



**PLYMOUTH LOCAL ACCESS
FORUM**

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8 June 2012

When calling or telephoning please ask for: **Mr Ross Johnston, Secretary to the Local Access Forum**

PLYMOUTH LOCAL ACCESS FORUM

DATE: MONDAY 18 JUNE 2012

TIME: 10.30 AM

PLACE: COUNCIL HOUSE, PLYMOUTH (NEXT TO CIVIC CENTRE)

Committee Members–

Mr Fairchild, in the Chair

Mr Stewart, Vice Chair

Mr Attrill, Mr Curno, Mr Emery, Cllr K Foster, Mr Goddard, Mr Harvey, Ms Hitchens, Mr Pawley, Miss Roberts, Miss Rodgers, Mr Skinner, Mrs Stewart, Cllr J Taylor and Cllr Wheeler

Members are invited to attend the above meeting to consider the items of business overleaf

Members are requested to sign the attendance list at the meeting.

PLYMOUTH LOCAL ACCESS FORUM

1. APPOINTMENT OF CHAIR AND VICE CHAIR

To appoint a Chair and Vice Chair for the forthcoming year.

2. APOLOGIES

To receive apologies for non-attendance submitted by Forum Members.

3. DECLARATIONS OF INTEREST

Members will be asked to make any declarations of interest in respect of items on this Agenda.

4. MINUTES

(Pages 1 - 8)

The Forum will be asked to confirm the minutes of the 12 March 2012.

5. CHAIR'S URGENT BUSINESS

To receive reports on business which, in the opinion of the Chair, should be brought forward for urgent consideration.

6. TRACKING RESOLUTIONS

(Pages 9 - 12)

To monitor progress on previous resolutions.

7. ANNUAL REVISION OF THE LAF TERMS OF REFERENCE

(Pages 13 - 20)

To review the PLAF's terms of reference.

8. PUBLIC SLIPWAYS AND LANDING STAGES

Dave Curno and Dave Pawley, LAF Members, will provide a verbal update on Public Slipways and Landing Stages.

9. PLANNING AUTHORITY UPDATE AND POSITION STATEMENT

(Pages 21 - 24)

The Forum will receive a report from Robin Pearce, Public Rights of Way Officer giving an update on the Planning Authority incorporating a draft position statement.

10. IMPROVEMENTS TO THE POLICY AND LEGAL FRAMEWORK FOR PUBLIC RIGHTS OF WAY

To discuss the consultation and agree a response on the Improvements to the Policy and Legal Framework for Public Rights of Way.

<http://www.defra.gov.uk/consult/2012/05/14/improve-rights-of-way/>

11. WORKING GROUPS (Pages 25 - 28)

To agree any working groups for items on this agenda and to receive a report which proposes a new working group.

12. WORK PROGRAMME (Pages 29 - 30)

To receive the Forum's Work Programme for 2012 - 2013.

13. CORRESPONDENCE (Pages 31 - 32)

To consider any correspondence received and note any correspondence sent by the Forum.

14. DATE OF NEXT MEETING

The next meeting will be held at 10:30am on Monday 17 September 2012 at the Council House, Armada Way, Plymouth.

15. ISSUES ARISING FROM FORUM MEMBERS

To discuss any issues brought forward by members of the Forum.

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Plymouth Local Access Forum

Monday 12 March 2012

PRESENT:

Mr Fairchild, in the Chair.

Mr Stewart, Vice Chair.

Mr Attrill, Mr Curno, Mr Emery, Councillor K Foster, Mr Goddard, Mr Harvey, Mrs Hitchens, Mr Pawley, Mr Skinner, Mrs Stewart and Councillor Wheeler.

Apologies for absence: Councillor Churchill and Mrs Roberts.

The meeting started at 10.30 am and finished at 1.15 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.

53. **DECLARATIONS OF INTEREST**

The following declaration of interest was made by a member in accordance with the Code of Conduct –

Name	Subject	Reason	Interest
Mr Pawley	South West Coast Path Brochure (minute 57 refers)	Is the Plymouth local representative for the South West Coast Path	Personal

54. **MINUTES**

It was commented by members that the resolution for minute 36. Chair's Urgent Business which stated 'Agreed that a copy of the email be circulated to all members' had not been completed.

Agreed that –

- (1) the LAF Secretary would send a copy of the email to all members as agreed at the meeting on 12 December 2011;
- (2) minutes of the meeting held on 12 December 2011 are approved.

55. **CHAIR'S URGENT BUSINESS**

Order of Business

The order of business on the agenda was amended as set out below in the minutes.

56. **TRACKING RESOLUTIONS**

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

- (1) 12.12.11 - minute 38 - this should remain an outstanding resolution as no update had been provided;
- (2) 12.12.11 – minute 45 – that no answer to the Barrier Busting consultation response had been provided by the Planning Department and the LAF Secretary should pursue an answer and report back to the next meeting.

