

CORNWALL COUNTRYSIDE ACCESS FORUM (CCAF) MINUTES OF THE MEETING HELD ON TUESDAY 21 OCTOBER 2014

Date: Tuesday 21 October 2014
Time: 2.00 pm
Venue: Committee Room, Council Offices, Penwinnick Road, St Austell PL25 5DR

Present: Nicholas Jeans (Chairman), Julie Bate (Vice-Chair), Patrick Aubrey-Fletcher, Adrian Bigg, Tony Blumenau, Jim Candy CC, Steve Church, Gill Derryman, Howard Farmer, Terry Faull, Robert Fraser, Edwina Hannaford CC, Bill Maddern CC, Ann Martin and Jacqueline Merrick
Apologies: Ian Kemp, James Scobie and Patricia Thomas

Minute no		Action by
CAF/2	Declarations of Interest (on matters included in the agenda) <u>Agenda No.2</u> There were no declarations of interest.	
CAF/3	Minutes of the meeting held on 29 July 2014 (for accuracy) <u>Agenda No.3</u> The Minutes of the meeting held on 29 July 2014 were <i>agreed</i> as an accurate record subject to the following amendments: (i) CAF/2 Para 2 to read: "...to hold the position initially for one year." (ii) CAF/11 Para 2 (i) to read: "...and particularly in respect of requests to move obstructions raised via Section 130A notices."	Secretary's Representative
CAF/4	Matters Arising (not otherwise included in the agenda) <u>Agenda No.4</u> There were no matters arising other than that included in the agenda (Agenda No.4.1 – National Nature Reserve Access Rights Consultation – Inclusion of CCAF).	
CAF/5	National Nature Reserve Access Rights Consultation - Inclusion of CCAF (Min No. CAF/20(ii)) <u>Agenda No.4.1</u> The Forum <i>agreed</i> to note the following information from the Countryside Access Team Leader, Cornwall Council: (i) New access rights were proposed for the following areas:	

	- Golitha Falls (effective from November 2014); - Goss Moor (effective from March 2015); - The Lizard (effective from September 2015); (ii) Natural England proposed to embark upon a 4 year programme to dedicate National Nature Reserves in England, unless there was a compelling reason not to do so. It was <u>agreed</u> that the Secretary's Representative would contact Natural England on behalf of the Forum to request that it be consulted on the proposals at the appropriate stage.	Secretary's Representative
CAF/6	Chairman's Announcements <u>Agenda No.5</u> It was <u>agreed</u> to note the following announcements by the Chairman: (i) <u>Sponsorship</u>: The Chairman thanked all Forum members who had sponsored him in a charity fundraising event. The target had been exceeded by over £500; (ii) <u>Cornwall AONB</u>: Attention was drawn to the report in Tir Teg Autumn 2014, the Cornwall AONB's newsletter, that it was subject to funding cuts. The Chairman stated that this would be considered under Agenda No.16 (Urgent Business); (iii) <u>Regional Local Access Forum Chairmen's Conference</u>: Forum members were invited to inform the Chairman subsequent to the meeting of any matters they wished him to raise in the Conference to take place the following week; (iv) <u>Rural Payments Agency</u>: The Chairman stated that reports to the Rural Payments Agency would be considered under Agenda No.16 (Urgent Business); (v) <u>Access restrictions by the Forestry Commission</u>: The Chairman agreed to raise with John Ebsary the suggestion that the reasons for proposed closures were made clearer on notifications than was currently the case; (vi) <u>Tourism and Rural Access in Cornwall (TRAC) Project</u> (Agenda No.9): In the event the Natural Environment Manager, Cornwall Council, was unable to attend the meeting, the item would be deferred to the following meeting.	Chairman
CAF/7	Environment Service Strategy - Timetable for Delivery and Consultation Programme <u>Agenda No.6</u> The Forum <u>agreed</u> to note the information given by	

	the Acting Strategic Environment Manager, Cornwall Council, in respect of the draft Environment Strategy 2015 -2050, which it was proposed to be delivered within the next 6 months. With reference to the document circulated at the meeting and additional information given, the following was highlighted: (i) The plan for delivery and the process to be followed; (ii) The history and context of the strategy and the challenges faced; (iii) The ambitions the strategy sought to realise; (iv) The 3 'pillars' of focus of the strategy; (v) The themes for the strategy, including space, resources, culture, education and wellbeing; (vi) Plans for the future;and (vii) Communications. (viii) It was intended that coherent investment opportunities and exciting projects be set out in order to respond quickly to, and take full advantage of, any subsidies which may be provided by Government in the future. Comments from the Forum included: (i) Plans for future environmental growth in Cornwall were to be embraced; (ii) The formation of a holistic strategy was very welcome; (iii) Use of jargon in the document should be avoided wherever possible ; (iv) Consultation with the public needed to be imaginative and inspirational in order to engage all age groups, particularly the young; (v) The Forum would wish to be included throughout the consultation process and to be kept closely informed of progress. The Countryside Access Team Leader <u>agreed</u> to liaise with the Acting Strategic Environment Manager, Cornwall Council, to ensure the Forum received regular progress updates.	ME/RB
CAF/8	Cornwall Council's Role as a Pioneer Commons Registration Authority <u>Agenda No.7</u> With reference to the documents included in the supplementary agenda and additional information given at the meeting by the Senior Development Officer, Cornwall Council, the Forum <u>agreed</u> to note the following: (i) The first 4 application types listed related to rights applications; (ii) Over 50% of applications received to date sought to amend rights applications; (iii) 25% of applications were made under Schedule	

