



## PLYMOUTH LOCAL ACCESS FORUM

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When calling or telephoning please ask for: **democraticsupport@plymouth.gov.uk**

### **Plymouth Local Access Forum**

Date: Wednesday 27 November 2019

Time: 10am

Place: Poole Farm, Plymouth PL6 8NF

#### **Committee Members–**

Mr Abraham, Mr Attrill, Ms Cawthorn, Mr Curno, Mr Harvey, Mr Pawley and Mr Skinner.

Councillors Morris, Vincent and Wheeler.

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

For further information on attending Council meetings and how to engage in the democratic process please follow this link - <http://www.plymouth.gov.uk/accesstomeetings>

## **Plymouth Local Access Forum**

### **1. To Appoint a Chair and Vice Chair**

The Forum will appoint a Chair and Vice Chair.

### **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 - 4)**

The Forum will be asked to confirm the minutes of the 29 October 2018.

### **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. Terms of Reference (Pages 5 - 10)**

### **7. The English Coast Path Verbal Update**

### **8. National Marine Park Verbal Update**

### **9. Derriford Community Park Verbal Update**

### **10. Correspondence**

10a. The City of Plymouth (Footpath No.6 Moorview) Definitive Map Modification Order 2019 **(Pages 11 - 18)**

### **11. Work Programme**

## **Plymouth Local Access Forum**

**Monday 29 October 2018**

### **PRESENT:**

Mr Stewart, Vice Chair in the Chair.

Mr Abraham, Mr Attrill, Mr Harvey, Councillor Morris and Mr Pawley.

Apologies for absence: Ms Cawthorn and Councillors Vincent and Wheeler.

Also in attendance: Robin Pearce (Public Rights of Way Officer) and Helen Rickman (Democratic Advisor).

The meeting started at 10.30 am and finished at 11.40 am.

*Note: At a future meeting, the Panel 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.*

### 57. **To appoint a Chair and Vice Chair**

Mr Stewart, Vice Chair, informed Members that this was his last meeting of the LAF as his membership was due to expire before the next scheduled meeting.

Agreed that the appointment of Chair and Vice Chair would be added to the agenda for the next meeting.

### 58. **DECLARATIONS OF INTEREST**

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

<b>Name</b>	<b>Subject</b>	<b>Reason</b>	<b>Interest</b>
Mr Pawley	South West Coast Path	Representative for the South West Coast Path Association	Personal

### 59. **MINUTES**

Members agreed the minutes of the meeting held on 5 March 2018.

Under this item the following was discussed:

- (a) the reduction in frequency of LAF meetings; Members were encouraged to meet regularly on an informal basis and report back to the formal LAF meetings.
- (b) LAFs involvement in major road schemes; it was agreed that a number of schemes were underway or due to proceed shortly that may be of interest to

the LAF, specifically in terms of the impact upon cycling – this information would be forwarded to Members;

- (c) Plymouth City Council's Daily News email: this was highlighted as a useful tool for the LAF to sign up to as it gave a brief news summary upon a variety of different areas of responsibility of the council including planning applications and major road developments.; it was agreed that the secretary would email LAF Members with a link to the Daily News section of the website so Members could sign up personally;
- (d) the feasibility of the re-instatement of the bridge at Hooe Lake.

60. **CHAIR'S URGENT BUSINESS**

There were no items of Chair's Urgent Business.

61. **Coastal access update - Cremyll to Kingswear**

Robin Pearce (Public Rights of Way Officer) directed Members attention to the update included in the agenda.

Members discussed:

- (a) the Sutton Harbour footbridge and the temporary path;
- (b) the Mount Batten Ferry and the English Coast Path.

Members noted the update.

62. **Co-operative way Improvements**

Robin Pearce (Public Rights of Way Officer) advised Members that they may wish to be involved in small scale projects across the city linking to improvements on the cooperative way. No actions arose however Members were encouraged to contact Robin with projects.

Under this item Mr Attrill highlighted to Members the Pocket Pals App as it was considered that this may help to encourage young children and families to get out and about. Robin Pearce (Public Rights of Way Officer) advised Members that the Council used a Detour App, which was specifically currently linked in with Plymouth schools. The use of the Pocket Pals App was discouraged as it had 'in-app purchases'.

63. **WORKING GROUPS**

There was no update from Members regarding Working Groups.

There was a suggestion that Members may wish to form a working group to look at the Co-operative Way however Members did not put their name forward.

64. **WORK PROGRAMME**

Members did not put forward any items for inclusion on the work programme.