57. **SOUTH WEST COAST PATH BROCHURE**

Robin Pearce, Public Rights of Way Officer provided members with a draft copy of the South West Coast Path booklet and informed members that –

- (a) the republication of the booklet had been agreed following the Rights of Way Improvement Plan working group's recommendation;
- (b) the new booklet was very different to the original South West Coast Path walking guide and had made many improvements including:
 - more detailed maps;
 - a modernised layout;
 - enhanced photography;
 - new information;
 - suggestions of additional areas for exploration such as Royal William Yard and Devil's Point;
- (c) copies of the brochure would be available to the public at no cost. It was hoped that the brochure would be launched in public venues from Easter 2012.

It was agreed that Robin Pearce, Public Rights of Way Officer email a copy of the South West Coast Path brochure to all LAF members.

58. **STATUTORY LAND TRANSFER UPDATE**

Members received a report on the Notice of Statutory Land Transfer for Ridgeway School and Coombe Dean School.

It was commented by members that the update on Coombe Dean School did not detail what was happening with the footpath linking Charnhill Way and Furzehatt

Avenue and this was a major concern. It was felt that this footpath should be established as a public right of way.

Agreed that Mr John Emery, LAF member would provide a written response and list of questions to the LAF Secretary who would then use this to formally respond to Mr Ian Gillhespy, Senior Valuation Surveyor (Corporate Estates Team).

59. **DEFINITIVE MAP UPDATE**

Robin Pearce, Public Rights of Way Officer presented a report on the Definitive Map. Members were informed that –

- (a) the Definitive Map and Statement would be republished in 2012;
- (b) it was hoped that online mapping would be available in the Summer of 2012.

Following comments by members it was reported that –

- (c) the Definitive Map was updated approximately every five years and the council were now working with 2010 maps;
- (d) the applications waiting to go through a Modification Order process were contained in a list of priority and it was hoped that Hooe Lake slipway, Hooe Road and Widewell School would be completed in 2012 – 2013;
- (e) the Rights of Way Improvement Plan statement of actions included a priority system for Modification Orders, although the structure of this system was yet to be explored;
- (f) the Government's Penfold Review would look into providing a consultation document giving options for reducing the duplication between rights of way consents and the planning system; these proposals would be part of a future wider consultation package of rights of way reforms;
- (g) the council had established a number of footpaths as public rights of way that were located in woodland areas; this was partly in response to the LAF originally recommending that the council identify quick wins in adding footpaths to the Definitive Map.

Agreed that Robin Pearce, Public Rights of Way Officer would email a copy of a map of all the woodlands in which paths had been created under the Stepping Stones 2 Nature scheme within Plymouth to all LAF members.

60. **POSITION STATEMENTS**

Members discussed the possibility of creating and agreeing position statements and commented that –

- (a) the Devon Countryside Access Forum (DCAF) had created and used many different position statements;
- (b) the Sherford development could potentially offer an opportunity for the PLAF to work in partnership with the DCAF.

Agreed that Ross Johnston, LAF Secretary will liaise with the DCAF Secretary and establish the subjects and matters that DCAF have position statements for and report back to the next meeting.

61. **LAF REPRESENTATIVES NOMINATED TO OTHER BODIES**

Ross Johnston, LAF Secretary submitted a report on LAF representatives nominated to outside bodies.

Ray Fairchild, Chair informed members that the next meeting of the Saltram Countryside Park Stakeholder Forum was scheduled for April.

John Skinner, LAF member provided an update on the Plym Valley Advisory Group. Members were informed that –

- (a) the Plym Valley Advisory Group met on 29 February 2012 and was chaired by Kat Deeney, Nature Conservation Officer;
- (b) the group had met to discuss proposals for the Plym Valley Cycle Trail and café;
- (c) the group's next meeting was scheduled for 26 March 2012.

It was commented by members that the table of nominations contained in the report should be more comprehensive.

It was agreed that –

- (1) Mr John Skinner, LAF member would email a copy of the Plym Valley Advisory Group minutes from 29 February 2012 to the LAF Secretary for distribution to all LAF members;
- (2) any future report about LAF representatives nominated to represent the LAF is to be more comprehensive and cover not only nominations to outside bodies but also to include membership of working groups and any member nominations where a member represents the LAF such as the Huddle Champion.

62. **PLANNING AUTHORITY UPDATE**

Peter Ford, Head of Development Management and Hannah Sloggett, Community Planning and Partnership Coordinator were in attendance to provide members with

a presentation on the Planning Authority, its processes and procedures and changes to future legislation.

Following questions from members it was reported that –

- (a) the Localism Act would potentially provide many new challenges to the Planning Department including changes to consultation requirements and encouraging community groups to become more involved in planning processes, through having more powers such as a 'community right to buy' scheme;
- (b) the Localism Act contained a section that allowed neighbourhood plans to use community assets, which could present a number of challenges to landowners, although this part of the Act would not come into effect until Autumn 2012;
- (c) members of the public and community groups could identify footpaths on planning applications when reviewing the weekly lists, however, a potential improvement to identifying footpaths not included on the Definitive Map when determining a planning application could include more consultation with the PROW Officer and using GIS constraints mapping;
- (d) the LAF could assist in the identification of footpaths and improvements to consultation processes on planning applications by developing and operating a position statement, that could possibly recommend consultation on unrecorded footpaths.

