

**MINUTES**

**of a meeting held in Diocesan Board of Finance offices,**

**53 New Street, Chelmsford CM1 1AT**

**Tuesday, 7th August 2018 at 2pm-4.30pm**

**Present: Members:**

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| Katherine Evans (KE) – Chair  Ray Booty (RB) – Vice Chair | Louise Fuller (LF)  Vernon Glashier (VG)  John Victory (JV) | Ed Dixon (ED)  Malcolm Lees (ML)  Sue Dobson (SD) |

**LA Officers present:**

Shirley Anglin (SA)

**Members of the Public:**

Marlene Curtis, British Horse Society

Sandra Reynolds, Sustrans

**Apologies:**

Doug New (DN), Martyn Towns (MT), Bob Drane (BD)

Gary McCarthy (GMcC), Adam Scott (AS), Jan Arthur (JA)

**Minute Taker**: Val Cleare, Business Support BC1 Mid (VC)

Shadow Minute Taker: Theresa Tremain (TM)

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| **1** | **Chairman’s Welcome: apologies and appointments** | **Action** |
|  | Apologies had been received as above.  The Chairman (KE) welcomed Marlene Curtis and Sandra Reynolds.  It was noted that two people have expressed an interest in joining:  Sandra Reynolds (Sustrans)  Len Bannister (Ramblers).  **Action**: SA to send out application forms. | SA |
| **2.1** | **Minutes of the previous meeting**  The minutes were approved and signed by KE as a true record of the meeting held on 15th May 2018. |  |
| **2.2** | **Matters Arising**  Local plans and planning applications – KE congratulated SD on the work she had done regarding local plans.  KE announced that there is now a new National Planning policy framework. There are no changes to paragraph 98 & no enhancements.  *Post- meeting note: paragraph 98 states..*  *Planning policies and decisions should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users, for example by adding links to existing rights of way networks including National Trails*  **Secretarial Support**  ECC provided VC as minute taker. VC informed members that she would have a shadow minute taker at meetings for occasions when VC is not able to attend meetings. VC introduced Theresa Tremain as shadow minute taker at this meeting.  LF asked if KE had written to Garry White (GW). KE said that she had not contacted GW concerning emails to the ELAF address when SA was on holiday / otherwise not available. SA had spoken with GW about the lack of secretarial support.  RB mentioned that in view of the fact that ELAF does not have its own budget, Norfolk LAF had set up a charitable trust. Martin (Norfolk LAF) had said he could speak to ELAF about this.  **Action**: RB to check availability of Martin for the November meeting and/or for a possible training event.  **PROW and Planning applications**  There was discussion about issues in the past where PROW have been proposed as part of a planning application but that later variations in the conditions of the planning application had removed the need for PROW changes or creations. KE asked for other examples of this and noted the need for Highways to take advantage of S106 and other opportunities to improve access.  **Fault reporting responses**  With regard to PROW processes Andy Hilsdon will report back at a meeting in of the User groups September 2018.  **TROs**  Training on Legislation had been held on1 August and feedback was very positive. As location plans are included with the TRO applications, Gemma said these could & would be included with the Order emails in future.  There was discussion about difficulties experienced in finding the footpaths that TRO notices apply to.  **Action**: SA to look into providing grid references/postcodes for temporary closure orders.  **Action: SA - Add to next agenda**:  Byway Management Review.  **ELAF member profiles**  KE has submitted her profile. It was noted that RB has an outstanding action to update and send to SA.    **Action**: SA will arrange, once all profiles have been received, to have this actioned by James in the Communications Team.  **Access and country parks/ECC owned land**  SD had attended a meeting at the beginning of July and confirmed that it is intended to have height barriers at car parks in country parks but that continued access by all users was a key consideration. Further progress to be updated in due course.  **Access and common land between Roydon and Harlow**  No further information or action following KE chasing this up.  **Any other business**  **Stour Valley**  No further information had been received about the consultation.  **Natural England**  SA had contacted Natural England. NE does not have anyone who manages LAFs. | RB  ALL  SA  SA  RB  SA  KE |
| **3** | **ELAF and LAF matters** |  |
| **3a)** | **Report from Regional LAF meeting on 21st June 2018** |  |
|  | KE had circulated the minutes of the regional meeting. KE and RB attended at Essex LAF representatives. SD attended as the chairman of Thurrock LAF.  SD was interested to discover how other authorities work and they discussed resourcing and approaches to various elements of the PROW services in each authority. There were several differences.  Ray spoke about how Norfolk LAF have set up a charitable trust for funding for the future. They use this for several promotional projects as well as creations of new routes. RB will approach Norfolk LAF and ask if someone would come to an ELAF meeting to talk about their experiences of setting up a charity.  All that attended found the meeting was very useful and so the meetings will continue.  The next meeting will be on 16th January 2019 in Cambridge at Natural England.  There was discussion about Other Routes with Public Access (ORPAs). In Essex these routes are not restricted byways. It was noted that there are 7 in Essex. |  |