65. **CORRESPONDENCE**

There were no items of correspondence for Members to be updated upon.

66. **ISSUES ARISING FROM FORUM MEMBERS**

The following items were raised by Members:

- (a) Councillor Gosling had recently joined the Cycling Commission and had been on two rides with Members of the Commission and had also attended 2 meetings; Members of the Commission were glad that he was involved;
- (b) the adoption of a path near Collings Park;
- (c) that Mr Harvey would email the LAF Secretary future newsletters from Hillary Winter to forward onto Members.
- (d) a letter of thanks should be sent to the former Chair, Ray Fairchild, thanking him for his work on the LAF.

It was agreed that Mr Abraham would give a presentation to Members at the next meeting of the LAF regarding updates on various cycle paths in the city.

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**Plymouth Local Access Forum  
Terms of Reference**

**1.0 Title and Forum Area**

- 1.1 The Forum shall be known as the Plymouth Local Access Forum (the 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 highway authority.

**2.0 Roles and Responsibilities**

- 2.1 The Plymouth Local Access Forum is an advisory body. Its statutory function is to advise as to the improvement of public access to land in the area for any lawful purpose of open-air recreation and the enjoyment of the area, and as to other matters as may be prescribed.
- 2.2 In carrying out its work the forum shall have regard to: -
- the needs of land management;
  - Desirability of conserving the natural beauty of the area for which it is established, including the flora, fauna and geological and physiographical features of the area;
  - any guidance issued by the Secretary of State; and
  - any position statement adopted by the forum.
- 2.3 It is the statutory function of the forum to give advice to the following bodies to be known as section 94(4) bodies:-
- parish and town councils
  - the appointing authority
  - any county, unitary, district or borough council
  - any Secretary of State including their Departments or 'executive agencies'.
  - Natural England
  - the Forestry Commission
  - English Heritage
  - Sport England (the English Sports Council)
  - Area of Outstanding Natural Beauty (AONB) Conservation Boards.

2.4 Any advice given by the forum to section 94(4) bodies shall fall into at least one of the following categories:-

- improvement of public access (whether on foot or by horse, cycle, mechanically propelled vehicle or by any other lawful means) to land in the area for the purposes of open-air recreation and the enjoyment of the area;
- Public access to land in the area for any other lawful purpose (whether on foot, horse, cycle or by any means other than by mechanically propelled vehicle);
- public access to land in the area by means of a mechanically propelled vehicle for any other lawful purpose, but only insofar as the access relates to byways open to all traffic (BOAT)

2.5 The Forum will promote liaison with any other Local Access Forums established in Devon, Cornwall, Torbay and Dartmoor and actively encourage the attendance of such authorities to forum meetings with observer status.

### **3.0 The Role of Plymouth City Council**

3.1 As the appointing authority, Plymouth City Council shall:-

- advertise for 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;
- take account of the advice given by the forum when making decisions;
- provide feedback to the forum on advice the forum has given whether in exercise of its statutory function or not;
- provide a secretary for the forum, and ongoing Officer support, training and advice;
- provide a meeting venue and refreshments where necessary;
- publicise the work of the forum;
- reimburse forum members expenses for travel, child care and subsistence costs directly incurred in respect of members' duties.



#### **4.0 Membership**

4.1 Membership to the Forum will be representative of one or more fields of interest as defined below rather than of any particular organisation:-

- Local people who enjoy outdoor recreation in the area;
- Owners and occupiers of access land, or land over which the public have lawful 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, wildlife and cultural heritage.

4.2 Members shall be appointed to the Forum by Plymouth City Council in accordance with the Plymouth Local Access Forum Person Specification. 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.

4.4 Members shall be appointed for an initial term of either one, two or three years (the initial term).

4.5 In deciding the length of term to be offered the appointing authority shall take into account: -

- the continuity of the forum by ensuring no more than a third of terms expire each year;
- any current terms already in existence; and
- any preference for a particular term expressed by an applicant.

4.6 Upon the expiry of the initial term of office a member will be eligible to apply for re-appointment. If re-appointed for a further term that term will be for a further three years (the subsequent term).

4.7 There is no limit on how many times a member may re-apply for a further term of office.

4.8 In the event that a seat becomes vacant during the initial term any replacement member appointed shall continue to serve that same term of office

4.9 In the event that a seat becomes available before the expiry of a subsequent term the term offered to any replacement member shall be at the discretion of the appointing authority taking into account the matters listed in 4.5 above.

