project. We have no information if such funding could be available in Cumbria. It may be a good idea to invite someone from Cumbria's H+WB board; Elizabeth Mallinson may be able to suggest who.

OC, EM + CE to liaise

- RL reported that no-one from the forum attended the Disabled Ramblers event; but it was successful with 25 scooters out one day.
- There have been no recent NNR updates.
- The date of the next meeting has been changed since the last meeting. It is now scheduled for Tuesday 27th October. This was in response to Elizabeth Mallinson stating that Wednesday meetings were difficult for her to attend. Members were circulated over the matter; it did not prove possible to alter the date for this meeting, but future meeting dates will be set on Tuesdays.

9 CHAIRMANS ACTIONS

- CE has written to the Health and Wellbeing Board and received an acknowledgement.
- CE has written to Katy Milburn, the rural advocate on the Local Enterprise Partnership; she welcomed the option to meet up, they will try and get together in September.

To meet with Katy Milburn

- CE will write to the planning inspectorate re their failure to notify the LAF about the upcoming public inquiry into rights of way at Marble Quarry.

To write to the planning inspectorate

Post LAF

- Once again, Open Access closure notices for an annual event, planned months in advance, have come through with only 5 days' notice. To make matters worse, this happened over a bank holiday. This has been brought to Natural England's attention on a previous occasion, the process is not working.

[To feedback to Natural England](#)

- CE has written to the Planning Inspectorate to ask why the Local Access Forum is not listed as a statutory consultee for section 38 closure notices (applications for work on common land). CE has also written to Rory Stuart in his position as Rural Affairs Minister.

10 MEMBERSHIP

If members know of anyone appropriate who is interested, please encourage them to apply. Rolling contracts will be renewed on an annual basis.

11 MEMBERS NEWS

JM + SW have studied the Planning Inspectors final report from the Storth Inquiry. All but two short sections of the footpaths were confirmed on the order. SW + JM found this was an acceptable conclusion. However, JM has received a letter from the Rights of Way section of the Planning Inspectorate. This letter said if you have any complaints or questions about the way the order was conducted, please write to the planning inspectorate.

SW feels that the LAF **do** need to do this in relation to the lack of information to local people. The inquiry seemed unequally balanced, in favour of the landowner.

[SW + JM to draft a letter: CE to review it .](#)

BP questioned if the decision was final or if it could be appealed. It is in fact open to appeal- in which case, all the more reason for the LAF to come out strongly in support of the decision.

SW has put together some notes on the Marble Quarry public inquiry, as it is already quite complicated. She described the paths, and their historical use. It is Beetham Parish Council that applied to designate the paths, and Dallam Tower Estate is the landowner. CCC was the order making authority. The order was made in May 2012. At that stage SW (as a LAF member), was informed of this. In hindsight, SW now wishes she had suggested that the LAF make a written representation to PINs in support of the order. She strongly recommends that in future, the LAF take on board this additional step in the process.

There were objections to the order from the landowner. SW/ the LAF/ the Parish Council were not informed of these objections. In January this year, CCCs Development, Control and Regulation committee (DC+R) decided to take a neutral stance. Their decision was reached on the basis that no further evidence in support of the claim had been brought forward. This was something the LAF could have done had they been made fully aware of the due process. A second missed opportunity!

There are questions about the cost of the inquiry; in part these are paid for by the County Council, in part by PINs.

A most pressing question now is should someone for the LAF appear at the enquiry in support of the order? If not should we submit some documents in support of the proposed footpaths? There is some confusion about whether or not we are in time to do this (one deadline given is the 6th July). The Public Inquiry is on 13th October (2015) at Storth Village Hall.

Where do we go for from here, to speak more clearly in favour of access?

CE replied that CLAF response was not as strong or effective as it could have been (we have learned that). We need advice, ideally from CCC on: the chronological order

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of what happens, how it happens and who is responsible. There are three dates given for response. CE thought that the PINs website might shed some light on the process. SW responded that she had accessed the website but not found it helpful.

SW suggested writing to PINs with CLAF support for this order being confirmed.

MM stated that any evidence submitted initially should be automatically re-submitted.

We should inform PINs that there had been a misunderstanding on our part and that we had assumed our initial written submission would be carried forward.

CE felt that the LAF should write requesting guidelines on the process and at the same time apologise for our late submission. Another point that could help mitigate a late submission would be to explain the need to link CLAF action/response with quarterly meetings.

