

Broads Authority

Broads Local Access Forum

Minutes of the meeting held on 9 December 2009

Present

Dr Keith Bacon (Chairman)

Ms Liz Brooks	Mr Peter Medhurst
Mr Robin Buxton	Mr George Saunders
Mr Graham Downing	Mr Gary Simons
Mr Nick Larkin	Ms Cynthia Wake
Mrs Hattie Llewelyn-Davies	Mr Ray Walpole

In Attendance

Adrian Clarke - Broads Project Co-ordinator
Jo Eames – Administrative Officer
Bruce Hanson – Head of Recreation and Tourism Development
Simon Hooton – Director of Conservation and Countryside
Management
Nick Sanderson – Head Countryside Ranger

Also in Attendance

Ms Sarah Abercrombie - Norfolk County Council
Mr Darren Braine – Natural England
Ms Carrie Kerry – Norfolk County Council
Mr Steve Lane – Environment Agency

1/1 Apologies for Absence and Chairman's Announcement

Apologies for absence were received from Mr Alan Duce, Mr Tony Howes, Mr Chris Yardley, Mr Charles Swan and Ms Sarah Jenkinson.

The Chairman requested that any members who had not yet confirmed whether they would like to be re-appointed to the Forum do so as soon as possible.

The Chairman reported that the request for new Broads Local Access Forum members had been circulated to local newspapers and parish councils in the Broads Authority executive area.

1/2 Appointment of Chairman

The Head Countryside Ranger invited nominations for the position of Chairman for the forthcoming year.

It was proposed and duly seconded that Dr Keith Bacon be appointed as Chairman for the forthcoming year.

There being no other nominations, it was

RESOLVED

that Dr Bacon be appointed as Chairman for the forthcoming year.

Dr Bacon in the Chair

1/3 Appointment of Vice-Chairman

It was proposed and duly seconded that Mr Peter Medhurst be nominated for Vice-Chairman for the forthcoming year.

There being no other nominations, it was

RESOLVED

that Mr Medhurst be appointed as Vice-Chairman for the forthcoming year.

1/4 Minutes

The minutes of the meeting held on 9 September 2009 were confirmed as a correct record and signed by the Chairman, subject to an amendment to the word Manger in point 4/3 (2) to read 'Manager'.

1/5 Points of Information Arising from the Minutes

(1) Minute 4/3 (2): Angles Way Update

The Head Countryside Ranger reported that Suffolk County Council's Countryside Access Development Manager was currently working with a local design company to produce a map of the Angles Way, in a similar format to that of the Wherryman's Way, which it was hoped would be available to the general public from the end of March 2010.

(2) Minute 4/3 (5): England Access Forum

The Head Countryside Ranger reported that he had still not received a response from either of the East of England representatives confirming whether they would be able to attend a future Forum meeting. Members therefore suggested that this be raised at the next England Access Forum.

1/6 Environmental Stewardships

Natural England's Regional Agri-Environment Project Manager gave a presentation to the Forum regarding the provision of permissive access land in the current agri-environment schemes. Following his presentation the Regional Agri-Environment Project Manager responded to members' questions, reporting that:

- although a large number of Countryside Stewardship agreements were due to expire at the same time, Natural England would have the resources to process them. However, that might not be the case for the Environmentally Sensitive Areas Agreements (ESA), so Natural England was considering alternative means to manage these schemes;
- natural England often received applications from landowners wishing to create permissive footpath routes linked to roads and that they were considered favourably;
- when considering a permissive footpath application Natural England takes into account a number of options, but as payment for these schemes comes from public money, value for money is always an important factor. It is sometimes difficult to balance the frequency of use of a permissive footpath route with value for money;
- Natural England had approached the Ordnance Survey (OS) regarding the possibility of working with them to produce OS maps containing permissive footpath routes. The outcome of this discussion had not as yet been ascertained. However, it was costly to use OS information and the map would become obsolete as soon as the agreement expired, or new agreements were signed (which happens monthly);
- councils have access to Natural England's permissive footpath mapping information;
- although map boards only displayed a single landowner's permissive footpath route, if neighbouring landowners had permissive footpath routes that joined it this information should be noted on the same map board;
- ESA agreements that expire in 2012 could continue to be funded from other schemes as they reached completion;
- anyone could apply for agri-environment scheme funding except Government bodies;
- Natural England considered objections from neighbouring landowners to potential permissive footpath routes important. Therefore, to prevent conflict, applicants were encouraged to ascertain parish council support and avoid creating footpath routes that passed the edge of dwellings;

- Natural England was able to provide upgrade payments for permissive bridleways on Countryside Rights of Way access land. They might also be able to negotiate an upgrade payment for a permissive bridleway next to a public footpath;
- funding was available to enable Natural England officers to check the condition of sites once agreements had been confirmed. If a member of the public wanted to contact Natural England regarding the condition of a permissive footpath they could do so by using the phone number displayed on the map board or by contacting them direct;
- Natural England officers undertook spot checks on sites and informed landowners of any concerns they might have, including requesting that map boards be removed from permissive footpath routes that were no longer in existence. However, the landowner was responsible for the maintenance of the site and the removal of out of date map boards;
- funding for vehicular access was not available through agri-environment schemes. However, payments were available for disabled access routes;
- Natural England officers would be surveying all new sites to confirm that they were Disability Discrimination Act (DDA) compliant;
- permissive footpath routes could be linked to public rights of way and it was the responsibility of Natural England officers to inform landowners of this;
- he would forward his contact details and a copy of his presentation to the Forum for information.

