

**Minutes of the Cumbria and Lakes Local Access Forum meeting
held on Thursday 25th January 2018 at Aldingham Parish Hall**

Attendees:					
Charles Ecroyd (Chair)	CE	Carole Barr (Vice Chair)	CB	Ben Mayfield	BM
Oliver Coles	OC	Geoff Davies (LDNPA)	GD	Phil Greenup (CCC)	PG
Chris Lyon	CL	Ron Lyon	RL	Kathy Miles	KM
Mike Murgatroyd	MM	Malcolm Petyt	MP	Bridget Pickthall	BP
Steve Pighills	SP	Kerry Rennie (NE)		Dave Robinson (LDNPA)	DR
Cllr Helen Wall (CCC)	HW	Geoff Wilson	GW	Sarah Wiseman (NE)	
Sylvia Woodhead	SW				
Apologies:					
Jonathan Brooks	JB	Douglas Chalmers	DC	Cllr Nick Cotton (CCC)	NC
John Crosbie	JC	Mohammed Dhalech (non-attend.)		David Gibson (CCC)	DG
Terry Jolley	TJ	Ken Taylor	KT		
Members of the Public:					
Norman Atkinson, Chair Caldbeck Parish Council		Simon Smith, Clerk Caldbeck Parish Council		Ian Brodie, Lead ECP volunteer for Ramblers (Lake District Area)	

1 Welcome

Charles Ecroyd welcomed everyone and thanked them for attending. The Forum was pleased to welcome to the meeting three members of the public.

2 Apologies for Absence

Apologies were received.

3 Public Participation

Two representations had been received and the papers circulated to LAF members.

3.1 Presentation – Caldbeck to Hesket Newmarket path proposal

Norman Atkinson, supported by Simon Smith, of Caldbeck Parish Council (Chair and Clerk respectively) were seeking support from the LAF, in the form of a letter to Cumbria County Council, for the footpath the parish council is proposing to run alongside the length of the road between Caldbeck and Hesket Newmarket. The path would be suitable for all users and keep them off the road. All 10 landowners along the route had been contacted and were verbally in agreement. However, once the legal contracts were drawn up, eight signed but two did not and withdrew their support. The only remaining option was a footpath creation order. The county council though was concerned that this would be objected to and lead to a public inquiry and CCC were not willing to take this risk and incur thousands of pounds of costs. The parish council had the support of the three members of Parliament and the Police and Crime Commissioner. If the path did not go ahead, the gift of £100k would have to be returned and it would be an opportunity lost.

LAF members had received a paper and a map pertaining to the proposal ahead of the LAF meeting and raised some questions which the parish council representatives answered:

The path would be fenced off from the farmers' fields.

As well as being for pedestrians, it would be a permissive cycle path, but not a bridleway.

They had tried numerous times to talk to the two landowners but to no avail.

A LAF member had sympathy with the county council as there would almost undoubtedly be an objection to a creation order, resulting in costs for CCC. Another described the difference between a creation agreement and a creation order.

To a question from the LAF's vice-chair, it was confirmed that this would be a new Right of Way (ROW) and would be maintained by the parish council. It was then also suggested to go ahead for now with the stretches that were agreed and hope that the rest may come one day.

Simon Smith added that CCC had no objection in principle to a Footpath Creation Order but did not want to pursue an Order given resource constraints. CCC had suggested Caldbeck ask the district council and the National Park to help. However, the district council limited its activities to existing footpaths and the National Park could only go ahead with the agreement of Cumbria Highways.

PG as senior manager covering ROW, was well briefed on this proposed path and observed that the county council had a power not a duty to create paths. CCC had already made huge savings, had a great deal more to save in the next few years, and simply did not have the funds to cover the costs of an inquiry and had to prioritise.

DR confirmed that the Lake District would work in partnership with CCC to get this path put in, but that the LDNPA also would not take on the risk. This stance had already been provided to the parish council by Nick Thorne, Countryside Access Adviser, LDNPA.

CE thanked both gentlemen for attending. The LAF would discuss this further and respond to them.

3.2 Presentation – ECP Silecroft to Silverdale

Ian Brodie, lead England Coast Path volunteer for Ramblers Lake District Area, also represented the Open Spaces Society. He informed LAF members that what he had to say also had the support of various other interested parties in the area. He observed that they had worked very well with NE, particularly in the public inquiry on Stretch 3 in north Cumbria.