It was commented by members that –

- (e) the Planning Department should take into consideration Ramblers maps when considering planning applications;
- (f) the Public Rights of Way Officer should be an automatic consultee on all planning applications that involve either a right of way or unrecorded footpath.

Ray Fairchild, Chair thanked Peter Ford, Head of Development Management and Hannah Sloggett, Community Planning and Partnership Coordinator for their attendance and informative presentation.

Agreed that –

- (1) a copy of the presentation slides be sent via email to all LAF members;
- (2) Robin Pearce, Public Rights of Way Officer and Peter Ford, Head of Development Management would work together to recognise improvements in identifying PROW and potential footpaths in the pre-application process for planning applications and report back to a

future meeting.

63. **CONSULTATIONS**

a) Derriford Community Park Masterplan

Members discussed the Derriford Community Park Masterplan consultation and agreed that all individuals who wished to respond to the consultation would send their responses to the LAF Secretary. The LAF Secretary would collate all responses and order the information into one response which will be the LAFs response to the Derriford Community Park consultation.

64. **WORKING GROUPS**

a) Annual Report Working Group

The Forum noted the report of the working group.

65. **WORK PROGRAMME**

Members noted their work programme and agreed that the following items be added to the work programme for the municipal year 2012 – 2013:

- public slipways and landing stages update;
- Planning Authority update;
- Derriford Community Park;
- Sherford Development update;
- South West Coast Path updates;
- Plymouth City Council owned parks and green spaces;
- Coombe Dean School update;
- Plym Valley Cycle Trail update;
- access to Drakes Island.

66. **CORRESPONDENCE**

The Forum noted its correspondence.

67. **DATE OF NEXT MEETING**

Agreed that the next meeting of the Forum is held at 10.30am on Monday 18 June 2012.

68. **ISSUES ARISING FROM FORUM MEMBERS**

Agreed that the LAF Secretary will email an up to date contact list to all LAF members.

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PLYMOUTH LOCAL ACCESS FORUM

TRACKING RESOLUTIONS

Date / Minute number	Resolution	Explanation / Minute	Action	Progress	Target date
12.09.11 Minute 30	a site visit be organised within the next six weeks to look at three separate woodland sites that have had significant improvements made to them through the Stepping Stones to Nature project;	Members wished to see some recent improvements that happened within the city's green spaces.	Robin Pearce	The site visit was proposed for 12 March but due to there not being enough confirmations for the site visit proposed it was not financially viable for us to run the visit Members should suggest further site visits in the future,	
12.12.11 Minute 38	Dot Isgrove, Natural England, would provide an email on the new 'Paths for Communities' scheme to be distributed to all members;	Members were keen to be kept informed on the new scheme that was discussed by Dot Isgrove.	Dot Isgrove	Update on Paths for Communities was emailed to all members on 14 March 2012.	N/A
12.12.11 Minute 45	<u>Agreed</u> that the proposed response is formally submitted to the planning department from the LAF in response to the Barrier Busting consultation.	Members were keen to respond to the consultation and agreed to use the proposed response from John Emery.	Ross Johnston	Consultation response was submitted on 23 December 2011. Awaiting response to the consultation from the Planning Department.	1 January 2012
12.3.12 Minute 54	the LAF Secretary would send a copy of the email to all members as agreed at the meeting on 12 December 2011;	Members wished to receive a copy of the email on a question asked of the Secretary of State for Environment, Food and Rural Affairs.	Ross Johnston	Emailed to all members on 13 March 2012.	

12.3.12 Minute 57	<u>agreed</u> that Robin Pearce, Public Rights of Way Officer email a copy of the South West Coast Path brochure to all LAF members.	Members after receiving a draft hard copy of the brochure requested to receive an emailed version.	Robin Pearce	Emailed to all members on 15 March 2012.	
12.3.12 Minute 58	<u>Agreed</u> that Mr John Emery, LAF member would provide a written response and list of questions to the LAF Secretary who would then use this to formally respond to Mr Ian Gillhespy, Senior Valuation Surveyor (Corporate Estates Team).	Members were disappointed with the lack of information provided in the update submitted to the forum.	Ross Johnston	Letter was sent to Mr Ian Gillhespy on 11 April 2012.	
12.3.12 Minute 59	<u>Agreed</u> that Robin Pearce, Public Rights of Way Officer would email a copy of a map of all the woodlands within Plymouth to all LAF members.	Members wished to see a copy of a map of all the woodlands in which paths had been created under the Stepping Stones 2 Nature scheme within Plymouth.	Robin Pearce	Robin Pearce emailed all maps to members on 11 April 2012.	
12.3.12 Minute 60	<u>Agreed</u> that Ross Johnston, LAF Secretary will liaise with the DCAF Secretary and establish the subjects and matters that DCAF have position statements for and report back to the next meeting.	Members wished to see position statements that were currently being used elsewhere before creating their own.	Ross Johnston	Emailed Hilary Winter on 10 April 2012 requesting DCAF position statements.	
12.3.12 Minute 61	Mr John Skinner, LAF member would email a copy	Members wished to see a copy of the minutes from the	Ross Johnston	The minutes were sent via Email was sent to all	