The matter is urgent, and requires SW, JM, + BP to get together and produce a draft, for CE to review as soon as possible.

[SW JM, + BP to produce a draft letter: CE to review.](#)

EMB mentioned that there had been a recent Natural England Annual Report pro-forma to complete. One question was on training requirements; she had used the opportunity to suggest 'understanding and submitting evidence to public inquiry'.

SW reported that JM had attended a **South Lakeland Estuary Crossing Group** meeting. The Arnside viaduct could provide one of several estuary crossings that will be needed for the England Coast path. The group is looking to fund a feasibility study: there is support from the Holker Estate, who are hopeful that local businesses will contribute. Morecambe Bay Partnership could also potentially provide assistance with administration.

SW raised the subject of Carlisle 'Gating orders', now renamed 'Public Spaces Protection Orders'. She questioned if the forum could have been contacted at an earlier stage in the process. MM also felt that the order(s) should contain some mention of the justification for the application.

CE suggested a standard letter should be sent out to all local authorities asking them to notify the Access Forum of proposed Public Spaces Protection Orders.

[CE to compose a standard letter to be sent to local authorities](#)

The point was made that these orders are an urban phenomenon, and most of the CLAF members are far removed from these types of issues.

SW + JM have been contacted re a new consultation in Barrow: Barrow Borough Local Plan consultation draft preferred options. Response is required by 4th September. It recommends that Barrow strengthens its links to the countryside and the England Coast Path

[SW + JM to respond to the consultation](#)

SW has sought further background information on the Councils website, but has not found anything new. She felt it was a great pity that we do not have a Barrow Councillor present to advise. CE proposed the LAF contact John Murphy.

[CE/SW to contact John Murphy](#)

SW raised the current publicity in the Westmorland Gazette about the continued lack of a decision on the proposed extension to the National Parks. Should the CLAF write to someone about this? CE responded that the decision belongs to the Secretary of State. He has already written to Rory Stewart (Rural Affairs Minister) to ask why there has been such a delay on the due process. When will the decision be made public? He has to date not had a reply.

BP outlined a site visit to a footpath extinguishment at Lindal. She also mentioned a longstanding case fought by the Ramblers in the Cotswolds; two bridleways were opened up after a 22 year battle. It was evidence from old maps that settled the

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matter. This was of interest at a time when there is a push to claim Lost Ways. DG said that different maps carried different degrees of credibility. The Countryside Access team mainly refer back to the 2nd series maps.

OC raised a question about a ford on a bridleway across the Lune where there was an obstruction issue.

MM and Elizabeth Barraclough had discussed the continued funding cutbacks. As members of the Ramblers, they are aware of other authorities where the Ramblers lend a hand with maintenance tasks. Could they help CCC? DG said the problem with this arose because of liability to footpath users. There could be claims against the council. 3rd party insurance was necessary. The volunteer co-ordinator post was one of the first to go, and the volunteer program was slashed. The volunteer program had cost about £10,000 a year to run. For the same sum, the maintenance program can deal with 2 large parishes. There are other ways to help. We work with a financial contribution from The Ramblers; this goes in to the ROWIP program and is match funded. MM queried if vegetation clearance workparties with volunteer using their own tools was a problem. Organisations such as the Ramblers have their own public liability insurance in place. JC raised the example of a Sustrans workparty at Greenodd. BP had attended this workparty, insurance had been covered by Sustrans and they had worked alongside professionals. MM asked if DG would give it some thought. DG said that the Access team employ contractors who must have all the correct tickets required to do a job for us. We cannot exempt volunteers. BP questioned if this was the case with small scale hand tools (secateurs/loppers). DG answered that there are tickets for competence in hand tool usage. Sustrans should be contacting CCC before working on PROW with volunteers. He mentioned the York model where the volunteers have the correct tickets and maintain a large part of the council network.

RL raised the question of taking secateurs out and removing vegetation obstructing a path. DG said this was acceptable if it was to allow your passage along the route.

MM resurrected the idea of amalgamating the 2 LAFs. DG said an email on the subject had been sent to the Lake District LAF recently but there had been no response. CE explained he felt that this would be easier to organise once the Secretary of State's decision was known.

DY brought up the visual intrusion on the landscape experienced when driving through the Howgills along the M6. On the Howgill side, there has obviously been some tree planting! AD felt this intrusion was as nothing when compared with the proposals at Mallerstang. He does feel this intrusion is of relevance to the LAF as there is little point to improving access if the landscape quality is compromised. SW raised the question of what happens to Open Access land when it becomes forest. CE replied he had a definitive answer on this at the last Regional Chairs meeting. He would circulate the minutes when he received them.