In Stretch 5 they feel that the proposed gaps around the Duddon and Kent estuaries will greatly lessen the benefit and success of the new route and find it strange that these gaps should be covered by trains. A complete route around the estuaries would bring long-term benefits to locals as well as walkers. The LAF were being asked to support the request to NE to close the gaps.

At the previous NE briefing to the LAF, members had been surprised at the proposal to cross these two estuaries by train.

A LAF member suspected that the Arnside viaduct idea would have sunk with the demise of Carillion. Another reiterated the problems with the railway, but also felt that crossing on the railway would give the opportunity to see the coast from a different angle.

PG had met with NE recently. The train was described as a 'ferry'. He knew of some councillors who had concerns about this. CE felt it would be a good idea for some LAF members to walk some of these stretches before the 15th February NE briefing to the LAF.

Kerry Rennie reminded that NE's duty ends at the end of the tidal waters. They had spoken to many landowners. Also they had been assured there would be a 7-day train service. NE had been advised that Bela bridge is unsafe; but Ian Brodie was advised that it is safe.

The Duddon bridge traffic light phases do not allow for someone to cross within one phase.

A LAF member brought up the Grange meeting with NR and the question of whether trains always stop where they are supposed to.

3.3 **Further brief discussion on the submissions** (which took place at the end of the meeting)

3.3.1 Caldbeck to Hesket Newmarket path proposal – GW felt that the LAF could do nothing other than support it in principle. CCC could, if there are objections, say that they do not want to progress this; it therefore would not have to go to the Secretary of State (SOS). The LAF should offer encouragement to Caldbeck PC, saying that we agree in principle that the path could usefully go off the road. But we would suggest they go ahead with two-thirds of the path and work as hard as possible to get agreement on the other two landowners' stretches. BP observed that they would be getting vulnerable users off the road and should be encouraged also to let horses use the path.

3.3.2 ECP Silecroft to Silverdale – some LAF members would attend site visits with Ian Brodie.

4 **Disclosure of Interest**

GD, as a member of the Lake District Rights of Way Committee, declared an interest particularly in relation to Thirlmere zip-wire proposal.

There was no other 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 or the press.

6 **Membership**

KM had received responses from most LAF members indicating whether they wished their term of office to carry on for a further one or two years. MP advised that his term of office was due to end the following month.

7 **Minutes of the Previous Meeting**

The minutes of the 5th October 2017 Cumbria and Lakes LAF meeting were agreed.

8 **Matters Arising**

8.1 8.1 **Logo** – CB offered that if money was available, she would be willing to liaise .

8.2 8.2 **Website** – Members agreed that no members' contact details would go on the new LAF website. Members of the public would have to contact the LAF Secretary instead.

8.3 8.4 **New Terms of Reference** – Further to the latest draft circulated to members there had been two more amendments made. GW advised what these were and it was agreed to incorporate them. The new Terms of Reference were thereby agreed and accepted.

CE thanked GW for undertaking this task.

8.4 8.5 **Warcop** – PG advised that deregistration of a footpath at Warcop was out to consultation. It seemed that the LAF was not being consulted. A copy could be obtained from DG or off the CCC website.

- 8.5 9.3.1 **Grange railway crossing** – The West Coast line manager, Regional level crossing manager and the Network Rail Liability Negotiation Adviser had met with a number of LAF members in Grange the previous week. Their presentation on the rationale for the closure of the Grange level crossing included slides showing appalling behaviour. The map supplied by CCC was included and should have shown the diversion going from one side of the crossing along through the underpass and then along the promenade back to the crossing. The main issue was safety. A member of the public present apologised for being at the meeting, but she felt very strongly that the closure should go ahead.

Someone raised the question of improving safety at the crossing, for instance with automatic warning lights or barriers. However, in order for the Grange level crossing to be signalled, signalling throughout the whole line would need to be upgraded and this could not be done. MM had then pointed out that if the application for coal extraction from the old Marchon site was successful this would include upgrading of signalling on the line.

SW expressed a wish for the LAF to write to the Council and ask for the gates to be unlocked immediately.

GW would incorporate all points in a draft letter to the council.

GW

It was understood that there were other developments in prospect.

- 8.6 9.4.1g **Seathwaite parking** – KT had sent apologies

- 8.7 13 **Tilberthwaite** – DG had made it abundantly clear that UCRs were not included among the issues that LAFs can advise on.

RL informed the meeting that the company with the 4x4s claim to be using this as a means of getting disabled users into the countryside had been investigated and appeared to be wrong.

