

# Plymouth Local Access Forum

Monday 13 June 2011

## PRESENT:

Mr Fairchild, in the Chair.

Mr Stewart, Vice Chair.

Mr Attrill, Councillor Churchill, Mr Emery, Councillor K Foster, Mr Goddard, Ms Hitchens, Mr Pawley, Mrs Roberts, Mr Skinner and Councillor Wheeler.

Apologies for absence: Mrs Rodgers

The meeting started at 10.30 am and finished at 1.00 pm.

*Note: At a future meeting, the committee will consider the accuracy of these draft minutes, so they may be subject to change. Please check the minutes of that meeting to confirm whether these minutes have been amended.*

## 1. APPOINTMENT OF CHAIR AND VICE CHAIR

Agreed that Ray Fairchild is appointed as Chair and Ian Stewart is appointed as Vice-Chair of the Plymouth Local Access Forum (LAF) for the forthcoming year.

## 2. WELCOME TO NEW MEMBERS

The Chair welcomed Councillor Churchill to the Plymouth LAF.

## 3. DECLARATIONS OF INTEREST

The following declarations of interest were made by a member in accordance with the Code of Conduct –

<b>Name</b>	<b>Subject</b>	<b>Reason</b>	<b>Interest</b>
Mr Pawley	Coastal Access: Public Slipways in Plymouth (minute 10 refers)	A user of slipways and the Secretary of Mayflower Boat Owner Association	Personal
Mr Pawley	South West Coast Path Update (minute 11 refers)	Is the Plymouth local representative for the South West Coast Path	Personal
Mr Skinner	Public Path Extinguishment Order – Ridgeway School (minute 12 refers)	Ramblers and Open Spaces	Personal
Mr Emery	Public Path Extinguishment	Ramblers and Open Spaces	Personal

	Order – Ridgeway School (minute 12 refers)		
Councillor Wheeler	Coastal Access: Public Slipways in Plymouth (minute 11 refers)	A member of the Cattewater Harbour Commission	Personal
Councillor Wheeler	Public Path Extinguishment Order – Ridgeway School (minute 12 refers)	Member of the Planning Committee	Personal
Councillor Churchill	Public Path Extinguishment Order – Ridgeway School (minute 12 refers)	Member of the Planning Committee	Personal

#### 4. **MINUTES**

With regard to the minutes of 28 March 2011 members commented that –

- (a) Mr Stewart, Vice-Chair was not present at the meeting and he should be removed from the attendance record;
- (b) regarding minute 71, Mr Attrill did not leave the meeting and his name should be removed from the list members who left the meeting.

It was also commented by Ray Fairchild, Chair of the Forum that, if the Forum was not to be quorate at a future meeting then there should be a break for lunch with members returning to complete LAF business in the afternoon.

Agreed that –

- (1) the minutes of the meeting held on 28 March 2011 are confirmed as a correct record subject to the above amendments in (a) and (b);
- (2) regarding minute 66, the Forum Secretary would chase the response from Ian Gillhespy, Senior Valuation Surveyor.

#### 5. **CHAIR'S URGENT BUSINESS**

There were no items of Chair's Urgent Business.

#### 6. **TRACKING RESOLUTIONS**

The Forum noted the tracking resolutions document. Following comments made by members it was agreed that –

- (a) the recently published 2009/10 Annual Report is forwarded to Natural England;
- (b) a mechanism is added to the document to easily identify which resolutions have been completed and which are still outstanding;
- (c) an update is provided to the next Forum meeting from Robin Pearce, Public Rights of Way Officer on the progress of recruiting a university student to undertake a work placement within the public rights of way department.

## 7. **REVIEW OF THE TERMS OF REFERENCE**

The Forum considered the terms of reference and commented that –

- (a) section 4.11 stated that the forum needed to have one member from each user group present for meetings to be quorate and that given the low number of landowners this could potentially cause conflict at future meetings and as such needed to be reviewed further;
- (b) Natural England's guidance for LAFs should be reviewed and an updated section 4.11 included in the Terms of Reference to be discussed at a future meeting;
- (c) clarification was needed on the membership of Beth Roberts who was acknowledged to be a landowner in the Annual Report but an other interest member on her nameplate.

