

CORNWALL COUNCIL

CORNWALL COUNTRYSIDE ACCESS FORUM

MINUTES of a Meeting of the Cornwall Countryside Access Forum held at Committee Room 2 - Cornwall Council, 39 Penwinnick Road, St Austell, PL25 5DR on Tuesday 19 March 2013 commencing at 2.00 pm.

Present:- James Scobie (Chairman)
Julie Bate (Vice-Chair)

Adrian Bigg (Representative, Landowners/Managers Group/Chairman, Rights of Way and Definitive Map Working Group)
Councillor Biscoe (Portfolio Holder, Transportation, Highways and Environment (Delivery), Cornwall Council)
Terry Faull (Representative, Others Group)
Chris Ferguson (Representative, Users Group)
Robert Fraser (Representative, Others Group)
Roger James (Representative, Users Group)
Nicholas Jeans (Representative, Landowners/Managers Group)
Jane Kiely (Representative, Users Group)
Robert Osborne (Representative, Users Group)
Councillor Shakerley (Cornwall Council)
Patricia Thomas (Representative, Landowners/Managers Group)
Peter Tunstall-Behrens (Representative, Landowners/Managers Group/Chairman, Coastal Access Working Group)

Also in attendance:- Lynne Beardsmore (Democratic Services Officer, Cornwall Council)
Rowena Brebner (Democratic Services Officer, Cornwall Council)
Mike Eastwood, Countryside Access Team Leader (Cornwall Council)
Jon James (Environment Manager, Cornwall Council)
Peter Marsh (Interim Corporate Director of Environment, Cornwall Council)
Jacquie Rapier (Assistant Democratic Services Manager, Cornwall Council)

Apologies for absence:- Gill Derryman (Representative, Landowners/Managers Group); Peter Edwards (Representative, Others Group); Councillor Lugg (Cornwall Council); Councillor Paynter (Cornwall Council); Joy Thomas (Representative, Users Group); Jeremy Varcoe (Representative, Landowners/Managers Group)

INTRODUCTION AND WELCOME

(Agenda No. 1)

CAF/66 The Chairman welcomed everyone to the meeting.

DECLARATIONS OF INTEREST

(Agenda No. 3)

CAF/67 There were no declarations of interest.

MINUTES OF THE MEETING HELD ON 29 JANUARY 2013

(Agenda No. 4)

CAF/68 It was moved by Mr C Ferguson, Representative, Users Group, seconded by Mr R Osborne, Representative, Users Group, and

RESOLVED That the Minutes of the meeting of the Cornwall Countryside Access Forum held on 29 January 2013 were correctly recorded and that they be signed by the Chairman.

MATTERS ARISING

(Agenda No. 5)

CAF/69 Forum Members were advised of the following:

(i) Paths for Communities

Further to the presentation given to the Forum at the last meeting in which Mrs J Yates, Natural England, had advised that there were currently 5 community led proposals in Cornwall, 2 of these proposals had since been withdrawn. That for North Petherwin was regarded as being too complicated to pursue, and that for Boscastle needed only to be approved by Cornwall Council as the pathway lay across Council owned land.

(ii) National Trust property, Penrose

A site visit for Forum Members would be held at Penrose, Penzance on the morning of Tuesday, 21 May 2013. Invitations and further details would be sent nearer the time.

(iii) Tourism and Rural Access in Cornwall (TRAC) Project Update

There would be a further update on the progress of the TRAC project at the meeting scheduled for Tuesday, 21 May 2013.

Cornwall Countryside Access Forum
19 March 2013

(iv) Rights of Way and Definitive Map Working Group

Further to the Forum's resolution at the last meeting that a formal letter be sent to the Chief Executive, Cornwall Council, in respect of the Access element of the proposed Environment Services Service Standards, the Environment Manager, Cornwall Council, confirmed that he had recently received the Chief Executive's response.

Following consideration of these matters, it was

RESOLVED That the information be noted.

CHAIRMAN'S ANNOUNCEMENTS

(Agenda No. 6)

CAF/70 The Chairman made the following announcements:

(i) Officer support to the Forum

The Principal Countryside Officer, Cornwall Council, would be leaving his post in May 2013.

In response to concerns expressed by Forum members, the Environment Manager, Cornwall Council, confirmed that a very strong case had been made for the role to be filled and that the decision was due to be made in the very near future. Subject to approval, it was expected, however, that some weeks would elapse before the new officer was in post due to the requirements of the recruitment process.

The Democratic Services Officer, Cornwall Council, who had supported the Forum since 2009 would be taking on new responsibilities and that her replacement would be providing democratic support to the Forum from May 2013.