Three data loggers had now provided 6 months worth of data. Mr Groothues was asking to see this and LDNP were minded to allow this, as otherwise there may be a FOI request. GD observed that one of the many exceptions with FOI is that it is intended that the data be published when complete. DR confirmed that the LD solicitor had been consulted. DR confirmed that the loggers would be in place for two years.

SP emphasised that the basis of the damage was caused by water in the first place. He added that 4x4s and motorbikes prevented from using one route then simply go elsewhere.

Some work was being done on the route and the loggers would show difference in use. RL had been contacted by someone whose perception was that nothing was happening.

9 LAF Work Programme

9.1 Cumbria Access and Recreation Strategy

DR explained that the paper provided was still in a process of evolution. The Yorkshire Dales were concentrating on their own plan and wanted consistency across the Yorkshire Dales National Park. What DR was presenting was the strategy for the LDNP, not the whole of Cumbria. Some of the focuses had changed with new aims advised by Defra and sport England. There would be a focus on families and young people. The draft circulated would have some changes made. There were still partner organisations to consult and the strategy would go before the NP Management Board. Any LAF members who wished to be part of a sub-group to look at this were asked to put themselves forward.

All

9.2 Fell Fencing Project – update

GW reported that progress was still being made, albeit rather slowly, and LDNPA had recently been able to apply some more staff resource to the project. That morning GW had met with Claire Redhouse, Asst GIS officer at LDNPA to consider ways of tidying-up the fencing mapping digital data, and GW and KT would be meeting again on 22 Feb with David Pickup, LDNPA Strategy & Partnership Adviser to undertake practical desk-top tidying of mapping data. Fencing data supplied by NE and FCE was in different formats and consequently was not consistent. In order to facilitate progress he and KT had provisionally agreed that the mapping should be restricted to fencing on commons, for which SOS approval had been granted and for which much of the background information is available; also that strict accuracy of fencing position was not necessary. The mapping methodology being applied could be expanded to include fencing on other Access land in the future if and when resources for doing so became available. It had been noted that, due to the speed with which the OS was now able to update digital format mapping (aerial and satellite photography), some 'temporary' fencing was already beginning to feature on OS maps. Members agreed the approaches adopted by GW and KT.

The present Secretary of State for Environment, Food and Rural Affairs, Michael Gove, had expressed a personal interest in forestry and uplands and GW asked if it was appropriate for the LAF to draw the Minister's attention to the issues relating to fencing on Commons and Access Land. It was agreed DR would discuss this with NPA colleagues and advise GW accordingly, and that GW would pursue it as appropriate.

**DR
GW**

DR reported that there is a perception that National Parks do not encourage planting. A LAF member asked if tree planting and fencing showed up on satellite images. GW stressed that the simplest way was to require people to include data in a certain format.

9.3 Inspections and recommendations on Rights of Way consultations – Members' reports

9.3.1 SP reported on a number of consultations including temporary closures on the Mountain Road, plus one at Witherslack that was very complicated. Also some consultations on emergency closures and others that were mainly for information.

He also reported that LDNPA has started the process of rationalizing dual status UCR/BW routes (very occasionally there may be dual status UCR/FPs). Since these routes are County Roads with vehicle rights, BW or FP is clearly incorrect. As NERCA removed the possibility of them becoming BOATs the correct Definitive Map designation is Restricted Byway.

GW mentioned that dual status UCR/BW sections of the old pre turnpike Shap Road north of Kendal had been considered the previous week, and upgraded to RB in dual status with UCR.

9.3.2 SW reported that a footpath diversion at Shap was supported as it was uncontroversial. Three made Orders had been received. At Vicarage School, Kendal an order had been made along the line of the LAF's original response a number of years ago. The LAF responded to seek confirmation that the diversion would be surfaced, as this was not mentioned in the Order. She had also received two temporary orders to consider. The Walney Island one gave no timescale for the closure and both the path and temporary diversion were below high watermark.

9.3.3 MM had received a couple of uncontroversial consultations. On the Marchon site he had responded in 2014 at which time there was no mention of footpaths being affected. This time there was a detailed list of temporary diversions, and as compensation and mitigation for inconvenience there will be improvements made.

9.4 Recent, current or upcoming consultations

Thirlmere zip-wire proposal

The LAF response to the consultation had been submitted. This was expected to go to committee on 7th March.

9.5 North Pennine AONB Access and Recreation Working Group

Having read DG's notes of the last North Pennine AONB Partnership Joint Tourism and Access & Recreation Working group meeting, GW volunteered to be CALLAF's representative on this group. This was agreed.