Agreed that the LAF Secretary would seek clarification on Beth Roberts membership and the guidance from Natural England and report back to the next meeting where the Terms of Reference would be reconsidered.

## 8. **DRAFT ANNUAL REPORT FOR 2010/11**

The Forum considered the 2010-2011 annual report and commented that –

- (a) there should be a section that highlighted the number of designated public rights of way at the beginning of the year and how many designated public rights of way at the end of the year;
- (b) the section on membership groups needed to be clarified and updated;
- (c) in section 3.1 the wording 'as far as practicable' should be included after the word constituted so that the sentence reads 'The Plymouth Local Access Forum has been constituted, as far as

practicable, so that it is balanced between three main interests’;

- (d) clarification should be sought on the wording used in section 3.4 – Advertising for Members as this was felt that it did not follow the guidance produced by Natural England.

Agreed that –

- (1) the LAF Secretary would make the suggested amendments and additions as discussed in (a), (b) and (c) above;
- (2) the LAF Secretary would seek clarification on the guidance from Natural England and report back to the next meeting where the annual report would be reconsidered.

#### 9. **RIGHTS OF WAY IMPROVEMENT PLAN - WORK PROGRAMME PRIORITIES**

Robin Pearce, Public Rights of Way Officer submitted a briefing note on the Rights of Way Improvement Plan – work programme priorities. It was commented by members that –

- (a) the detail of the ROWIP required members to be able to have an informed discussion with the Public Rights of Way Officer before determining the priorities;
- (b) If the ROWIP was deferred until the next meeting then there was the potential that time would elapse before any of the allocated revenue of £10k could be spent;
- (c) an all forum working group would be the best way to address the work programme priorities of the ROWIP with the Public Rights of Way Officer also invited to attend.

Agreed that the LAF Secretary would seek to organise a working group on the ROWIP – work programme priorities within the next three weeks and invite all Forum members and the Public Rights of Way Officer to attend.

#### 10. **COASTAL ACCESS: PUBLIC SLIPWAYS IN PLYMOUTH**

Dave Pawley, Forum member addressed the Forum about public slipways in Plymouth and informed members that –

- (a) Plymouth City Council had a responsibility to provide coastal access and that this was also under the remit of the Local Access Forum;
- (b) in Plymouth there were three main ways to access the sea, which were using slipways, landing stages and steps;

- (c) due to slipways and steps involving tidal movements both were subjected to regular sea washing which resulted in the growth of weeds; it was the council's responsibility to maintain these areas to ensure that they were cleaned and safe to use;
- (d) recently a member of the public slipped on the Mount Batten slipway as it had not been cleaned and following an inspection was closed; the slip had since re-opened and had been fully cleaned following a written complaint being sent to the Chief Executive of Plymouth City Council;
- (e) the council's webpage for landing stages and slipways, highlighting which slipways were public, private and commercial, was inaccurate; this was inadequate particularly as this is the first place that members of the public look for coastal access points.

It was commented by members that –

- (f) given the importance of the America's Cup and the high number of expected visitors that this would bring it was imperative that the council maintained its means of coastal access to an acceptable standard;
- (g) the Forum needed to highlight their concerns to Plymouth City Council and recommend that the inaccuracies on the slipways and landing stages webpage is updated as a matter of urgency;
- (h) Plymouth City Council when updating their web content should liaise with the Waterfront Partnership and the Tamar Estuaries Consultative Forum to ensure that their web content does not conflict.

Agreed that Dave Pawley, LAF member, would provide a written response highlighting the Forum's concerns to the LAF Secretary who would then forward the letter to Assistant Director for Development and Regeneration.

*(Mr Pawley and Councillor Wheeler declared a personal interest in the above item)*

## 11. **SOUTH WEST COAST PATH UPDATE**

Robin Pearce, Public Rights of Way Officer submitted a briefing note giving an update on the South West Coast Path. Members were provided with updates on the Jennycliff footpath closure, the Royal William Yard and the Breakwater Road Diversion. It was commented by members that –

- (a) the boardwalk at the Royal William Yard had been fully erected, although it was still closed to the public for decorative work;
- (b) the steps at the Royal William Yard were not in place and works had stalled due to a lack of funding. Funding discussions were

ongoing and were dependent on the footpath through the yard being adopted as a public right of way;

- (c) the signage erected at Breakwater Road had improved access to the Yacht Haven Quay footpath, however, there had been one comment from a member of the public that they wished to see the bespoke cast iron signage renovated rather than replaced.