| **3b)** | **ELAF website updates required** |  |
|  | RB reported that parts of the old Essex LAF website were still functioning. He had ascertained that the administrators are in Norway and contacted them asking them to remove the detail as it was out of date. It would appear that action to remove the old data was taken within four hours. RB had asked if they would transfer the name back to us but that was not possible. It is registered until June next year. The owners are in Sweden and they are not doing anything with it.  A new domain name was discussed and there was a proposal for: essexlaf.org. It is cheap to register. The issue is we would need to build the website and ECC has all the data. There would be a cost to build the website and ongoing costs to maintain and a registration fee. It is possible to have email accounts off that which also requires funding.  Costs would be in the region of £12 to register for the first year. There is a renewable fee of £15-£16 per year which is variable.  It was suggested to send a proposal to Garry White and include all the costs involved.  **Action**: RB  SA commented that once she has consolidated member profiles the new pages in the existing LAF pages of the Essex Highways website will go live. The new look to the website should make navigating and finding things much easier and she asked the LAF to review the situation once these changes had happened.  Questions asked were:  If registered essexlaf.org will it redirect to the pages within ECC?  Is it possible? Would it be allowed?  **Action**: SA to find out and report back.  It was noted that there are walking websites, ramblers and different websites linked already to Essex.  SA said that if RB confirms the costs of the domain name and if SA can confirm it is possible to redirect then this can go ahead.  Sandra Reynolds mentioned that Friends of Flitch Way had upgraded a website and set up a new domain. She commented that all of the news is done on Facebook and everything is very easy to update. The issue is that the web pages are within ECC. What is needed is a new website with home page and Twitter Feed. Then to have a link to the one on ECC to avoid duplication.  **Action**: SA to talk to Communications Team and advise update. | RB  SA  SA |
| **4** | **ECC Report** |  |
|  | **Action**: SA to obtain an update of capital schemes for November meeting  There was discussion about the following Capital schemes:  **Wimbish byway 98**  VG said that we will accept the TTRO. SA explained the idea is to get this surfaced and open all year round. SA will check at Byway meeting next week. It was noted it is two day’s work and not a TTRO.  **Wickham Bishops byway 10**  This is located right in the middle of the village linked with the doctor’s surgery. Black top surfacing is required.  SA reported about vacancies in the inspection team. There are preferred candidates in the interview process but it is not known when appointments will be made as there has been a delay.  **Action**: KE proposed to draft a formal letter to Cllr Kevin Bentley regarding the longstanding vacancies of inspectors.  KE expressed concern about cutting schedules. ECC could only confirm two districts had been done and there are 11 districts in Essex. SA agreed that information from the contractors undertaking the cutting could be improved.  **Action**: KE to ask for a status report. SA to send the latest information at the end of August.  If situation is still unsatisfactory at the end of August, then a formal letter will be required.  ED asked about locally promoted walks and the maintenance that they receive, Basildon Council promote a circular walk. There are new signs and wondered if extra cutting is done on these routes? SA commented that villages and councils are encouraged to consider the maintenance if they are to promote a circular route. | SA  KE  KE/SA |
| **5** | **England Coast Path - Funding** |  |
|  | SA confirmed that ECC can apply for grants to establish paths and for maintaining paths. Currently Natural England (NE) have RDPE funding from Europe to support establishment works approved by the Secretary of State. SA has not made an application yet. It was important to note that this country will be leaving Europe in a few months’ time and there will be a whole new way of funding and therefore undecided at the moment whether to seek European funding because of the amount of work and resource required to put into this. SA is seeking guidance from Essex CC. SD informed that it was possible to apply for funding for maintenance for up to 75% of the cost from Natural England.  Also a European court ruling regarding Habitats Regulations has put a stop to all of the publications going any further. No other stretches will be confirmed by the Secretary of State for the foreseeable future until the court ruling impact has been properly assessed against the processes that NE go through when proposing and assessing the habitat impact of access along the coast. SA said that it was not known when the outcomes will be known.  NE will continue to progress options but no new stretches will go to consultation until NE has given clarification. |  |
| **6** | **Network Rail** |  |