Thanks and good wishes from the Chairman and Forum members were given to the Principal Countryside Officer and Democratic Services Officer, and the Chairman confirmed that he would write a letter of thanks to both officers on behalf of Forum members to express appreciation of their support.

(ii) Growth and Infrastructure Bill

The Bill contained 2 proposals relating to the work of the Forum. The first related to S257 Town and Country Planning Act 1990, enabling a Rights of Way Order to be considered alongside a planning application, rather than retrospectively. The second would protect local communities' ability to determine what development was appropriate in their areas by preventing village green

Cornwall Countryside Access Forum
19 March 2013

applications overriding decisions made following local consultation on plans.

The Government was consulting over the detail of the regulations; and under the new proposals, Local Authorities would be required to publicise deposits.

(iii) Local Nature Partnership for Cornwall and the Isles of Scilly

Councillor German, Cornwall Council, was now Chairman of the Initiation Board. This Local Nature Partnership (LNP) was attempting to have a much broader base than just biodiversity and may be known as the Cornwall and Isles of Scilly Environment Partnership (CioSEP), which would work closely with the LEP and the new Health and Wellbeing Board, the Chairmen of which would meet regularly.

Advertisements for Board members would be posted in the near future.

(iv) 1SW Cycle Project at Lanhydrock

The planning application for the cycle route at Lanhydrock had been approved, and clearing work had started.

(v) Cornwall Rural Highways Best Practice Consultation

A draft proposal was expected to be approved by Cornwall Council by the end of March 2013

(vi) Annual Review by the Forum

The Chairman advised that the following matters would be considered by the Forum annually at future May meetings of the Forum:-

- Organisation and staffing of Cornwall Council Countryside Service and Cormac Solutions;
- Rights of Way maintenance;
- Definitive Map issues;
- Strategy revision;
- Budgets: Capital and Recurring – Proposals and Results;
- Asset survey.

(vii) DEFRA Consultation on Improvements to the Policy and Legal Framework for Public Rights of Way

Following the end of the DEFRA consultation on proposals for the reform of Public Rights of Way in August 2012, 2 formal meetings

Cornwall Countryside Access Forum
19 March 2013

between the Stakeholder Working Group and DEFRA to discuss the detail of the reform took place.

Whilst there could be no certainty that legislation would proceed, clauses had been drafted in readiness for the start of the new Parliamentary session in May 2013, and if legislation was to follow, discussion of the clauses would be possible via a draft Bill.

Following concern expressed that environmental aspects represented by Local Nature Partnerships could potentially be overshadowed, it was suggested that the Forum address these concerns with the Interim Chief Executive, Cornwall Council, via the Interim Corporate Director of Environment, Cornwall Council.

Following consideration of these matters, it was

RESOLVED

1. That the information be noted;
2. That concerns held by the Cornwall Countryside Access Forum relating to environmental aspects of Local Nature Partnerships be addressed with the Interim Chief Executive, Cornwall Council, via the Interim Corporate Director of Environment, Cornwall Council.
3. That a copy of the document containing recommendations from the DEFRA Consultation on the proposals for the reform of Public Rights of Way and the Government's response be obtained from the Assistant Head of Strategy, Localism and Communications, Cornwall Council.

NEW SERVICE STANDARD: UPDATE - ENVIRONMENT MANAGER, CORNWALL COUNCIL

(Agenda No. 7)

CAF/71 Consideration was given to a report (previously circulated) and presentation [*copy attached to the signed Minutes*] given by the Environment Manager, Cornwall Council, in respect of the New Service Standards.

Following discussion, the Environment Manager, Cornwall Council, and the Portfolio Holder for Transportation, Highways and Environment (Delivery), Cornwall Council, confirmed that:

- (i) since Cornwall Council had taken over responsibility for managing the significant variety of assets from the former District Councils and County Council, the aim had been to fully understand the current condition of each asset and to determine in each case the need for immediate, mid term or longer term remedial work, ultimately to achieve an improvement in each asset;