	2, which allowed people to apply to register land as common land or to remove land wrongly registered as common land – typically this might relate to buildings and the curtilage of buildings, such as gardens; (iv) Of the 13 applications to remove wrongly registered land, at least 2 of the applications were for 10 or more buildings. (v) DEFRA had sufficient funds to further implement Part 1 of the Commons Act 2006, but not throughout England; therefore initially Cumbria and Yorkshire had been selected. (vi) Following changes in the process, there would no longer be a need for applications to be advertised by the Local Authority in the Press; (vii) If a Registration Authority had an interest in the outcome of an application, or an objection was made by someone with a legal interest in the land, cases would continue to be referred to the Planning Inspectorate for determination. However in all other cases, the Commons Registration Authority would determine the application; (viii) These changes were due to take effect from 1 December 2014. Consideration was then given to a letter submitted to the Forum by Councillor Maddern on behalf of Madron Parish Council (circulated at the meeting), following which it was confirmed that: (i) The Forum's interest in registration related solely to access; (ii) Under the new legislation the rules regarding the registration of land were very prescriptive, and it was a requirement for the land to be registered wherever the rules were met. Comments from Forum members included: (i) Most common land could be farmed on an extensive basis, particularly with livestock. Any fences on common land required the permission of the Secretary of State, the Planning Inspectorate acting on behalf of Defra rather than the local Planning Authority. There was therefore a time and cost implication to the landowner in fencing common land. Generally, access on common land was best maintained by the farming of livestock on the land.	
CAF/9	Partnership Working Review - Summary Report <u>Agenda No.8</u> The Forum <i>agreed</i> to note the report and the	

	information given at the meeting by the Countryside Officer, Cornwall Council, which included: (i) A recent review of the list of environmental partnerships involved with the Council had highlighted the extensive number and diversity of partnerships that Cornwall Council were supporting; (ii) The partnerships had now been divided into categories and, due to a reduction in available resources to support partnerships, the Council was looking to focus the available resources on those partnerships which continued to offer additional value to the work of the Environment Service, and for other partnerships to continue to be supported, but with a reduced input from the Environment Service. The Forum considered the membership definitions set out in the report. Comments from Members included that the Council needed to consider whether CCAF was properly defined as a strategic partnership, and whichever category CCAF was allocated, it was essential that the Council continued to work closely with the Forum.	
CAF/10	Tourism and Rural Access in Cornwall (TRAC) Project <u>Agenda No.9</u> It was <i>agreed</i> that due to the unavoidable absence of the Natural Environment Manager, Cornwall Council, this item be deferred for consideration at the next meeting of the Forum.	
CAF/11	Working Group Updates (Verbal reports from the Chairman of each of the following Working Groups:) The Forum considered the verbal updates given by the Chairmen of the CCAF Working Groups or their representatives and <i>agreed</i> to note the information given.	
CAF/12	Coastal Access Working Group <u>Agenda No.10.1</u> Steve Church and the Portfolio Holder for Environment, Heritage and Planning, Cornwall Council, advised in respect of funding for the SW Coast Path: (i) The Deputy Prime Minister had announced that completion of England's coast path was to be brought forward to 2020; (ii) Discussions were being held with Natural England (NE) to bring forward the plans for the Devon and Cornwall coast paths, although it was not certain at this stage that it would be achieved;	

