



JLAF 06

Draft Minutes of meeting of Friday 04MAR05

Date: Friday, 4th March 2005

Time: 2:00pm

Venue: The Carter Room, Fry Club, Somerdale, Keynsham. BRISTOL. BS31 2AU.

Present: David Colbourne, Cllr Chris Cray (Bath & North East Somerset Council), William Dawson, Ann Fay, Cllr Howard Gawler (South Gloucestershire Council), Rae Harris, Peter Hart, Robert Killen, Alun Morgan (JLAF Chair), Ray Newbigin (JLAF Vice Chair), Ron Phelps, Janet Wallis (JLAF Members)

Nicola Chidley (South Gloucestershire Council), Bev Cavender (Defra), Mark Connelly (Cotswolds Conservation Board), Rennie Dickins (South Gloucestershire Council), Chris Hogg (JLAF Secretary), Sarah Jackson (Mendip Hills AONB Service), Martin Lane (Cotswolds Conservation Board), Will Steel (Bath & North East Somerset Council)

Action

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1	Introduction and Housekeeping	
2	Apologies Bill Blyth, John Gunnery, Angela Nicoll, Cllr Chris Orlik (Bristol City Council), Andrew Short, Adam Stratton, Chris Weedon, Robin Winfield, Paul Wynne (JLAF members) Mark Cashmore (South Gloucestershire Council), Mark Counsell, Cllr Pat Hockey (South Gloucestershire), John Nickerson (Avon Wildlife Trust), John Roy (Bristol City Council)	
3	Declarations of interest There were no declarations of interest raised under this item.	
4	Minutes of the last meeting on 5th November 2004 The minutes were <i>agreed</i> as an accurate record of the meeting Matters Arising: 7a. City of Bath Definitive Map Project The vice chair had attended the Bath & North East Somerset Regulatory (Access) Committee chaired by Cllr Chris Cray. The JLAF wished to compliment the committee and PROW staff, particularly Jenny King, for speedy progress on the Bath Definitive Map Project. 7b Correspondence (Access to Watercourses) The JLAF's attention was drawn to the River Avon Study (Bath), led by Steve Smith in Urban Design, Bath & North East Somerset Council.	
5	JLAF Administration The JLAF expressed their appreciation to the Chair and Vice Chair	
6	Avon Area Cycle Maps (Raised by JLAF member Andrew Short) Deferred in the absence of the interested member	

<p>7</p>	<p>Discovering Lost Ways (Raised by JLAF member Robert Killen)</p> <p>Officers from the Countryside Agency have offered to give a presentation on discovering lost ways at the July meeting. Will Steel briefly summarised the project, referring to the background papers.</p> <p>Discovering Lost Ways project is investigating historical evidence of routes that carry rights of way prior to the extinguishment in 2026, of routes in existence before 1949. The project is being piloted in Cheshire and Wiltshire where an Archive Research Unit is researching and assessing historical evidence and collating it into route by route case files. They expect to complete this process across England in 7-10 years. While the subsequent process is not set, these case files could be submitted by the Countryside Agency and are likely to be considered by councils by means of modification orders. A comment was made that such decisions should be made locally and another that it is likely that the files would be subject to Freedom of Information, therefore could be obtained and submitted by any member of the public.</p> <p>There was a discussion about the care with which any 'lost' ways should be reopened, and the consequences of discovering information on particular routes. This included how these routes would reflect current needs and the suitability of routes for current use, particularly by four wheel drive vehicles. It was suggested that most of the routes would not be available for these vehicles following proposed changes to legislation. It was suggested that there would be a significant cost in physical works on newly discovered lost ways.</p> <p>A concern was raised that the Discovering Lost Ways project should consult with the public and landowners early in the process, particularly in comparison to the consultation process where access land was introduced. Members of the public and landowners might contribute and hold information important to the project. For instance on any one route there may be many landholders with an interest. It was noted that all modification orders involve consultation as part of the statutory process.</p>	
<p>8</p>	<p>Cotswold Area of Outstanding Natural Beauty (AONB) Conservation Board</p> <p>The Cotswolds Area of Outstanding Natural Beauty (Establishment of Conservation Board) Order 2004 Mark Connelly, Land Management Officer, Cotswolds Conservation Board.</p> <p>Mark Connelly gave a presentation on the designation of AONBs (Area of Outstanding Natural Beauty), of which there are two in the JLAF area – the Cotswolds and the Mendip Hills, on the status and purpose of AONBs and on the Cotswold AONB and the creation of the Cotswold AONB Conservation Board.</p> <p>Discussion points included:</p> <ul style="list-style-type: none"> • the resources that the Cotswold AONB board had available (including the forthcoming sustainable development grant) • the relationship between the Cotswold AONB board and the work of the councils, particularly with regard to the concurrent functions – those functions that can be carried out by either the AONB Board or councils. A request for a list of the concurrent functions of the Cotswold AONB to be added to the minutes was made. [An extract showing this is at the end of this item in the minutes]. The operation of the concurrent functions will be decided by a protocol made between the Board and the local authorities in its area, and members expressed a wish to be involved in this protocol. At the moment, the AONB did not envisage its operation of many of the concurrent functions. Comment was made on the need to complement work 	