	of the Plym Valley Advisory Group minutes from 29 February 2012 to the LAF Secretary for distribution to all LAF members;	first meeting of the Plym Valley Advisory Group.		members on 14 March 2012.	
12.3.12 Minute 62	a copy of the presentation slides be sent via email to all LAF members;	Members requested to have a copy of the Planning Authority presentation.	Ross Johnston	Emailed a copy of the presentation to all members on 30 March 2012.	
12.3.12 Minute 62	Robin Pearce, Public Rights of Way Officer and Peter Ford, Head of Development Management would work together to recognise improvements in identifying PROW and potential footpaths in the pre-application process for planning applications and report back to a future meeting.	Members discussed the aspiration for potential footpaths being identified earlier in the planning application.	Robin Pearce	Robin Pearce and Peter Ford met in April 2012. This item has been included on the agenda for the next meeting in June.	
12.3.12 Minute 68	that the LAF Secretary will email an up to date contact list to all LAF members.	Members requested to have an up to date copy of all members' contact details.	Ross Johnston	Emailed a copy to all members on 30 March 2012.	



= Complete resolution



= Outstanding resolution

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Plymouth Local Access Forum**Terms of Reference****1. Title and Forum Area**

- 1.1 The Forum shall be known as the Plymouth Local Access Forum.
- 1.2 The area to be covered is the whole of the area within the boundaries of Plymouth City and that area for which Plymouth City Council is the responsible authority.

2. Roles and Responsibilities

- 2.1 The purpose of the Plymouth Local Access Forum shall be to advise the relevant Section 94(4) bodies (see Appendix B) on how to make the outdoors more accessible and enjoyable for open-air recreation, in ways that address social, economic and environmental interests, and with regard to issues of particular local relevance.
- 2.2 The Plymouth Local Access Forum shall:
 - Contribute to the development of any Rights of Way Improvement Plan for Plymouth;
 - Promote a constructive and inclusive approach to the improvement of recreational access to the countryside which can be implemented through Community Strategies, Local Transport Plan, AONB Management Plans and Planning Policy;
 - Advise upon the management and maintenance of access, balancing the provision of access against the needs of conservation of the natural beauty, wildlife and cultural heritage, and the needs of residents, landowners and land managers;
 - Identify and respect local circumstances and different interests while operating within national guidance;
 - Advise on developing additional opportunities for everyone to enjoy the rights of way and access network.
- 2.3 In providing advice the Local Access Forum will have regard to:
 - The needs of land management;
 - The desirability of conserving the natural beauty of the area;
 - The management and maintenance of access whilst balancing this against the needs of biodiversity, wildlife management, the interests of landowners and managers, and countryside management projects in and around Plymouth;
 - Guidance issued by the Secretary of the State;
 - Any Position Statement agreed by the Forum.
- 2.4 The Forum will promote liaison with any Local Access Forums established in Devon, Cornwall, Torbay, South Hams, West Devon and Dartmoor and actively encourage the attendance of such authorities to Forum meetings with observer status.

2.5 The Role of Plymouth City Council

- To advertise and appoint members to the Forum taking into account the need for fairness, transparency and compliance with the Council's policy on equality and diversity;
- To take account of the advice given when making decisions;
- To provide feedback to the Forum on advice the Forum has given;
- To provide a secretary for the Forum, and ongoing Officer support, training and advice;
- To provide a meeting venue and refreshments where necessary;
- To publicise the Forum;
- To reimburse Forum members expenses for travel and child care and subsistence cost directly incurred in respect of members' duties.

3. Membership

3.1 Membership to the Forum will be representative of one or more fields of interest as defined below rather than any particular organisation of which they might also be a member: -

- Local people who enjoy outdoor recreation in the area;
- Owners and occupiers of access land, or land over which the public have access;
- Other interests considered to be relevant to Plymouth which include, but are not limited to tourism, outdoor education, sport and recreational provision, disability awareness, local business interest, the military, health promotion and wildlife and cultural heritage.

3.2 Members shall be appointed to the Forum by Plymouth City Council in accordance with the Member Selection Criteria in Appendix A. The purpose of the Member selection process is designed to ensure a fair distribution of interests and ensure members have the knowledge and experience necessary to enable them to make an informed and constructive contribution to the work of the Forum.

3.4 Members shall be appointed for an initial period of three years after which they will be eligible for appointment for a further period of three years only. In the event that a seat becomes vacant during the initial term of appointment the replacement member shall continue that same term of appointment.