- 4.10 The appointing authority reserves the right to award shorter or longer terms if required to ensure the continuity of the forum.
- 4.11 A member may resign their seat by giving notice of resignation in writing to the Secretary of the Forum.
- 4.12 Plymouth City Council may terminate the appointment of a member of the forum if:
- They become an elected member of Plymouth City Council;
  - They are absent from all meetings of the Forum in a 12-month period without the prior agreement of the appointing authority;
  - They fail to comply with the requirements set out in section 4.15 below;
  - They fail to comply with the requirements set out in section 4.21 below;
  - They fail to comply with the Plymouth Local Access Forum Members Code of Conduct.
- 4.13 A request for the termination of membership can be made to the appointing authority by the Chair of the forum following a formal resolution of the forum. In doing so the Chair must have explained their reasons for seeking the removal of the member to the forum and those reasons must be at least one of those provided in section 4.12 above.
- 4.14 The Plymouth Local Access Forum shall consist of at least 10 and not more than 22 members of which three places are reserved for Plymouth City Council Elected Members.
- 4.15 By accepting an offer of appointment members confirm:-
- their ability to devote their own time to attend meetings and training events as required;
  - their ability and willingness to network with a wide range of interests outside of Forum meetings;
  - their commitment to working within these Terms of Reference.
- 4.16 The Local Access forum will elect a Chair and Vice-Chair from within its membership base.
- 4.17 The term of office for appointment to the position of Chair shall be three years.
- 4.18 The term of office for appointment to the position of vice-Chair shall be

staggered so as not to coincide with the expiry of the term of office of the Chair.

4.19 Elected Members of Plymouth City Council will not be eligible for appointment to either position but shall be entitled to vote in elections.

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

- Nominations for the positions may be made either to the secretary to the forum in advance of the meeting or at the meeting itself and those nominees will be read out by the Secretary.
- No details about nominations will be shared with the forum other than the names of those nominated.
- Members can nominate themselves.
- Any nominee who accepts the nomination will stand for the relevant post.
- Voting shall be by secret ballot;
- All members of the Forum (including those standing for the position concerned) are entitled to vote. A member may vote for themselves;
- The secretary will announce the result of the election to the post;
- In the event of a tie on the first round of voting for the post, 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;

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

4.22 Members shall identify their own training needs in consultation with the Public Rights of Way Officer and the Chair.

**5.0 Administration**

- 5.1 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.
- 5.2 The Forum shall formally meet at least twice a year and additional informal meetings arranged where necessary.
- 5.3 Meeting agendas shall be agreed between the Chair and the Secretary.
- 5.4 Formal meetings shall be advertised in advance and held in public.
- 5.5 Agendas, papers and minutes of formal meetings shall be available to the public.
- 5.6 The public shall be able to ask questions on the business of the Forum at the discretion of the Chair.
- 5.7 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.
- 5.8 The declaration of interests shall be an agenda item at the start of each meeting.
- 5.9 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.
- 5.10 A consensus should be reached on all matters discussed but where this is not the case opposing views will be recorded.
- 5.11 The quorum for meetings of the Forum shall be 7 members.

**6.0 Allowances**

- 6.1 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.



Plymouth Local Access Forum  
Democratic Support  
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**Strategic Planning and Infrastructure**  
Department for Place

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Please ask for: Robin Pearce

Date: 04 November 2019

My Ref: WCA.008

Your Ref

Dear Sirs,

**The City of Plymouth (Footpath no. 6, Moorview) Definitive Map Modification Order 2019**

I write to advise that Plymouth City Council have made the above Order.

The effect of the Order if confirmed is to modify the definitive map and statement for the area by adding to them the footpath from Estover Close to Elizabeth Cottage as described in Part I and II of the schedule and as shown on the map attached to the order.

Public notices to this effect have been placed on site and in the local press and a copy of that notice is enclosed as is a copy of the Order itself.

I would be grateful to receive any representations about or objections to the Order that you would wish to make and ask you to note that if I have not heard from you **by 31 December 2019** I will assume you have no objection.

Yours sincerely

Mr Robin Pearce  
Strategic Planning and Infrastructure

# NOTICE OF MAKING A DEFINITIVE MAP MODIFICATION ORDER



## WILDLIFE AND COUNTRYSIDE ACT 1981, SECTION 53

### THE CITY OF PLYMOUTH (FOOTPATH NO 6, MOORVIEW) DEFINITIVE MAP MODIFICATION ORDER 2019

The above order, made on the 18th October 2019, if confirmed as made, will modify the Definitive Map and Statement for the area by adding to them the footpath from Estover Close to Elizabeth Cottage as described in Part I and II of the schedule and as shown on the map attached to the order.