*(Mr Pawley declared a personal interest in the above item)*

## 12. **PUBLIC PATH EXTINGUISHMENT ORDER - RIDGEWAY SCHOOL**

Robin Pearce, Public Rights of Way Officer submitted a briefing note on a Public Path Extinguishment Order at Ridgeway School asking for the LAF to respond with any representations or objections. Some members commented that –

- (a) they were disappointed that the LAF had not been consulted prior to the Extinguishment Order being made on 3 June 2011;
- (b) since the original consultation with the LAF 18 months ago the footpath still had not been fenced; it was felt that this needed to be considered before the Extinguishment Order was made;
- (c) if the Forum objected to the Order then the decision would be referred to the Secretary of State;
- (d) the Extinguishment Order was very similar to a recent order in Buckinghamshire where the Inspector did not confirm the order due to the school not erecting a fence;
- (e) the Forum should object to the Extinguishment Order on the grounds that the local authority have not followed the correct procedures and regulations contained within the Highways Act 1980 and the Countryside and Rights of Way Act 2000.

Other members disagreed with the comments and stated that –

- (f) the school was instructed to not fence the footpath by the fire authority as a fence would jeopardise the pupil's health and safety;
- (g) they supported the Extinguishment Order as it would provide increased protection to teachers and the pupils of Ridgeway School.

Following a debate, a vote was taken and it was agreed that the Forum accept the Extinguishment Order of Ridgeway School and therefore will not offer any representations or objections.

The decision was a majority decision and the members voting against expressed a desire that the minute would state that it was the feeling of some members that the

statutory tests contained within section 118 (b), paragraph 8 of the Highways Act 1980 had not been satisfactorily met.

*(Mr Emery and Mr Skinner declared a personal interest in the above item.  
Councillor Churchill and Councillor Wheeler declared a personal interest in the above item  
and did not take part in any of the discussion)*

### 13. **WORKING GROUPS**

Mrs Hitchens advised the Forum that on 7 May 2011 a working group undertook to look into the Access Whitleigh Project. Members were informed that –

- (a) footpaths were identified using the Ramblers' maps and then walked by the group to identify potential issues;
- (b) the Whitleigh area was well designed with some excellent footpaths, particularly around Cann woods and it was understood that these paths were being used by a local health group walk leader;
- (c) it was believed that the paths were maintained by the council and recommendations were provided to Rosemary Dale, Major Schemes Officer within the Sustainable Transport department about cleaning, street lighting and signage.

It was also commented by members that the Planning Working Group should request that the Planning department be made aware that when a planning application is received if there is a public footpath involved then the footpath should be made a public right of way and included on the definitive map.

Agreed that –

- (1) the LAF Secretary would type up the notes of the Access Whitleigh Project Working Group and distribute a copy to all members by email;
- (2) Ian Stewart, Vice-Chair would draft a letter to the Planning department asking for them to explain the process of determining applications where a public footpath is involved.

### 14. **WORK PROGRAMME**

The Forum noted their work programme and commented that an update on the Green Infrastructure Plan should be provided at a future meeting with the Forum potentially holding a working group to review the Plan in detail.

### 15. **CORRESPONDENCE**

The Forum noted their correspondence and commented that all responses sent from the Forum should be addressed to an individual and not to 'whom it may concern'.

16. **DATE OF NEXT MEETING**

Agreed that the next meeting of the Forum be held at 10.30am on Monday 12 September 2011.

17. **ISSUES ARISING FROM FORUM MEMBERS**

Following a member of the Forum suggesting a change to the start time of the Forum to 10am, members were informed that –

- (a) during a previous consultation in 2010 Forum members opted to hold their Forum meetings at 10:30am;
- (b) the Forum should not be a lengthy meeting as the working groups should undertake to look at issues in detail with the Forum used to endorse the working groups recommendations.