3.5 A member may resign his/her seat by giving notice of resignation in writing to the Secretary of the Forum.

3.6 Plymouth City Council may terminate the appointment of a member of the Forum if:

- He/she becomes an elected member of Plymouth City Council;
- He/she is absent from all meetings of the Forum in a 12-month period without the prior agreement of the Council;
- He/she fails to comply with the requirements set out in clause 3.8 below;
- He/she has failed to comply with clause 3.11 below;
- He/she fails to comply with the members code of Conduct (See Appendix C).

3.7 The Plymouth Local Access Forum has places for 22 members of which three places are reserved for Plymouth City Council Elected Members.

3.8 Before appointment members shall confirm:

- Their ability to devote their own time to attend meetings and training events as required;

- Their commitment to represent the Plymouth Local Access Forum over any other organisations of which they may be a member;
- Their ability and willingness to network with a wide range of interests outside of Forum meetings;
- Their commitment to working within the Terms of Reference.

3.9 The Chair and Vice-Chair shall be appointed by election by the Forum at the first meeting held following the City Council's AGM. The term of office for this appointment shall be until the first meeting of the Forum following the City Council's subsequent AGM. Elected Members of Plymouth City Council will not be eligible for appointment to either position but shall be entitled to vote in elections.

3.10 The method of appointment for the Chair and Vice-Chair of the Local Access Forum shall be as follows:

- Voting shall be by secret ballot;
- Election for the post of Chair shall take place first, with all members of the Forum (including those standing for the position concerned) being entitled to vote. A member may vote for him/herself;
- The secretary will announce the result of the election to the post of Chair;
- In the event of a tie on the first round of voting for the post of Chair, a second round of voting will be held in which the only candidates standing will be those whose scores were tied. Again, all members may vote including those standing;
- Election for the post of Vice-Chair will then take place and preferably candidates eligible to stand for the position shall be those drawn from a different category or type of interest (set out in paragraph 3.1) to that of the newly elected Chair;
- The secretary will announce the result of the election to the post of Vice-Chair;
- In the event of a tie on the first round of voting for the post of Vice-Chair a second round will be held in the same manner as that of the Chair's election.

3.11 Members shall disclose the nature of any direct or indirect interest in any matter brought up for consideration at a meeting of the Forum.

3.12 Members shall identify their own training needs.

4 Administration

4.1 Plymouth City Council shall provide a secretary responsible for the administration of the Forum who shall be neither an elected Member of the City Council nor a member of the Forum.

4.2 The Forum shall normally meet at least quarterly and additional meetings arranged where necessary.

4.3 Meeting agendas shall be agreed between the Chair and the Secretary.

4.4 Meetings shall be advertised in advance and held in public.

4.5 Agendas, papers and minutes of the meeting shall be available to the public.

4.6 The public shall be able to ask questions on the business of the Forum at the discretion of the Chair.

4.7 The Chair may, where appropriate, invite observers to the meeting who shall be able to contribute to the meeting at the discretion of the Chair.

4.8 The declaration of interests shall be an agenda item at the start of each meeting.

4.9 All papers for meetings will be sent to members at least five days in advance and should be supported by a clear recommendation wherever possible.

4.10 A consensus should be reached on all matters discussed but where this is not the case opposing views will be recorded.

4.11 The quorum for meetings of the Forum shall be 7 members.

5 Allowances

5.1 Members may claim travelling costs for attending Forum meetings and authorised training events and where appropriate a carers allowance is payable at rates in line with the City Council Members Allowance Scheme.

Appendix A – Membership Selection Criteria

Requirements	Essential	Desirable
Skills	<p>Good communication and interpersonal skills.</p> <p>Ability to work as part of a team.</p> <p>Ability to consider competing interests in a strategic manner to find agreed solutions</p>	<p>Proven ability to network and liaise with wider interests</p>
Knowledge	<p>Knowledge/appreciation of countryside issues with particular reference to Plymouth</p> <p>Knowledge of the conflicting interactions between recreation, land management and conservation.</p>	<p>An understanding of administrative procedures in central or local government</p> <p>An understanding of the Countryside and Rights of Way Act 2000</p>
Experience	<p>Experience of using public rights of way or access land for recreational purposes</p> <p>OR</p> <p>Experience of managing land over which public rights of way or access land subsists</p> <p>OR</p> <p>Experience of tourism, outdoor education, sport and recreational provision, disability awareness, local business interest, the military, health promotion or wildlife and cultural heritage.</p>	<p>Experience of public speaking</p> <p>Experience of attending formal public meetings</p>
Equal Opportunities	<p>A commitment to further equal opportunity issues in the work of the forum</p>	<p>Knowledge of the Disability Discrimination Act 1995</p>
Other Requirements	<p>Willingness to commit to attending Local Access Forum meetings and training events for up to 3 years</p> <p>A commitment to making the countryside more accessible and enjoyable for open-air recreation in ways, which address social, economic and environmental interests.</p>	