1/7 Healthy Walks Publications

Norfolk County Council's Healthy Walks Project Officer updated the Forum on the progress of the Council's three year initiative to create 150 circular walks around a number of towns in Norfolk, to encourage people who would not normally use footpaths to walk healthily and use the local facilities. In total twelve circular walks booklets would be produced. The walks were from one to five miles, with the majority being approximately three miles long, had varying levels of difficulty, were linked with public transport, began near a car park and included a tea stop. Environmental and wildlife areas were also included as points of interest.

The Healthy Walks Project Officer had been working with local people to produce the books, which were promoted to health professionals, schools and libraries in each area where the walks were located. She would start researching walks in the Broads once she had finished the booklet based around Great Yarmouth.

The Healthy Walks Project Officer reported that Norfolk County Council had received funding for Wherry Line and Bittern Line walks.

The Forum felt that there were not many wheelchair accessible routes on either the Wherry Line or the Bittern Line. The Healthy Walks Project Officer agreed to investigate members' concerns and report back.

The Forum congratulated the Healthy Walks Project Officer on the use of hard laminating for the booklets, as this would improve their longevity.

1/8 Promotion of Cycling and Walking in the Broads

The Head of Recreation and Tourism Development gave a presentation to the Forum regarding the Outdoor Norfolk Initiative.

1/9 Access for People with Walking Difficulties

The Forum considered a report initiated by the Broads Local Access Forum member representing people with disabilities, which sought to raise members' awareness of the difficulties disabled people face when accessing the countryside without the use of a wheelchair.

The Forum felt that it was important that appropriately positioned raised seats (with armrests) be sited on footpaths and marked on maps.

The Head Countryside Ranger stated that the issues raised in the report confirmed that all disabilities needed to be considered when erecting footpath furniture, and that he would undertake to do this in future.

The Regional Agri-Environment Project Manager reported that within the HLS raised seats were considered and included on map boards. Funding was also available through this scheme for the provision of benches. Natural England officers considered the proximity of car parks to permissive footpath routes and encouraged the use of DDA compliant kissing gates in preference to stiles.

RESOLVED

- (i) that the report be noted; and
- (ii) that members supported the proposals raised.

1/10 Local Government Ombudsman

Keith Bacon reported that he had recently received correspondence from Torbay Local Access Forum relating to a dialogue they had recently had with Defra, Natural England and the Local Government Ombudsman (LGO) regarding an enquiry they made as to whether the LGO would handle a complaint from a Local Access Forum (LAF) about a local authority.

The LGO representative stated that:

The ombudsman's jurisdiction set out in Part III of the Local Government Act 1974, Section 26 provided:

s26 (1) Subject to the provisions of this Part of this Act where a written complaint is made by or on behalf of a member of the public who claims to have sustained injustice in consequence of maladministration in connection with action taken by or on behalf of an authority to which this Part of this Act applies, being action taken in the exercise of administrative functions of that authority, a Local Commissioner may investigate that complaint.

There were two jurisdictional barriers to bringing a complaint to the Ombudsman:

- 1. A body such as a LAF which was constituted under statutory regulations and set up by the local authority is not a "member of the public" under the Act.*
- 2. A person complaining to the LGO needs to show that he or she has sustained an injustice in consequence of the maladministration alleged. The LGO has discretion as to whether to investigate a complaint. Because his budget is limited and comes from public funds he considers he has a duty to use the resources allocated to him efficiently and effectively. He will therefore only exercise his discretion to investigate a complaint where the complainant is able to show the injustice they have suffered is significant.*

Therefore any complaint a LAF might have against a local authority could not be considered by the LGO.

1/11 Consultations

(1) **The Role of Local Access Forums in relation to Defra Consultations**

The Forum considered a report by the Head Countryside Ranger, which drew members' attention to recent correspondence between Duncan Graham, Chair of the England Access Forum and Cumbria Local Access Forum, and David Waterman, of the recreation and

access section of Defra, regarding the role of LAFs in relation to Defra consultations.

The Head Countryside Ranger noted that although the correspondence informed the Forum of the issue it did not suggest a mechanism by which members could feedback to the regional representatives.

The Forum noted that the comments made by Duncan Graham in paragraph 2, Appendix 2 regarding access to water might influence future thinking.

RESOLVED

that the report be noted.

(2) **Disabled Discrimination Act 1995 Consultation**

The Head Countryside Ranger referred to the consultation previously circulated to the Forum regarding Defra's proposed guidance on the DDA in relation to gates and stiles, etc, on rights of way and requested that, should members have any comments, they forward them to either himself or the Forum's Secretary.