[CE to circulate minutes of the Regional LAFs meeting](#)

JC spoke about a successful funding bid to the Department for Transport. It would in the main provide funding to improve crossing points of major roads such as the A66 and A590. She cited as an example the crossing of the A590 at Haverthwaite which has a massive severance problem. The crossings would not just be for cyclists but for pedestrians and horse riders too. Feasibility studies are likely to happen this financial year. As a cycling rep for the LAF, JC would be kept in the loop on progress.

[JC to circulate a link](#)

12 CLAF ACTION/RESPONSE

RL + CL attended the first Warcop Access meeting since 2013. There has been a changeover of site maintenance staff, so it was a catch-up with a number of people

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being new to the group. CE will contact Warcop and stress the need for two meetings a year.

[CE to contact Warcop](#)

Beetham PC contacted GF about concerns they had relating to a fencing proposal on Farleton common. CE has contacted Natural England (NE) to ask why the LAF have not been consulted on the issue. He has also asked Steve Lund why the LAF have not been consulted. He has now responded saying that the LAF are prepared to accept NEs assertions that the site will be brought back into favourable condition and to support measures that deter illegal access.

There has been a site visit to Cliburn Moss where NE wishes to introduce livestock grazing. CE suggested that the 'bridges' be widened to take trampers. GF has sent out a bridges spec.

There was a site visit with the Coastal Access team at Whitrigg (on the Solway mosses) where there are problems with a landowner vehemently opposed to allowing access. He will almost certainly object and it will become a matter for the Inspector.

13 NEWS FROM NATIONAL AND REGIONAL ACCESS BODIES

At the recent Regional LAF chairs meeting it was clear that there will be less NE staff time to support LAFs. Kathy Miles was taking the minutes pro-bono; being paid expenses for attending. It seems we will be saying goodbye to the Regional meeting. CE has circulated a letter from the chair of the Cheshire east LAF to his MP. A letter along similar lines to the Minister and the head of NE is planned.

14 COASTAL ACCESS UPDATE

Gerry Rushbridge (NE) update covered:

The NE teams expansion and the programme for remaining delivery in Cumbria: Six new team members have been recruited; there is now a team of 11 working on Coastal access in the North West. Training is already underway. Stretch 4, Walney Island, will start once the new recruits are up to speed. Stretch 5 will be Silecroft to Silverdale. After that it is expected that work on Morecambe Bay will start Jan/Feb 2016. The two stretches; Cleveleys South to Liverpool, and Birkenhead to the Welsh border, will start Jan/Feb 2017. Given that the process for each stretch takes 2-3 years to complete, Gerry is hopeful that the 2020 deadline can be met.

Progress on Stretch three is good – Gretna to Allonby; 100km long, but there have been relatively fewer issues, than NE anticipated.

The Solway has a number of European conservation designations; it is important that Coastal Access proposals marry up well with NEs nature conservation duties under National and European law. This stretch has provided a test case for NE. A process has been developed which is called the 'access and sensitive features appraisal'.

Details will be published on the website. Unless NE can prove that access will have no significant effect (on wildlife); the precautionary principle (Habitat regulations) kicks in.

AD raised the point that he felt the precautionary principle may be overused in this case. When you consider what else goes on in the area (e.g. wildfowling / helicopters landing / farmers on quad bikes/ existing access) it may be easy to overstate the impact a walker has. GR agreed that the birds already face much in the way of disturbance, but it does not absolve NE of the legal responsibility of ensuring that Coastal Access is not the straw that breaks the camel's back. All restrictions will be reviewed in 5 years' time when, if it can be proved NE have been over zealous, restrictions can be reined in.

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The thing that GR specifically wished to discuss with the forum is an amendment to the CROW act section 25a, this allows NE to propose that certain areas of salt marsh and flat should have access excluded on a permanent basis on the grounds that they are unsuitable for access. By suitability, NE are thinking about less obvious dangers: for example areas of salt marsh with steep sided creeks; or a rapidly changing area which may flood from the back rather than the front. Such hidden dangers would cause a risk to people who do not know the marsh. These are things which point us to a lack of suitability and therefore make an exclusion desirable. The case can be similarly argued for areas of mudflat where, if you stand still too long, you start to sink. On the flip side, if an area of land is access land and has been for ten years under CROW, and there has been no record of disasters, it would seem odd to be imposing an additional restriction now. This is the sort of approach we have used.