Appendix B – Section 94 (4) bodies

- the appointing authority(ies) (which will be a highway authority or National Park authority)
- any county, unitary, district or borough council within the area of the Forum
- the Secretary of State (in effect this means any Government Department with a Secretary of State, e.g. Defra and MOD, as well as 'executive agencies' such as the Planning Inspectorate and the Highways Agency)
- Natural England
- the Forestry Commission
- English Heritage
- Sport England (the English Sports Council)
- Area of Outstanding Natural Beauty (AONB) Conservation Boards
- Parish and town councils

Appendix C – Plymouth Local Access Forum Code of Conduct

PART 1

GENERAL PROVISIONS

1. Scope

(1) A member must observe the Plymouth Local Access Forum's code of conduct whenever he or she -

- (a) conducts the business of the Forum;
- (b) conducts the business of the office to which he or she has been appointed; or
- (c) acts as a representative of the Forum,

and references to a member's official capacity shall be construed accordingly.

(2) This code of conduct shall not, apart from paragraphs 3 and 4(a) below, have effect in relation to the activities of a member undertaken other than in an official capacity.

(3) Where a member acts as a representative of the Forum on another relevant Local Access Forum, he must, when acting for that other Local Access Forum, comply with that other Local Access Forum's code of conduct.

(4) In this code, 'member' refers to appointed members of the Plymouth Local Access Forum.

(5) In this code, 'Forum' refers to the Plymouth Local Access Forum.

2. General Obligations

A member must:

- (a) promote equality by not discriminating unlawfully against any person;
- (b) treat others with respect; and
- (c) not do anything which compromises or which is likely to compromise the impartiality of those who work for, or on behalf of, the Forum.

3. A member must not in his or her official capacity, or any other circumstance, conduct himself or herself in a manner that could reasonably be regarded as bringing their office or the Forum into disrepute.

4. A member:

- (a) must not in his or her official capacity, or any other circumstance, use his or her position as a member improperly to confer on or secure for himself, herself or any other person, an advantage or disadvantage; and
- (b) must, when using or authorising the use by others of the resources of the Forum, act in accordance with the Forum's requirements.

5. A member must, if he or she becomes aware of any conduct by another member who he or she reasonably believes involves a failure to comply with the Forum's code of conduct, make a written allegation to that effect to the Forum Secretary as soon as it is practicable for him or her to do so.

PART 2

INTERESTS

Personal Interests

6. (1) A member must regard himself or herself as having a personal interest in any matter if the matter relates to an interest in respect of which notification must be given or if a decision upon it might reasonably be regarded as affecting to a greater extent than other council tax payers, ratepayers or inhabitants of Plymouth, the well-being or financial position of himself or herself, a relative or a friend or -

- (a) any employment or business carried on by such persons;
- (b) any person who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors;
- (c) any corporate body in which such persons have a beneficial interest in a class of securities exceeding the nominal value of £5,000; or

(2) In this paragraph:

- (a) 'relative' means a spouse, partner, parent, parent-in-law, son, daughter, step-son, step-daughter, child of a partner, brother, sister, grandparent, grandchild, uncle, aunt, nephew, niece, or the spouse or partner of any of the preceding persons; and
- (b) 'partner' in sub-paragraph (2)(a) above means a member of a couple who live together.

Disclosure of Personal Interests

7. A member with a personal interest in a matter who attends a meeting of the Forum at which the matter is considered must disclose to that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent.

Prejudicial Interests

8. (1) Subject to sub-paragraph (2) below, a member with a personal interest in a matter also has a prejudicial interest in that matter if the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice the member's judgment of the public interest.

(2) A member may regard himself or herself as not having a prejudicial interest in a matter if that matter relates to -

- (a) another relevant Local Access Forum of which he or she is a member;
- (b) another Local Access Forum in which he or she holds a position of general control or management;
- (c) a body to which he or she has been appointed or nominated by the Forum as its representative;

Participation in Relation to Disclosed Interests

9. (1) a member with a prejudicial interest in any matter must :

- (a) withdraw from the room or chamber where a meeting is being held whenever it becomes apparent that the matter is being considered at that meeting, unless he or she has obtained a dispensation;
- (b) not seek improperly to influence a decision about that matter.

10. For the purposes of this Part, "meeting" means any meeting of the Forum.

BRIEFING NOTE

18 June 2012 – Agenda Item 9 – Planning Authority Update and Position Statement



1. Introduction

- 1.1 At an informal meeting on 23 May 2012 PLAF Members discussed the matter of position statements. This followed on from work carried out at a previous meeting where the Head of Planning attended and addressed the Forum on interaction between Planning Services and Transport with regard to public rights of way and development.