(3) **Natural England Coastal Access "Scheme" Consultation**

The Head Countryside Ranger referred to the consultation previously circulated to the Forum setting out how Natural England would approach implementing the new coastal access rights of the Marine and Coastal Access Act 2009 and requested that, should members have any comments, they forward them to either himself or the Forum's secretary.

Norfolk County Council's newly appointed Countryside Officer reported that the Norfolk Local Access Forum would be discussing the consultation at its next meeting. Should a working group be set up to discuss the consultation further, Broads Local Access Forum members would be welcome to join it. The Countryside Officer confirmed that she would be happy to report back to the Broads Local Access Forum on the outcome of the working group at a future meeting.

1/12 National and Regional Local Access Forum Issues

(1) **'From Paper to People and Places' Ramblers Association Campaign**

The Head Countryside Ranger tabled a document from David Murray of the Ramblers Association (RA), requesting members' attention be drawn to a campaign that they were running called 'From Paper to People and Places', which focussed on the need for improved funding and political will in highways authorities to implement their Rights of

Way Improvement Plans. The RA was currently recruiting concerned organisations (including rights of way teams in highways authorities) to a national consortium in support of their key campaign (for better funding). This was in effect a national petition which they would be taking to the Department for Transport, Defra and the Treasury to show how much support there was and to add weight to their lobbying.

The Forum requested that their voice be added to the campaign and suggested that these issues be looked at alongside transport issues.

1/13 Broads Forum Update

Peter Medhurst reported that the main items discussed at the Broads Forum included the progress of the actions suggested to improve the way the Broads Forum operated, a workshop regarding the future of the Broads in relation to climate change and climate change aspects of the Broads Plan.

1/14 Dogs and Cattle on Public Rights of Way

The Forum considered a report that introduced the issue of dogs and cattle in the countryside.

The Head Countryside Ranger stated that debate/advice from the Forum had been requested by Natural England and questioned whether members felt it would be appropriate for the Broads Authority to collaborate with other organisations in order to publicise further information.

The Forum felt that it was a seasonal issue, when young stock was turned onto the marshes during spring. The Broads Authority could therefore contact the local media to get the message across to the general public, and schools could be asked to advise children on what to do when taking a dog for a walk.

RESOLVED

- (i) that the report be noted; and
- (ii) that members supported the initiative.

1/15 Broadland Flood Alleviation Project: Update on Access Enhancements

The Broads Projects Co-ordinator updated the Forum on the main enhancement schemes linked to the Broadland Flood Alleviation Project that were currently being worked on by Broads Authority and BESL officers.

Although the closing date for the public consultation relating to Ludham and Potter Heigham (Compartment 6) Phase 1 had passed, BESL was still accepting comments. The Broads Authority had already responded from an officer point of view offering to assist BESL to negotiate with the landowner for a footpath creation agreement from Horsefen Mill to Horsefen Bank. As the creation of a footpath along this route was included as an action in the Broads

Rights of Way Improvement Plan, the Forum agreed to write to BESL in support of this.

It was noted that it might be possible to include the Three Rivers Way and angling access enhancements in Compartment 6.

The Forum raised concerns regarding the possible loss of footpath access in the Candle Dyke area and eastwards of Potter Heigham. The Broads Projects Co-ordinator confirmed that the Broads Authority had raised those issues in their response and had asked for further detailed information on the scheme.

BESL had started work on the creation of the easy access path between Carlton Marshes and Nicholas Everitt Park and would be upgrading the paths around parts of the Suffolk Wildlife Trust nature reserve.

The Broads Authority had contacted Waveney District Council regarding Oulton Broad Free Quay.

The planning application for Geldeston Marshes (Compartment 25A) had been submitted. The public footpath creation should be signed off once the work had been completed.

1/16 Rights of Way and Access Improvement Plan Update

The Head Countryside Ranger reported that the Broads Authority was currently updating their circular walks leaflets. The leaflet for South Walsham had been completed, and those for Fleggburgh and Fleggburgh to Stokesby had been circulated to members for comment.

The possibility of adding information to the leaflets regarding the location of seats would be investigated

The leaflets for Upton, Loddon Marshes and Potter Heigham were in the process of being produced and would be circulated to the Forum for comment once they have been completed.

All leaflets would be available at the Broads Information Centres.

1/17 Any Other Business

Gary Simons reported that the Cantley Staithe enhancement works had now started and would be completed by next spring. An official opening would take place on Saturday 10 July 2010. Members might wish to attend. Mr Simons stated that should members require assistance with issues relating to staithe and charitable status, they should contact him direct.

The Head Countryside Ranger reported that he had recently received an email from the South Downs National Park regarding a spreadsheet they had produced relating to the prioritisation and implementation of their Rights of

Way Improvement Plan. The Head Countryside Ranger agreed to forward this email to the Forum so that it could be discussed at the next meeting under agenda item 'National and Regional Local Access Forum Issues'.

1/18 Date of Next Meeting

It was noted that the next meeting was scheduled to take place on Wednesday 10 March 2010 at 2.00 p.m.

The meeting concluded at 5.00 p.m.

Chairman