Cornwall Countryside Access Forum
19 March 2013

- (ii) in addition, consideration was being given to the opportunity offered by the relevant asset either to provide an income, or to maximise the existing income, from each individual asset wherever practical;
- (iii) where assets were privately owned and leased to the Council, every effort was made to negotiate over maintenance responsibilities with the owner. However in certain cases this might not be possible to achieve, and potentially the Council could be left with the responsibility to maintain the asset;
- (iii) Cornwall Council had also taken over responsibility from the Environment Agency for maintaining identified small rivers and streams, which would require appropriate maintenance regimes to be put in place, and these would need to be built into the Financial Plan;
- (iv) fully qualified and trained Inspectors were needed to regularly inspect each asset and to provide evidence in Court, if necessary;
- (v) it was estimated that damage to coastal trails from flooding during November and December 2012 would amount to £1-2m;
- (vi) it was part of the role of the Portfolio Holder for Transportation, Highways and Environment (Delivery), Cornwall Council, to enthuse and encourage Town and Parish Councils to take over responsibility for local assets and view them as a community resource;
- (vii) the anomaly in timing for the setting of parish precepts and Council budgets and the difficulty this presented to parish councils was acknowledged;
- (viii) the need for active pursuance of enforcement measures against those landowners who did not take responsibility for clearing up public Rights of Way was also acknowledged.

Following consideration of the matter, it was

RESOLVED That the information be noted.

RESPONSE TO QUESTIONS - MR A BIGG

(Agenda No. 8)

CAF/72 Consideration was given to the report in respect of Responses to Questions put by Cornwall Countryside Access Forum to Cornwall Council (previously circulated) presented by Mr A Bigg, Chairman of the Rights of Way and Definitive Map Working Group.

Following questions and comments by Forum Members, it was confirmed by Mr A Bigg, Chairman, and the Environment Manager, Cornwall Council, that:

- (i) following the Asset Survey recently conducted, there was a greater understanding of how the Service Standards would apply to Public Rights of Way;

Cornwall Countryside Access Forum
19 March 2013

- (ii) there was a need to ensure that the information gathered through the Asset Survey was fully informed and fit for purpose;
- (iii) bids for funds for the necessary remedial works would be made to a Corporate Contingency Fund;
- (iv) whilst addressing health and safety risks was a requirement and a priority, it was still necessary to plan for future investment;
- (v) the requests for the table indicating the South West Coast Path National Trails and Inland Public Rights of Way (Appendix 2 to the report) to include locations in the west of the county, and to be put in final form for presentation at the Forum meeting scheduled for 21 May 2013 was acknowledged.

Following consideration of the matter, it was

RESOLVED

1. That the information be noted;
2. That a final version of the table indicating the South West Coast Paths National Trails and Inland Public Rights of Way (Appendix 2 to the report), including locations to the west of the county, be presented to the Cornwall Countryside Access Forum at its meeting scheduled to be held on 21 May 2013.

RECENT EXTRAORDINARY DAMAGE TO RIGHTS OF WAY AND NATIONAL TRAILS REVIEW BY NATURAL ENGLAND

(Agenda No. 9)

CAF/73 Consideration was given to a presentation [*copy attached to the signed Minutes*] given by the Countryside Access Team Leader, Cornwall Council, in respect of recent extraordinary damage to Rights of Way and National Trails.

In response to comments and queries raised by Forum Members, the Environment Manager, Cornwall Council, and the Countryside Access Team Leader, Cornwall Council, confirmed that:

- (i) approximately £9m damage had been identified, towards which Cornwall Council had found £6m to assist with necessary remedial works;
- (ii) Cornwall Council was in the process of prioritising works required. Whilst it had been identified that some work could be done quickly, other work would take more time, particularly if it was necessary to negotiate with landowners, to move a path, for example;
- (iii) it was still possible for people to walk the coast path, but some sections had had to be diverted for safety reasons;

Cornwall Countryside Access Forum
19 March 2013

- (iv) a request for a report on National Trails to be presented at the next Forum meeting scheduled to be held on 21 May 2013 was acknowledged.

Following consideration of the matter, it was

RESOLVED

1. That the information be noted;
2. A report on National Trails be presented to the next Forum meeting scheduled to be held on 21 May 2013.

LOCAL ACCESS FORUM (LAF) NATIONAL CONFERENCE IN SHEFFIELD ON 27 FEBRUARY 2013 - VERBAL UPDATE BY MRS J BATE

(Agenda No. 10)

CAF/74 Consideration was given to a verbal update in respect of the Local Access Forum (LAF) National Conference held on 27 February 2013, presented by Mrs J Bate, Vice Chairman.

In her presentation, she described the format of the conference, the common issues experienced by all LAFs and the recognition given by Natural England for the time given by all LAF members, and confirmed that the conference notes, which would be available from the end of March, would be circulated to all Forum Members.

The Chairman and the Portfolio Holder for Transportation, Highways and Environment (Delivery), Cornwall Council, stated that Cornwall Council was awakening to the idea of using volunteers, particularly as this empowered people to shape their environment.