|  | The public inquiry into the Network Rail Essex TWA crossing closures Order will recommence on the 25th September in Chelmsford at the Civic offices.  It was noted that the Ramblers are having meetings to prepare for the re-start of the inquiry.  ECC had not offered LAF or others much information but their evidence is all on the Inquiry website. At the start of the Inquiry in September 2017, ELAF made an opening statement (KE) and submitted two proofs of evidence (KE & SD) and a rebuttal statement (KE). It is unclear whether statements can be refreshed for 2018.  It was raised that no one can access private land to look at the proposed alternative routes to see if they are suitable.  **Action**: SA to get Rob Lee to confirm if ECC have had any access to private land. | SA |
| **7** | **Landowner Statutory deposits HA 1980 s31 and Commons Act 2006 s15A** |  |
|  | ML’s report on Claiming Towns and Village Greens (TVGs) had been circulated. The law says once a Statement about access is deposited by the landowner with the local authority that is the date of their deposit. There is then one year after the deposit date for members of the public to claim a TVG on that land. The public is not notified of the deposit and the website is difficult to look at although notices are posted on site. It was noted there were only 3 deposits in 2016 but now there are hundreds. ML asked why this was. There was also concern that there was not enough time to make any claims.  Need to know:  When the deposits go on the website?  Why some are 3 years old?  Can notice date go on the website alongside the registration?  Why are the deposit and notice dates different?  Landowners have to put up Notices on the land stating where the PROWs are located on their land and this is their intention not to dedicate any further PROWs, although this does not prevent local access agreements. The limitation is that once a landowner statement has been deposited with the local authority it is difficult for anyone claiming 20 years use. The use has to back date from the date of the deposit.  KE was concerned about the wider issue. It is difficult to find the web pages with the statutory deposits etc. SA said that there is a split between two web sites because the deposit and the statement are different.  Action: SA to find out the up-to-date picture and feedback at the next meeting.  SD was told by the British Horse Society (BHS) colleagues that she understood if the landowner makes a deposit to secure land for the next 20 years, the notice has to be renewed otherwise future claims could be made. |  |
| **8** | **PROW accessibility information on the Highways Information map** |  |
|  | KE requested that ECC put the location of stiles on the interactive map.  SA informed that there is no comprehensive record held as landowners often put them up without permission. The inspection team undertake a rolling programme of improvements to reduce stiles. Stile limitations on a path are shown on a definitive map but it was noted that what is on a definitive map is not necessarily what is on the ground.  SA suggested that a couple of stile free routes could be identified and then published and kept stile free. There was discussion around named routes like the Flitch Way & Colchester Orbital. There are a couple of barriers along the Flitch Way but it is wheelchair accessible. It was suggested to get user groups & Parish Councils involved in order to map accessible routes. The Ramblers successfully raise funding for stiles to be replaced with gates.  Sandra commented there is a lot of information in the public domain on “open street map”. An App can be used. This relies on volunteers mapping what is there.  Sandra spoke about a project to open up old disused railways for access. It is a safe environment and generally quite wide paths. Sometimes it is possible to do a deal with the landowner as much of the old railway lines are in private ownership. SA commented that Essex Highways have been asked my Maldon DC about opening up a route under a bridge in Langford along the Blackwater Rail trail. It was noted that horse riders and cyclists would like to look at old railway lines.  **Action**: SA to pass SR’s email address to MDC | SA |
| **9** | **Any other business** |  |
|  | **Constitution**  Some of the changes have been agreed by Essex Legal Services.  Discussion on the Constitution deferred to next meeting.  **Action**: SA to add to the next meeting agenda.  Marlene Curtis asked when were carriage drivers included in the byway closures? This matter was discussed in a previous meeting. SA commented that some of the prohibitions we have on byways do include carriage drivers. We cannot provide access for carriages and prevent axled motor vehicle use. The decision made at the beginning of the year by the Byway Working Group.  Marlene queried whether width is looked at? SA confirmed it was considered but that to prevent vehicles the width would still prevent carriage drivers. The aim is to protecting the surface and the character of the lane. Also question arose if there were any carriage drivers interested in joining ELAF but they are in their minority.  SA clarified that access is being improved for a number of users by restricting axled vehicles for a couple of months in the winter. Access for all is then available for the rest of the year. | SA |
|  | **Date of next meeting** |  |
|  | KE asked to change the date of the next meeting (6th November 2018) due to it falling in week 7 of the public inquiry into the Network Rail Essex TWA crossing closures Order.  **New date agreed:**  **Monday, 5th November 2018 at 2pm**  **To be held at the Chelmsford Diocese Offices.** |  |