2. PRow and Planning

- 2.1 The Public Rights of Way Officer met with the Head of Planning Services to discuss the issues raised by the LAF at their last meeting. The situation as it currently stands is that Planning Services operate a “constraints map” which they use to identify triggers for consultation. The constraints map is a series of GIS layers which identify material planning considerations such as contaminated land, public highways, conservation areas and tree preservation orders. At the current time there are 34 separate layers which make up the constraints map, the intention is to reduce that significantly. When an application for planning permission is received the outline is plotted against the constraints map and on that basis Planning Services can identify any statutory consultation outside of the usual provisions. So for example if a public right of way ran through a development site then that would trigger consultation with the PRow officer. It was apparent that the highways layer which is used to identify public rights of way was out of date and that the South West Coast Path was not included. These are matters easily dealt with by regularly providing updates to Planning.
- 2.2 The second issue was the identification of unrecorded PRow in the same manner using the Ramblers88 map. This was a more difficult issue to address for two main reasons. Primarily it was accepted that the identification of a way which may, but which may not, carry public

rights was not a material planning consideration but merely a matter for individual case officers to be aware of when determining applications and which would need to be dealt with in one of several ways as part of the process. Secondly it was agreed that as unrecorded PRoW were not a material consideration and as the corporate aim was to reduce, not increase the number of layers within the constraints map, then it would not be possible to include the Ramblers88 map as a means for triggering consultation.

- 2.3 Further remedies were discussed however and Planning offered to distribute the weekly planning list to LAF Members however this is already done. It was therefore proposed that the PRoW officer manually inspect the weekly list and inform the LAF where a potential PRoW was affected. To make this effective the LAF would need to put in place some mechanism to allow them to respond to any triggered application and Planning felt the most helpful way this could be done would be by means of standardised position statements.

- 2.4 Members are therefore requested to consider and review the enclosed draft Position Statement and process. If Members are minded to agree the statement further time could be invested by officers to fine tune it to meet the Forums requirements by including a process flow chart and identifying local and national planning policy which would support the adoption of their views by planners. This draft should provide a sensible starting point for that discussion.



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Date

Ray Fairchild, Chair

Position Statement

TO: <<Insert Name of Case Officer>>, Planning Consents

From: Plymouth Local Access Forum

Date: <<Insert Date>>

Application Ref: <<Insert Application Ref>>

Site: <<Insert Application site address>>

Proposal: <<Insert proposal>>

The Plymouth Local Access Forum are a statutory advisory body established under the Countryside and Rights of Way Act 2000. Their remit is to provide advice to public bodies on promoting, protecting and improving public outdoor recreational access. This representation is a formally agreed position statement of the Plymouth Local Access Forum.

The Plymouth Local Access Forum believe that a potentially unrecorded public right of way subsists within the development boundary of the above application.

The basis for this belief lies within a document prepared in 1988 by the Plymouth Ramblers Association which set out all those paths which, at the time, the public alleged to have enjoyed uninterrupted use for a period in excess of 20 years. It has of course been more than 20 years since that document was published and therefore we maintain that, at the very least, there is a *prima facie*

case for the statutory presumption of dedication of a public highway. Section 31(1) Highways Act 1980 refers which provides that...

“Where a way over any land, other than a way of such a character that use of it by the public could not give rise at common law to any presumption of dedication, has been actually enjoyed by the public as of right and without interruption for a full period of 20 years, the way is to be deemed to have been dedicated as a highway unless there is sufficient evidence that there was no intention during that period to dedicate it.”

Should development be granted without taking account of our comments the applicant should be made aware that any person, body or organisation may apply to the relevant highway authority seeking an Order under s.53 Wildlife and Countryside Act 1981 for the Definitive Map (the legal record of public rights of way) to be modified to record those rights. If such an Order is made and subsequently confirmed any obstruction to that highway may be considered unlawful and steps may be taken by the highway authority to secure its removal. Therefore if this application is granted and development proceeds ignoring these concerns there could be considerable implications for the developer and any subsequent successors in title.

It is therefore essential that the way in question is accommodated for within the development should it proceed either by means of its adoption by the highway authority under s.38 Highways Act 1980 or similar powers or where adoption is not proposed the way should be dedicated as a public right of way under s.25 Highways Act 1980.

On the basis that the application as it currently stands does not accommodate for the interference with the public highway we object to the granting of planning permission.

Should Officers be minded to approve the application under their delegated powers or should Officers be minded to recommend the granting of planning permission to Members we request the following condition(s) be considered.

Suggested Conditions:

Condition: That prior to development taking place the developer enter into an agreement with the relevant highway authority under section 25 Highways Act 1980 dedicating the way in question as a public right of way.

Reason: <<Insert policy reasons>>

Yours sincerely,

Plymouth Local Access Forum

BRIEFING NOTE

18 June 2012 – Agenda Item 11 – PLAF Priorities



1. Introduction

- 1.1 This report provides the Forum with a summary of discussions that took place between Members on the 23 May 2012. The outcome of that meeting was that a briefing paper be prepared for discussion by the full LAF.