	<p>rather than create duplication.</p> <ul style="list-style-type: none"> • Involvement of the AONBs in the JLAFs. AONB Board members will be informed of the opportunity of JLAF membership. There are six different LAFs in the Cotswold area. Both the Cotswold and the Mendip Hills AONBs are observers to the JLAF. <p>Thanks were given to Mark Connelly and Martin Lane from the Cotswold AONB and Sarah Jackson from the Mendip Hills for coming to brief the JLAF.</p> <p>Extract from: "Statutory Instrument 2004 No. 1777: The Cotswolds Area of Outstanding Natural Beauty (Establishment of Conservation Board) Order 2004"</p> <p>25. - (1) On and after the operative day the functions to which paragraph (2) applies shall be exercisable concurrently by a local authority specified in Schedule 1 and by the Board.</p> <p>(2) This paragraph applies to the functions of any local authority, so far as relating to the Cotswolds Area of Outstanding Natural Beauty, under the following enactments -</p> <p>(i) section 164 of the Public Health Act 1875[15] (places of public recreation) as applied by section 180 of the 1972 Act;</p> <p>(ii) sections 1 to 3 of the Commons Act 1899[16] (regulation of commons);</p> <p>(iii) section 15 of the Open Spaces Act 1906[17] (byelaws for regulation of open spaces etc.);</p> <p>(iv) section 194 of the Law of Property Act 1925[18] (restriction on enclosure of Commons);</p> <p>(v) section 12 of the National Parks and Access to the Countryside Act 1949[19] (provision for accommodation, refreshments, camping sites, and parking places);</p> <p>(vi) section 21 of the National Parks and Access to the Countryside Act 1949 (establishment of nature reserves);</p> <p>(vii) section 64 of the National Parks and Access to the Countryside Act 1949 (access agreements);</p> <p>(viii) sections 89(1) to 89(4) of the National Parks and Access to the Countryside Act 1949 (tree planting and treatment of derelict land);</p> <p>(ix) section 90 of the National Parks and Access to the Countryside Act 1949 (byelaws);</p> <p>(x) section 92 of the National Parks and Access to the Countryside Act 1949 (wardens);</p> <p>(xi) section 99 of the National Parks and Access to the Countryside Act 1949 (contributions towards expenditure);</p> <p>(xii) section 235 of the 1972 Act (byelaws for good rule and government and suppression of nuisances);</p> <p>(xiii) section 23 of the Caravan Sites and Control of Development Act 1960[20] (power to prohibit caravans on commons);</p> <p>(xiv) section 24 of the Caravan Sites and Control of Development Act 1960 (power to provide sites for caravans);</p> <p>(xv) section 9 of the Commons Registration Act 1965[21] (protection of unclaimed common land);</p> <p>(xvi) section 4 of the Countryside Act 1968[22] (experimental projects or schemes);</p> <p>(xvii) section 7 of the Countryside Act 1968 (provision of country parks);</p> <p>(xviii) section 9 of the Countryside Act 1968 (powers over or near common land);</p> <p>(xix) section 10(1) to (3) of the Countryside Act 1968 (camping and picnic sites);</p> <p>(xx) section 27(1) and (4) of the Countryside Act 1968 (signposting of footpaths and bridleways);</p> <p>(xxi) section 41 of the Countryside Act 1968 (byelaws and wardens);</p> <p>(xxii) section 43 of the Countryside Act 1968 (general provisions as to powers);</p> <p>(xxiii) section 45 of the Countryside Act 1968 (agreements with landowners);</p> <p>(xxiv) sections 6 and 8 of the Refuse Disposal (Amenity) Act 1978[23] (removal and disposal of certain refuse);</p> <p>(xxv) section 11 of the Ancient Monuments and Archaeological Areas Act 1979[24] (acquisition of ancient monuments);</p> <p>(xxvi) sections 12 to 17 of the Ancient Monuments and Archaeological Areas Act 1979 (guardianship of ancient monuments);</p> <p>(xxvii) sections 19 and 20 of the Ancient Monuments and Archaeological Areas Act 1979 (public access to monuments under public control);</p> <p>(xxviii) section 21 of the Ancient Monuments and Archaeological Areas Act 1979 (transfer of ownership and guardianship of ancient monuments);</p> <p>(xxix) section 25 of the Highways Act 1980[25] (creation of footpath or bridleway by agreement);</p> <p>(xxx) section 62 of the Wildlife and Countryside Act 1981[26] (appointment of wardens for public rights of way);</p> <p>(xxxi) section 5(1), (4) and (7) of the Litter Act 1983[27] (litter bins);</p> <p>(xxxii) sections 54 and 55 of the Planning (Listed Buildings and Conservation Areas) Act 1990[28] (urgent works to preserve unoccupied listed buildings and recovery of expenses);</p> <p>(xxxiii) sections 57 and 58 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (grants for repair and maintenance); and</p> <p>(xxxiv) section 94 of the 2000 Act (local access forums).</p>	
9	<p>Updates:</p> <p>a. South Gloucestershire Council Rights of Way Enforcement Policy The policy was introduced to members by Rennie Dickins. Of particular interest was Appendix one of the document titled: "Enforcement Action Plan", outlining the stages involved in enforcement work. It reflects a principle</p>	