A copy of the order and the order map can be viewed online at <https://www.plymouth.gov.uk/> and may be seen free of charge at the offices of Plymouth City Council, 71 New George Street, Plymouth, PL1 1RF. Copies of the Order and map may be bought there at the price of £10.

Any representations about or objections to the order may be sent by email to [prow@plymouth.gov.uk](mailto:prow@plymouth.gov.uk) or in writing to the Public Rights of Way Office, Department of Place, Plymouth City Council, Ballard House, West Hoe Road, Plymouth, PL1 3BJ to be received **not later than 31st December 2019** stating the grounds on which they are made.

If no representations or objections are duly made to the order, or if any so made are withdrawn, Plymouth City Council, instead of submitting the order to the Secretary of State, may itself confirm the order. If the order is submitted to the Secretary of State, any representations or objections which have been duly made and not withdrawn will be sent with it.

Data Protection Act note: The City Council will consider all representations and objections received in response to this Notice. Therefore any representations and objections made may be disseminated widely for this purpose and this will include being made available to the public.

Dated this 5th day of November 2019

Paul Barnard, Assistant Director for Strategic Planning and Infrastructure, Plymouth City Council, Ballard House, West Hoe Road, Plymouth, PL1 3BJ.

[www.plymouth.gov.uk](http://www.plymouth.gov.uk)

WILDLIFE AND COUNTRYSIDE ACT 1981

CITY OF PLYMOUTH DEFINITIVE MAP AND STATEMENT

PLYMOUTH CITY COUNCIL

THE CITY OF PLYMOUTH (FOOTPATH NO. 6, MOORVIEW) DEFINITIVE MAP MODIFICATION  
ORDER 2019

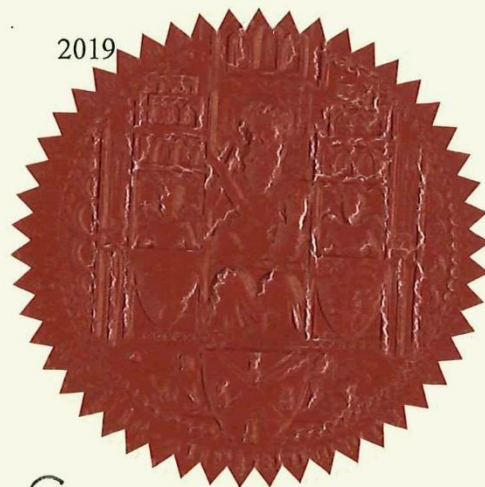
THIS ORDER is made by Plymouth City Council under section 53(2)(b) of the Wildlife and Countryside Act 1981 ( "the Act") because it appears to that authority that the City of Plymouth definitive map and statement require modification in consequence of the occurrence of an event specified in section 53(3)(b), namely, the expiration, in relation to any way in the area to which the map relates, of any period such that the enjoyment by the public of the way during that period raises a presumption that the way has been dedicated as a public path.

The authority have consulted with every local authority whose area includes the land to which the order relates. Plymouth City Council hereby Order that:

1. FOR the purposes of this order the relevant date is 5<sup>th</sup> April 2018
2. THE City of Plymouth Definitive Map and Statement shall be modified as described in Part I and Part II of the Schedule and shown on the map attached to the Order.
3. THIS order shall take effect on the date it is confirmed and may be cited as the City of Plymouth (Footpath No 6, Moorview) Definitive Map Modification Order 2019

GIVEN under the Common Seal of the Council this 18 day of October 2019

THE COMMON SEAL OF THE )  
PLYMOUTH CITY COUNCIL )  
was hereunto fixed in )  
the presence of:- )



A handwritten signature in black ink, appearing to read 'N. Jones', written over a dotted line.

Officer Authorised by the Council on behalf of Plymouth City Council

**SCHEDULE**

**PART I**

**MODIFICATION OF DEFINITIVE MAP**

**DESCRIPTION OF PATH OR WAY TO BE ADDED**

Footpath No.6 Moorview, in the administrative area of Plymouth City Council. This is a footpath. It starts at a point on Estover Close marked Point A on the Order Plan (GR SX 51720 60128) and proceeds in a generally north easterly direction for a distance of 227 metres then heads in a south easterly direction for 65 metres where it meets a stile at Point B on the Order plan (GR SX 51922 60255).