	(iii) It was proposed that where erosion affected the coast path, a new path would automatically be formed behind the affected section; (iv) A presentation given by Natural England indicated that consultations with stakeholders and landowners would be held early on in the process. A copy of the presentation would be forwarded to Forum members.	
CAF/13	Consultation Response Working Group Agenda No. 10.2 The Chairman advised that the Consultation Response Working Group had met to consider the Natural England and Natural Resources Wales consultation "Dog Walking Advice", on which comments had been invited from all Forum members. The response formulated by CRWG included the comments received from those Forum members who had responded and had been submitted by CRWG on behalf of the Forum in order to meet the necessary deadline. The Chairman requested that, for the future, all Forum members reply to invitations to comment and also to indicate an agreement, or otherwise, with the response proposed.	Forum members
CAF/14	Consultation Responses - For ratification Agenda No.10.2.1 It was moved by the Chairman, seconded by Councillor Maddern, and <i>agreed</i> that the response by the Consultation Response Working Group on behalf of the Forum to the consultation "Dog Walking Advice", sent to Natural England and Natural Resources Wales on 29 September 14, is formally approved.	
CAF/15	Moorland and Open Access Working Group Agenda No.10.3 Julie Bate, Chairman, MOAWG, stated that the Group had not had occasion to meet. However, following circulation of a report to group members, Ann Martin had visited various identified sites to assess access improvements, but had found at those she had visited that none had been undertaken. The Countryside Access Team Leader, Cornwall Council, confirmed that the Council did not have a policy for prioritising issues relating to access land and that this would be addressed in the Cornwall Countryside Access Strategy 2017. He advised that the only available option would now be to pursue the required access improvements through enforcement action. The Countryside Access Team Leader, Cornwall Council, advised that he would liaise with the Dartmoor and Exmoor National Park Authorities to	

	share best practice on enforcement of access land.	
CAF/16	Rights of Way and Definitive Map Working Group <u>Agenda No.10.5</u> Adrian Bigg, Chairman, ROWDMWG, stated that the Group had not had occasion to meet. He suggested that the Forum might consider asking the Group to consider matters to be raised under Agenda Nos.11 (Cornwall Council Enforcement) and 12 (Review of the Priority of Definitive Map Modification Orders), which was <u>agreed</u>.	
CAF/17	Consultation on Changes to Enforcement Policy <u>Agenda No.11.1</u> The Forum gave consideration to the report circulated at the meeting, and in respect of 'Outcomes'. The Forum noted that the current practice of processing Section 130A Notices with priority had reduced the likelihood of the matters being referred to the Magistrates Court, which had not happened to date in Cornwall. The Forum <u>agreed</u> the following: (i) It was appropriate for Cornwall Council to amend the Enforcement Policy to reflect the current practice of processing Section 130A Notices with priority; (ii) The enactment of the revised policy should take into account: - compliance with the time limit set by the Act; - timescales set by Cornwall Council for compliance with enforcement notices, which could be very short in some cases; - the need to address the current use of Section 130A notices to secure removal of obstructions; - the development and use of proactive policies, particularly education of landowners as to best practice; - the need to review the current system of Gold, Silver and Bronze designations for pathways. It was further <u>agreed</u> that the ROWDMWG would pursue this further.	AB/ROWDMWG
CAF/18	Consultation on Policy on Vegetation Management on Bridleways <u>Agenda No.11.2</u> The Forum considered the report circulated at the meeting and the 'Outcomes' included in the report. The following was <u>agreed</u> : (i) It was necessary for Cornwall Council to ensure compliance with the law, (ii) Current resource issues severely limited the opportunity for Cornwall Council to be able to	

	undertake further work. However, consideration could be given to: - liaison with landowners to persuade or encourage them to trim hedges along bridleways, rather than relying on enforcement; - once a bridleway was cleared, less input would be required to keep it clear. Regular trimming was also more beneficial to wildlife; - layering hedges, rather than flailing, was more effective and cost efficient in the longer term; - approaching local hunts, which may be willing to provide volunteers to clear bridleways and to maintain them; - approaching parish councils, which may be useful in setting up or signposting to local volunteer groups; - using the NFU newsletter as a medium to remind farmers to trim back hedges. The timing of this was important, however, as farmers had more time available in winter. It was also necessary to take into account the restrictions on the times in the year that hedge-cutting could take place, in order to protect nesting birds; - exploring the possibility of obtaining a Local Assistance Grant to purchase a compact tractor and compact flail, as modern tractors were becoming larger, and in some cases would be unable to get along hedges to cut them. It was further <u>agreed</u> that the ROWDMWG would pursue this further.	AB/ROWDMWG
CAF/19	Review of the Priority of Definitive Map Modification Orders <u>Agenda No.12</u> The Forum considered the report circulated at the meeting. In respect of the 'Outcomes' included in the report, it was <u>agreed</u> that: (i) The Forum had no comment to make regarding the sufficiency of the policy to ensure that resources were allocated to enhancing the value of the network to the public; (ii) There appeared to be some unfairness inherent in the current system of 'banding' applications and dealing with them in date order, particularly for those placed in the 'Bronze' band. Cornwall Council could give consideration to a) using an evidence-based application system, with poor applications being returned to the applicant to supply further evidence to support their application; b) applying a time limit, 36	