<GR passed round a series of detailed maps. These showed the marshes where NE thinks it likely they will propose such an exclusion>

There is another marsh that is likely to be added to the list of marshes to be excluded; it is a small crescent in the Drumburgh area.

The legislation is very specific; it only applies to salt marsh and mudflats.

The decision to exclude these areas has been made on the basis of their suitability for access. There are other implications, in many of these cases we might be looking at a section 26 on conservation grounds.

GR would like the view of the forum on these exclusions; an email response would be most helpful.

CE asked if members would send their responses by email to him before the end of the month.

[All to email response to CE: CE to collate and forward to GR](#)

15 COUNTRYSIDE ACCESS WORK PROGRAMME

Update given by DG:

ROW Seven parishes have now been surveyed, under our new approach; any works that fall outside our duty to maintain are passed on to the landowner. The landowner is therefore informed of problems that he should address. We do not have the manpower to be able to go back and check that the Landowner has done what was asked of him. This is an example of where Ramblers can help, by letting us know of problems they find when out and about.

ROWIP 20 projects underway: budget is now fully committed

ENQUIRIES LIST The list is increasing at the moment, but that is normal at this time of year.

COASTAL ACCESS: We've just had our update from GR

NATIONAL TRAILS: Hadrian's Wall Path could benefit from ROWIP funding

DEFINITIVE MAP WORK: stopped until Joe (our apprentice) gets time to look at it.

LAND REGENERATION: Currently there are some illegal vehicular access issues on the byway over the slag banks at Barrow. CCC property section are addressing it with the local police.

BRIDGES: No really big ones at present.

MAPPING ORDERS: 102 permanent Mapping Orders, a backlog of 77 waiting to be addressed.

Some further work that we have taken on is Temporary Closure Orders (for works) on PROW, we have done 14 since April 1st.

The Access Team are going through a restructure as part of Strategic Asset Management (SAM). It is proposed that Countryside Access become part of

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Environment and Regulatory Services. EMB has taken voluntary redundancy and she will be leaving at the end of the month. SW/CE Thanked EMB for the work she had done as Countryside Ranger and the Local Access Forum secretary.

SW asked what confidence DG had that the current level of access provision could continue. She also asked if there was anything the LAF could do to support Countryside Access in Cumbria.

DG explained that the Countryside Access team are currently finding out the focus of a new management team/structure.

16 FEEDBACK FROM THE MORNINGS TRAINING SESSION

The forum expressed its thanks to Naomi and Norman for hosting the visit.

CE to send thanks on behalf of the CLAF

Members were interested to see the way the RSPB managed and encouraged access at the site. It was also of interest to hear that the Solway Wetlands Landscape Partnership were interested in improving a wet section of footpath/RoW (the Coffin trod). This links the centre into the Rights of Way network, and the partnership would be interested in match funding the improvement. Initial thoughts by the SWLP had been that the improvement would be met by installing a section of boardwalk; but they are open to discussion on the options available.

17 ANY OTHER BUSINESS

CE has already emailed to members a protocol on response to consultations produced by the Lake District LAF. He requests members take a look at this and consider how CLAF can streamline their response. It will be an agenda item at the next meeting.

Date of the next meeting:

Tuesday 27th October: South Walney + Barrow.

Actions from the meeting

- CE**
- Circulate email re Ravenstondale Common**
 - Liaise with OC + EM on Health + Wellbeing contacts**
 - Meet with Katy Milburn**
 - Review letter(s) to PINs re Storth + Marble Quarry Inquiries**
 - To feedback to Natural England re the late notice restrictions**
 - To contact John Murphy re Barrow consultation**
 - To contact Warcop re 2 meetings per year
 - To circulate minutes of the Regional LAFs meeting**
 - To collate a response on Coastal Access and forward to GR**
 - To send CLAF thanks to Naomi + Norman**
 - Standard letter re Public Spaces Protection Orders to be written and sent to district authorities**
- JM+ SW**
- To draft letter(s) to PINs**
 - To respond to the latest Barrow consultation**
- JC**
- To forward link to LAF members**
- OC: CE+EM**
- To seek approach routes into the Health and Wellbeing agenda.
- ALL**
- Forward email response on Coastal Access consultation to CE**