10 Members News

10.1 MM had been involved with the area that was covered by Cumbria LAF but which is now Yorkshire Dales. He reported that Yorkshire Dales are finding that the relationship with CCC is very good and better than with the other authorities.

10.2 Helen Wall informed that Widows Crossing, between Barrow and North Scales village, was deteriorating. CE advised that this be taken up with DG.

10.3 SW reported that she had received the Management Plan for Sandscale Haws SSSI. The National Trust manages the area as Open Access, and public access is considered important. SW agreed to draft a response to the consultation on behalf of CALLAF before 9th February. She had also reported a number of footpath problems encountered on the Windermere Way, a dead-end bridleway at Rampside Barrow, and at Hampsfield where a tree had fallen across the LDNP/CCC boundary.

HW had invited SW to a Cumbria Geo-Conservation event and encouraged SW to write some geo-walks. HW had made the point that there were not enough bridleways in the Barrow area.

10.4 KM reported that she had been contacted by Mike Mills (former Cumbria LAF member) about access arrangements for canoeing on Bassenthwaite Lake. KM to request further details. **KM**

11 News from National and Regional Access Bodies

11.1 National LAF Conference

Nothing had been heard yet as to when or where the next conference might be held. It may be that funding is not available.

11.2 NW Regional LAF

The last meeting, on 28th November, had been good, with a lot of useful discussion, particularly around the subject of resurrecting a National LAF so that LAFs could better keep in touch. The minutes were however not yet available.

12 Coastal Access

12.1 Update

Kerry Rennie, Lead Adviser NE Northwest Coastal Access Delivery Team, gave the Forum an update on progress.

Kerry reported that they were aiming for publication of the Stretch 5 proposals in April. They were still waiting to hear from PINS on Gretna to A Ilonby Stretch 3 – the inspector was going to meet with one of the landowners in February. Realignment on Stretch 2 seemed to be going well and implementation of Stretch 4 was about to start. It was hoped that both would be open this year.

Stretch 2 already had quite a lot of rollback and at St Bees the golf course rollback had been agreed. Sellafield was still being discussed, particularly also the delay with Moorside.

The possibilities for a bridleway that LAF members had seen that morning would have to be driven by a body such as perhaps BHS. These proposals would have to be incorporated in the Stretch 5 proposals. NE had explored the possibility and flagged it up in their documentation.

Kerry introduced Sarah Wiseman, an important member of the team, who dealt with the nature conservation part of the process to make sure that the line of the new path did not conflict with nature conservation issues. NE was legally obliged to show that the proposals will not conflict with the SSSIs and other designations. This was being done all around Morecambe Bay, which was why they were doing Stretch 5 and 6 together. They were consulting with all relevant parties on conservation but also on geological sites. It was not just about realigning the route, but also putting in mitigation/screening where necessary.

Kerry was interested in Ian Brodie's presentation and that he was getting different advice to that received by NE. PG observed that whether it was a long distance path or a national trail might account for this. Kerry added that it might also be down to the great increase in traffic in recent years.

It was agreed that CE, CB and SW would attend the NE briefing on 15th February.

13 Authority Work Programme Updates

13.1 Cumbria County Council – Countryside Access Team

DG's most recent report on the Cumbria County Council Countryside Access Team work had been circulated prior to the meeting.

13.2 Lake District National Park Authority

The latest draft of the LDNP Access and Recreation Strategy had been circulated to members before the meeting, together with a covering paper. The first section covered work for 2018-19 and the second section work for the future.

A LAF member commented that this was interesting, but asked if the links in the document would open. However, these were internal links and about work specifications .

14 Ongoing Infrastructure Projects

- 14.1 Thirlmere water pipeline – this project continuing apace. SP was receiving notifications as and when ROWs were affected.
- 14.2 Moorside – with Toshiba no longer involved, the South Korean state energy company is now to take this over.
- 14.3 Northwest Coastal Connection – nothing further on this until Moorside goes ahead.

15 Feedback from morning Training Session

Members had found the morning site visit and walk along the coast at Bardsea interesting and useful. BP had been led to believe that NE would make use of this stretch for higher rights, and the information had been noted. However, it was not included in the Stretch 5 proposal.

It was agreed that those LAF members attending the 15th February briefing meeting could bring this up then. The LAF would support it.

16 Date of Future Meetings

Dates for future meetings were agreed as follows:

Thursday 19th April 2018
Wednesday 18th July 2018
Thursday 18th October 2018