	months for example, following which the application would automatically rise to a higher category; (iii) It would be preferable for Cornwall Council to extend its review until such time as the Deregulation Bill is enacted. Alternatively, the policy would need to be sufficiently flexible to respond to changes in legislation. It was further <u>agreed</u> that the ROWDMWG would pursue this further.	AB/ROWDMWG
CAF/20	Deregulation Bill - Progress Update <u>Agenda No.13</u> The Forum <u>agreed</u> to note the verbal update given by the Countryside Access Team Leader, who stated that: (i) He had recently attended DEFRA training on the Deregulation Bill; (ii) The Bill was currently being considered by the House of Lords, and it was anticipated that it would receive Royal Assent by December 2014 or early in the new year; (iii) It was currently unclear whether the Bill would be passed in its entirety; (iv) If it was passed, it would need approximately 20 sets of accompanying regulations. It was also <u>agreed</u> that the Countryside Access Team Leader would circulate the presentation to Forum members.	ME
CAF/21	CCAF Work Programme <u>Agenda No.14</u> The Forum <u>agreed</u> to note the Work Programme document circulated at the meeting. The Countryside Access Team Leader, Cornwall Council, drew attention to items which had been removed from the Work Programme and relevant changes of dates. Comments from Forum members included: (i) A request for the outcomes of the Environment Service Strategy consultation to be reported to the Forum by the Acting Strategic Environment Manager, Cornwall Council, at its next meeting on 21 April 2015, and for the document to be circulated in advance of the meeting; (ii) A request for the Public Open Spaces Strategy to be brought forward in the Programme to allow Forum members to provide comments on the effectiveness of the Strategy in delivering new Public Open Space in Cornwall; (iii) The Forum's role was to provide advice to all Section 94(4) bodies. It was <u>agreed</u> that the Secretary's Representative would contact Section 94(4) bodies on behalf of the Forum to	Secretary's Representative

	request whether they had any matters on which they would like the Forum's advice.	
CAF/22	CCAF Communications Strategy <u>Agenda No.14.1</u> The Forum considered the report circulated at the meeting and <u>agreed</u> to note this and the information given by the Countryside Access Team Leader, Cornwall Council: (i) The webpages relating to CCAF had been tidied and its logo had been added; (ii) Although it was possible for CCAF to have dedicated webpages reflecting its own design and colour, there were costs involved in doing this; (iii) The number of hits to the CCAF web pages were very low; Comments from members of the Forum included: (i) Given the costs involved, there appeared to be little value in CCAF-dedicated pages; (ii) A suggestion that a 'Comments and Views from the Chairman' section on the current webpages might be considered, subject to the Chairman's agreement; (iii) A suggestion for links to user groups and other pertinent bodies could be included. The Secretary's Representative <u>agreed</u> to explore the possibility of this; It was also <u>agreed</u> that this item be included on the agenda for the next meeting.	Secretary's Representative Secretary's Representative
CAF/23	Date, Time and Venue of Future Meetings <u>Agenda No.15</u> The Forum <u>agreed</u> to note the dates of future meetings and for meetings to alternate between County Hall, Truro and Council Office, Penwinnick Road, St Austell. The meeting scheduled for 27 January 2015 to be held at County Hall, Truro.	Secretary's Representative
CAF/24	Business which the Chairman Considers to be Urgent <u>Agenda No.16</u> The Forum <u>agreed</u> to note the following items, which the Chairman accepted as urgent due to need to consider the matters before the next meeting of the Forum. (i) <u>Cornwall AONB</u> With reference to the proposed reduction in funding for the Cornwall AONB, notified to Forum members via the Tir Teg Autumn 2014 Newsletter, the Portfolio Holder for Environment, Heritage and Planning, Cornwall Council, confirmed that a Task and Finish Group had been set up to examine alternative models, collaborative partnerships and	

	opportunities to share resources, and options were currently being explored. Work on the Cornwall AONB Management Plan would be continuing, as this was a statutory requirement. Comments from Forum members included: - The role of the Cornwall AONB was largely to provide advice to the Planning Authority, and it was of concern that this might in future be undertaken by a member of staff within the Planning Authority; - The impact of proposed development on AONBs was understood by staff within the Planning Authority and their advice could be relied upon; - It was important for the quality of the experience of users of these areas to be maintained as, potentially, this had extensive ramifications in terms of income generation. (ii) <u>Rural Payments Agency</u> With reference to an email received from a member of the public in respect of the reporting of Public Rights of Way issues to the Rural Payments Agency (RPA), members of the Forum made the following comments: - Experience had shown that the RPA could be very slow in reacting to complaints and also that it could be very punitive; - It was preferable for farmers to be educated about the need for maintenance of Rights of Way and encouraged to undertake it, rather than for punitive action to be taken against them; - Consideration should only be given to reporting the most extreme cases.	
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The meeting ended at 5.30 pm.

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