2. Plymouth Green Spaces

- 2.1 In response to correspondence from LAF Members it was suggested by the LAF Secretary that the Forum consider adopting a “theme” for the following year to focus its attention on. The theme suggested was that of greenspaces and city parks with a view to seeking the recording of paths within formal parks in the city.
- 2.2 Following discussion by Members it was a unanimous decision that this was not a key priority for the LAF on the basis that firstly paths within formal parks are not “at risk” in the same way other unrecorded paths were and that secondly should Parks Services prove receptive to the designation of paths as PRoW then the process was actually a very simple one and therefore would not provide sufficient subject matter to occupy the LAF’s attention for a 12 month period.
- 2.3 It was therefore agreed that the recommendation to the full group would be to write to Parks Services seeking to clarify their views on the designation of paths within formal parks as PRoW. It was felt that it would be useful to invite the Greenspace Manager to a future meeting to discuss the issue specifically in terms of their understanding the implications of s.31(1) Highways Act 1980 which provides for a highway to become established following 20 years use by the public unless clear steps have been taken by the landowner to prevent those rights accruing.

- 2.4 Members agreed it necessary to invite officers to attend as there would need to be a clear understanding on their part on the barriers that might make Parks reluctant to see Prow designated within parks. Issues such as events management for example on areas like the Hoe would become more problematic if additional Traffic Regulation Orders were required.

3. Unrecorded Public Rights of Way

- 3.1 Whilst it was not felt that the green spaces topic required the suggested level of intervention the concept of an annual theme was agreed to be a good idea. Members all felt that if there was one area that required long term detailed investment by the LAF that area was addressing the matter of unrecorded rights of way outside of council owned land.
- 3.2 It has of course been a long term problem as to how best deal with the high number of unrecorded PRow within the city and it was felt that the recent success in recording paths across land within council control and the current government consultation which sets out proposals on legislative reform for public rights of way provide an opportunity to make serious headway.
- 3.3 The issues at hand are in effect quite complex. The sheer number of potentially unrecorded paths and the level of resourcing available to council officers makes the task daunting in scale and the legal powers available are all complex and lengthy. However there is a good starting base. There exists a good historic record of potential paths recorded by the Ramblers Association in the 1980s and many of those paths have been surveyed recently by LAF Members already. We are now aware of the legislative changes being proposed by the government so we can proceed with full knowledge of the options available for the recording of these paths and in terms of priorities the promotion of walking, both recreationally and for utilitarian purposes, has never been higher within the council which is evident by the increased capital and revenue funding allocated towards it.
- 3.4 In light of this it was agreed that the recommendation to the full LAF was that a working group be formed to investigate this issue. The working group will require training provided by the PRow Officer on the legal means of creating a PRow which takes account of the

proposed changes set out by the current consultation on legislative reform. The aim of the working group would be to work with the Council to establish a work programme that the council will then implement.

Actions:

1. **PLAF** - Nomination to draft a letter to Parks Services outlining their views on PRow within city parks
2. **PLAF Secretary** - Invite the Greenspace Manager to a future PLAF meeting in the context of the PLAF Forward Work Programme
3. **PLAF** - Nominate and appoint members to the Unrecorded PRow Working Group.

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10 April 2012

Ian Gillhespy
Senior Valuation Surveyor (Corporate Estates Team)
Corporate Services
Plymouth City Council
Civic Centre
Floor 13
PL1 2AA

This letter constitutes formal advice from the Plymouth Local Access Forum. Plymouth City Council is required, in accordance with section 94(5) of the Countryside and Rights of Way Act 2000, to have regard to relevant advice from this forum in carrying out its functions.

When calling or telephoning please ask for: **Mr Ross Johnston**

Dear Mr Gillhespy,

At the last meeting of the Local Access Forum on 12 March 2012 members discussed the updates provided on the Notice of Statutory Land Transfer for Ridgeway School and Coombe Dean School and agreed that Mr John Emery, LAF member would provide a written response and list of questions to the LAF Secretary who would then use this to formally respond to Mr Ian Gillhespy, Senior Valuation Surveyor (Corporate Estates Team).

The Forum indicated that they had no concerns with regard to the Ridgeway School update, however, there were a number of concerns raised in response to the update on Coombe Dean School.

The Forum has requested that a further written update is provided at the next meeting in June 2012 which addresses the concerns raised. It was felt that the concerns identified needed answering in order to prevent any long term problems with the footpath.

It was commented that the letter submitted to the Forum on 12 March 2012 confirming the exclusion of land from long term lease for the footpath at Coombe Dean School failed to explain:

1. The status of the footpath.
2. The designation of the footpath as a public right of way on the Definitive Map and statement or as a footpath on the Highway Register.
3. Confirmation that the footpath would remain in the ownership of Plymouth City Council.
4. How the footpath would be protected or maintained.
5. Whether the footpath would be fenced.

6. In defining the footpath what costs would be incurred and how will these costs be met and by whom.
7. Who would be responsible for the maintenance of the footpath

Yours Sincerely,

Ross Johnston
Secretary to Plymouth Local Access Forum