In response to the Chairman's request for a representative from the Forum to sit on the Health and Wellbeing Board, further information on the role of the Forum representative, input into decision making and the work of the Health and Wellbeing Board was requested.

Following consideration of the matter, it was

RESOLVED

1. That the information be noted;
2. That further information on the role of the Cornwall Countryside Access Forum representative on the Health and Wellbeing Board, input into the Board's decision making process and the overall work of the Health and Wellbeing Board be sought and that this be provided to the next Forum meeting scheduled to be held on 21 May 2013 for consideration.

SOUTH WEST LOCAL ACCESS FORUM (SW LAF) CONFERENCE AT BOVEY TRACEY ON 5 MARCH 2013 - VERBAL UPDATE BY MRS J KIELY

(Agenda No. 11)

CAF/75 Consideration was given to a verbal update in respect of the South West Local Access Forum Conference held on 5 March 2013 given by Mrs J Keily, Representative, Users Group.

The presentation included information on the initiative taken by the Dartmoor National Park Authority in engaging dog owners, particularly to raise awareness of the issues affecting Dartmoor, and on the attention being given to provision of dog walking areas in the locality of new housing developments.

The Chairman added that dogs being exercised off lead presented particular problems to landowners; and also that developers were being encouraged to provide designated dog toileting areas.

Following consideration of the matter, it was

RESOLVED That the information be noted.

CORNWALL LOCAL PLAN CONSULTATION

(Agenda No. 12)

CAF/76 Consideration was given to the report in respect of the Cornwall Local Plan Consultation (previously circulated) and presentation given by Mrs J Bate, Vice Chairman.

Attention was drawn to the fact that there was no mention of the Rights of Way Improvement Plan in the document, nor any clear statement regarding access to Public Rights of Way, provision for dog walkers for new housing developments, reference to access for horse riders, or make clear that wind turbines should be placed at sufficient distance from access routes so as to minimise impact.

In response to a suggestion from the Portfolio Holder for Transportation, Highways and Environment (Delivery), Cornwall Council, that the Forum's response to the consultation document should refer specifically to Planning Policies 23, 25 and 27, suggesting that it would be pertinent to stress a presumption in favour of preserving, managing and developing footpaths and ensuring Public Rights of Way were not obstructed, Mrs J Bate, Vice Chairman, confirmed that the response form would be completed to highlight this and, if necessary, a supporting letter would also be attached confirming that this was the Cornwall Countryside Access Forum's statutory advice, which was agreed.

Cornwall Countryside Access Forum
19 March 2013

It was also confirmed that the response would be circulated to all Forum members for comment prior to return.

It was moved by Councillor Shakerley, seconded by T Faull, Representative, Others Group, and

RESOLVED That the Forum's response to the consultation document would reflect its statutory advice that with specific reference to Planning Policies 23, 25 and 27, it would be pertinent for the document to stress a presumption in favour of preserving, managing and developing footpaths and ensuring Public Rights of Way were not obstructed.

RIGHTS OF WAY AND DEFINITIVE MAP WORKING GROUP - MR A BIGG

(Agenda No. 13.1)

CAF/77 Mr A Bigg, Chairman, Rights of Way and Definitive Map Working Group, confirmed that he had no update to give on this item on this occasion.

COASTAL ACCESS WORKING GROUP - MR P TUNSTALL-BEHRENS

(Agenda No. 13.2)

CAF/78 Consideration was given to a verbal update in respect of the Coastal Access Working Group given by Mr P Tunstall-Behrens, Chairman.

He advised that the Working Group had been invited to take part in Natural England's consultation to review the current scheme in respect of coastal access, the details of which could be found on the Natural England Coastal Access website, and the outcomes of which were due by the end of March 2013.

In response to comments and questions raised by Forum Members, the Countryside Access Team Leader, Cornwall Council, and Portfolio Holder for Transportation, Highways and Environment (Delivery), Cornwall Council, confirmed that:

- (i) £7K had been provided by Cornwall Council to assist with land slips;
- (ii) The Government had ring fenced £3m for remedial works due to the heavy rain and flooding, most of which was to be used to repair potholes, but some of which was to be used for land fall repairs. Another £1.4m was to be made available in 2013/14;
- (iii) It was important that the Forum sent a strong message that the Revenue budget needed to keep pace with price and demand to ensure that planned maintenance was possible for the future.

Following consideration of the matter, it was

RESOLVED That the information be noted.