	<p>highlighted in previous consultation that indicated the policy should be realistic and proportionate, and that there are clear chances to remedy the situation before legal proceedings are initiated. South Gloucestershire council were asked to keep the JLAF updated following the implementation of the policy.</p> <p>b. Cross-Compliance This was introduced by Rennie Dickins as having some links to enforcement. It is a new facility to link compliance with laws and rules, including on public rights of way, to payments made under the single farm payments scheme. There are elements of the scheme that have not been clarified yet, and it is part of significant changes to farming under the European Common Agricultural Policy reforms, being introduced throughout 2005. <i>[there is further information in the 'Cross Compliance Handbook for England 2005' at: http://www.defra.gov.uk/farm/capreform/pubs/]</i></p> <p>c. Bath & North East Somerset Strategy for Horse Riding Referring to the background paper about a report by the scrutiny panel in Bath & North East Somerset Council on the Strategy for Horse Riding, there was a brief summary on the introduction of new equestrian use onto routes, understood to be on a trial basis. There were three issues raised in the report, that cross-boundary routes need to be considered, that there need to be risk assessments, and that any new routes should be designed for multi-use, opening facilities to as many users as possible. It was noted that in the report carriage drivers are referred to as a minority user group requiring special attention. The report will be considered by the Bath & North East Somerset Executive Member for Transport and any further decision is due by the 16th April.</p> <p>d. Use of mechanically propelled vehicles on rights of way: the Government's framework for action (the Government's response to the consultation paper of the same title), and Use of mechanically propelled vehicles on rights of way in the "Draft Natural Environment and Rural Communities Bill" This was noted by the JLAF.</p>	
<p>10</p>	<p>Access Land Update on Access Land</p> <p>The Vice-Chair updated the JLAF on the launch of Access Land, that he attended in Dorset on December 16th. Bill Oddie ceremoniously opened a piece of land to mark the commencement of new access rights in Central Southern England.</p> <p>The Chair updated the JLAF on the application for Restrictions to Access Land at Upper Swainswick, considered at the November meeting. A letter about the mapping process has not been sent from the JLAF as there was not enough support from members.</p>	
<p>11</p>	<p>Rights of Way Improvement Plans and Joint Local Transport Plan Draft Strategy for Improving Local Rights of Way</p> <p>The Chair introduced the Draft Strategy by saying that these long term documents can make a difference to a proposal made in the future, so it was important to ensure that they are carefully written. A comment was made on the need to balance specific proposals with getting a mention of subject areas where future work might wish to be done. Another was made that imaginative proposals that attracted attention were often more likely to be undertaken, an example being 'an improved route to link two lakes' rather than 'improvement to routes x, y and z'.</p> <p>The Draft Strategy for Improving Local Rights of Way will link with the Joint Local Transport Plan being prepared. The following Rights of Way Improvement Plan will be an important piece of work for the JLAF to be</p>	

	<p>involved in so the JLAF may wish to have a sub-group to work on it in more detail. There are other ROWIPs that have been drafted, for example in York, and the members may wish to get copies.</p> <p>Members were asked to consider what they would like to see from the network in ten years time, to be considered for the ROWIP. The ROWIP will be a significant item on the agenda of the next meeting for discussion of this.</p>	
12	<p>Any Other Business</p> <p>The University of Gloucestershire together with the Countryside Agency were undertaking a review of Local Access Forums, and a questionnaire was distributed to members, with an apology for the short time scale for responses.</p> <p>As the Local Transport Plan was now joint between four authorities, it was proposed that a letter of introduction be sent to the Chair of North Somerset LAF inviting him, or any of their members to the JLAF.</p>	
13	<p>The next meeting JLAF07 (in South Gloucestershire on the 1st July 2005)</p> <p>It was proposed that the next meeting be held in the same location, Fry Club, Keynsham, in lieu of a South Gloucestershire location, as it was central to all three authorities.</p> <p>The following meeting dates are in the background papers.</p>	
14	<p>Close</p>	