PART II

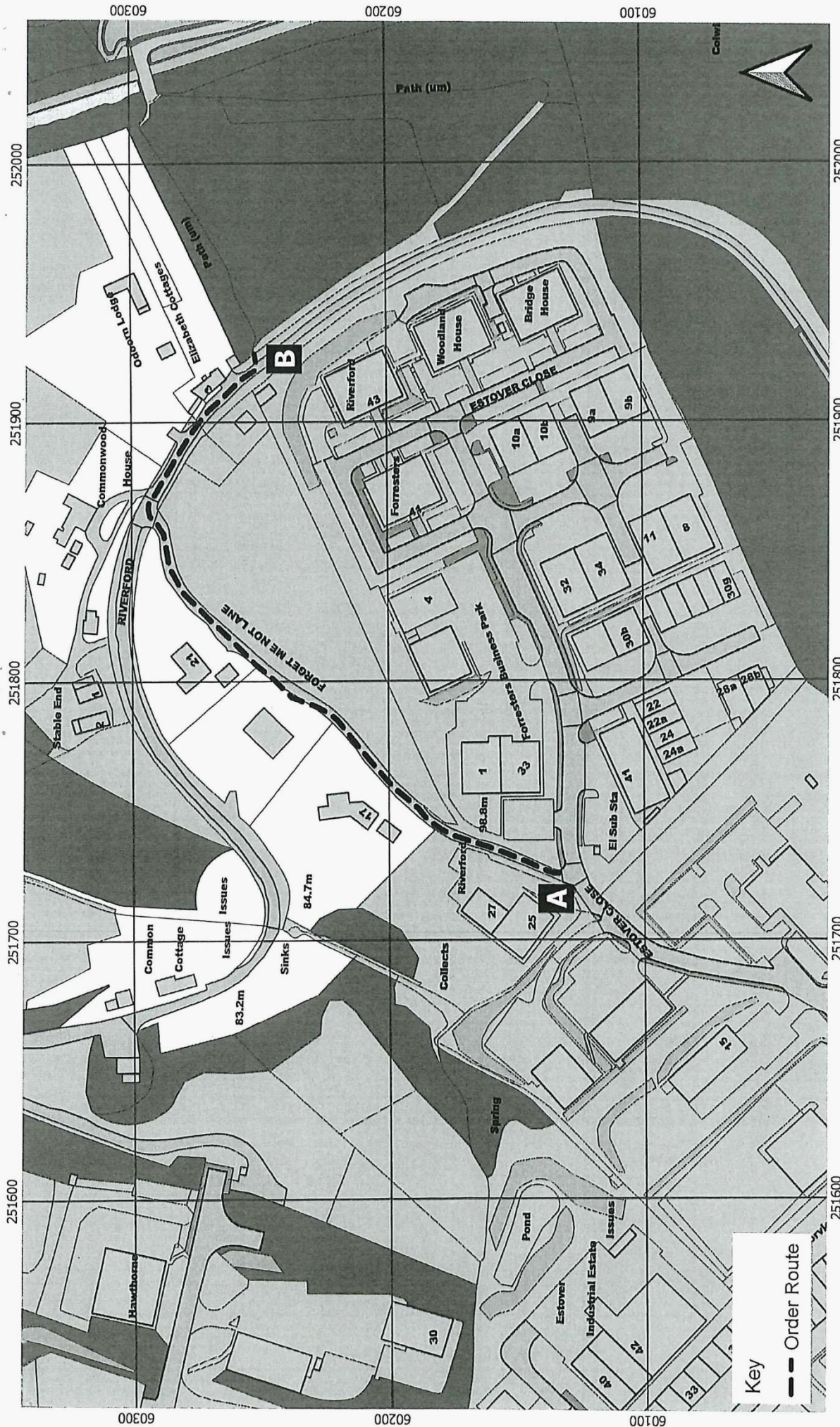
## MODIFICATION OF DEFINITIVE STATEMENT

## VARIATION OF PARTICULARS OF PATH OR WAY

Path No.	Conclusive Evidential Provisions Position	Width	Limitations
06	FP from a point on Estover Close marked at grid reference SX5172060128 and heading in a generally north easterly then south easterly direction for a total distance of 292 metres to a National trust stile at grid reference SX5192260255	1.5m	

## Non-conclusive Information

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## Wildlife and Countryside Act 1981

Addition of a Public Footpath from Estover Close to Elizabeth Cottage

1:3,000

WILDLIFE AND COUNTRYSIDE ACT 1981

THE CITY OF PLYMOUTH

(FOOTPATH NO 6, MOORVIEW)

DEFINITIVE MAP MODIFICATION ORDER 2019

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