MOORLAND AND OPEN ACCESS WORKING GROUP - MRS J BATE, CHAIRMAN; CARADON HILL PROJECT UPDATE - COUNTRYSIDE ACCESS TEAM LEADER, CORNWALL COUNCIL

(Agenda No. 13.3)

CAF/79 (This item was taken after Agenda No.14 (Response from Interim Corporate Director for the Environment Following Meeting held on 14 February 2013 with the Chairman and Vice Chairman))

Consideration was given to verbal updates in respect of the Moorland and Open Access Working Group given by Mrs J Bate, Chairman, and also in respect of the Caradon Hill Project given by the Countryside Access Team Leader, Cornwall Council.

In response to comments and questions raised by Forum Members, Mrs J Bate, Chairman, and the Countryside Access Team Leader, Cornwall Council, confirmed that:

- (i) local landowners were being visited;
- (ii) the underspend on the Caradon Hill Project had been successfully reallocated.

The Chairman requested that the Environmental Projects Team Leader, Cornwall Council, provides an update to Forum Members on progress on the Caradon Hill and Tourism and Rural Access in Cornwall (TRAC) Projects at the next Forum meeting scheduled to be held on 21 May 2013

Following consideration of the matter, it was

RESOLVED

1. That the information be noted;
2. That the Environmental Projects Team Leader, Cornwall Council, provides an update to Forum Members on progress on the Caradon Hill and Tourism and Rural Access in Cornwall (TRAC) Projects at the next Forum meeting scheduled to be held on 21 May 2013

RESPONSE FROM INTERIM CORPORATE DIRECTOR FOR THE ENVIRONMENT, CORNWALL COUNCIL, FOLLOWING MEETING HELD ON 14 FEBRUARY 2013 WITH CHAIRMAN AND VICE-CHAIRMAN

(Agenda No. 14)

CAF/80 (This item was taken before Agenda No.13.3 (Moorland and Open Access Working Group – Mrs J Bate, Chairman; Caradon Hill Project Update – Countryside Access Team Leader, Cornwall Council))

Cornwall Countryside Access Forum
19 March 2013

Consideration was given to a report (previously circulated) presented by the Interim Corporate Director for the Environment, Cornwall Council, following a meeting held on 14 February 2013.

In response to comments and questions raised by Forum Members, the Interim Corporate Director for the Environment, Cornwall Council, the Portfolio Holder for Transportation, Highways and Environment (Delivery), Cornwall Council, and the Chairman confirmed that:

- (i) there was a need to deal with issues regarding Modification Orders and for more investment in order to give a first class public Right of Way standard;
- (ii) after the possibility of leveraging in EU funding and using volunteers was discussed, it was suggested that further research be undertaken by Cornwall Council as soon as possible on EU funding streams with a view to finding new sources of funds for work on public Rights of Way, and it was also suggested that the Forum could offer itself as a governance mechanism to shape change;
- (iii) it would be necessary to prioritise works and to recognise that it would not be possible to achieve everything hoped for, but what works were possible to do should be done well;
- (iv) comments by email on any issues experienced would be welcome and could be sent direct to the Interim Corporate Director for the Environment, Cornwall Council;
- (v) it was recognised that good public Rights of Way in Cornwall had a positive impact on the economy of the county, which provided a basis for strong arguments ;
- (vi) it was important to be both ambitious and constructive as well as pursuing smaller projects, which would make advancements in the Council's revenue gateway.

Following consideration of the matter, it was

RESOLVED That the information be noted.

CORRESPONDENCE TO THE FORUM

(Agenda No. 15)

CAF/81 The Chairman drew attention to correspondence to the Forum.

It was

RESOLVED That the information be noted.

ANY OTHER BUSINESS WHICH THE CHAIRMAN CONSIDERS OF URGENCY

(Agenda No. 16)

CAF/82 The Chairman accepted the following item as urgent, as it related directly to Agenda No. 8 (Response to Questions – Mr A Bigg, Chairman) and was considered after it:

(i) Cornwall Countryside Access Forum Work Programme

Consideration was given to a presentation [*copy attached to the signed Minutes*] given by the Countryside Access Team Leader, Cornwall Council, in respect of the Countryside Access Team's Work Programme.

Forum Members were advised that approximately 25 areas of focus had been identified for the Work Programme. It was acknowledged that, whilst it was unlikely to be able to achieve all of these within the next 12 months and that, to some extent, how much could be achieved would be dependent on the budget available, the Work Programme reflected the priorities for the Countryside Access Team's work.

Following consideration of the matter, it was

RESOLVED That the information be noted.

The meeting ended at 5.10 pm.

[The agenda and reports relating to the items referred to above are attached to the signed copy of the Minutes].