

**MINUTES OF THE STAFFORDSHIRE AND WOLVERHAMPTON
JOINT LOCAL ACCESS FORUM BUSINESS MEETING
HELD ON 12 SEPTEMBER 2017 AT COUNTY BUILDINGS, STAFFORD**

Present: Mr. J. Mills (JM) (Chairman)

Forum Members

D.T. Boden (DTB)	T.A.J. Hewitt (TAJH)
J.C. Davison (JCD)	Mrs. R. Lane (RL)
C. Gameson (CG)	D. Bradley-Scrivener (DBS)
Mrs. G. Heath (GH)	Mrs. K. Wolstencroft (KW)

Officers

A. Bird (AB) – Newcastle-under-Lyme Borough Council
Mrs. E. Beaman (EB) – Staffordshire County Council
J. Lindop (JL) – Secretary
C. Jones (CJ) – Staffordshire County Council
Mrs. S. Mallen (SM) – Staffordshire County Council
Mrs. N. Swinnerton (NS) – Staffordshire County Council

Apologies: J. Barber, N. Chapman, G. Gittens, Mrs. C. Kertesz (City of Wolverhampton Council), P. Pearson, P. Rochfort (Staffordshire County Council), H. Scott

Declarations of Interest under Paragraph 5.3 of the Forum Structure

16. Nil

Minutes of Meeting held on 17 July 2017

17. **RESOLVED** – That the minutes of the meeting held on 17 July 2017 be confirmed and signed by the Chairman.

HS2 Update

18. The Forum received an oral report from the County Council's HS2 Project Manager updating them on recent developments with regard to HS2 – the proposed high speed rail link between London and the north, as follows:-

- The Phase One Hybrid Bill had received Royal Assent in February 2017 and was now the 'High Speed Rail (London-West Midlands) Act 2017'.
- The Act gave HS2 powers to:-
 - build and maintain the line and its associated works;

- compulsorily acquire interests in the land required;
 - affect or change rights of way, including the stopping-up or diversion of highways and waterways permanently or temporarily;
 - modify infrastructure belonging to statutory undertakers (eg utility companies);
 - carry out work on Listed Buildings and demolish buildings in designated Conservation Areas;
 - carry out protective works to buildings and third party infrastructure.
- Whilst the Act granted deemed planning permission for the railway, HS2 Limited were required to obtain consent for certain detailed planning matters from local Planning and Highways Authorities. However grounds for refusal were defined in the Act and were extremely limited.
 - All consents and approvals coming to the County Council were to be processed by Amey. Schedule 4 consents, which related to Highways (and would include details on impacted Public Rights of Way (PRoW) must be responded to within 28 days. The majority of these were likely to arrive during the main civils works which were anticipated to start in 2018.
 - It was envisaged that the majority of PRoW alterations would be covered by the powers within the Act, but Amey would be checking that the proposals met the Act specifications. If they encountered any discrepancies, they were to liaise with the Principal PRoW Officer and contractor, as appropriate, to resolve them.
 - Should any Public Rights of Way Consents be required from the County Council under Schedule 4, Amey were to check proposals against PRoW officer comments, and if necessary consult with them again to confirm before issuing consents.

Phase 2a

- Phase 2a was deposited in Parliament on 17 July 2017. This triggered a consultation which was to run until 30 September 2017. Petitioning would follow towards the end of the year. Staffordshire County Council were currently preparing a response.
- HS2 had liaised extensively with the County Council's Countryside and Rights of Way team in order to determine and address the Authority's main concerns about the route, and these were further communicated in their formal response to the Phase 2a Working Draft Environmental Impact Assessment.

During the discussion which ensued Members sought clarification of various points of technical and legal detail regarding the proposed railway following which they thanked SM for her time in attending the meeting and her interesting and informative presentation.

19. **RESOLVED** – (a) That the oral report be received and noted.

(b) That that Forum be kept updated with regard to HS2 having regard to their role in improving public access to land in the area for the purpose of open-air recreation and enjoyment.

Fly Tipping

20. This item had been included on the Agenda at the request of the Forum following discussion at their previous meeting. The Forum had resolved to invite the County Council's Director of Economy Infrastructure and Skills to brief them on the issue of fly-tipping and to try and clarify whether the Authority's new policy of charging for non-household waste at Household Waste Recycling Centres had contributed to an increase of tipped material on access land in Staffordshire and Wolverhampton.

The meeting was attended by Andrew Bird, Newcastle-under Lyme Borough Council's Recycling Strategy & Commissioning Manager and Chairman of Local Authority Recycling Advisory Committee (LARAC).

CJ referred to a large scale fly-tipping incident which had recently occurred in Staffordshire and said nationally there was an upward trend in littering. This problem had been recognised by the Department of Environment, Food and Rural Affairs who had adopted a Litter Strategy for England in July 2017 which set out how Government intended to work with different local groups, local authorities, Highways England and businesses to reduce litter with the aim of cleaning up the country, changing attitudes and strengthening enforcement powers.

The Waste Industry's view arising from 'Brexit', the UK's intention to leave the European Union, was that fly-tipping/littering might increase further owing to an anticipated downturn in the market for recycled material.

AB referred to the duty of care placed on businesses regarding the disposal of commercial waste. Whilst significant efforts were being made both locally and nationally to increase awareness, recent trends had indicated that this message was not getting through to all parts of the business sector.

In response to a request for clarification from NS regarding Newcastle-Borough Council's policy on the removal of fly-tipped waste, AB said that owing to other budget pressures and reduced funding, his Authority were now only removing waste from land where there was a statutory duty requiring them to do so. This did not include private land.

Forum Members relayed their experiences regarding the incidence of fly-tipping on access land in their areas and the difficulties which they had encountered in seeking its removal by the appropriate authorities. CJ reassured them that the County Council were committed to working with the Districts and Boroughs regarding the operation of the Authority's new policy of charging for non-household waste at Household Waste Recycling Centres. However, monitoring to date had indicated that there was no direct correlation

between the coming into effect of the new charges and the rate of fly-tipping. However CJ acknowledged the problems which had been highlighted.

The Chairman then thanked CJ and AB for their time in attending the meeting and for their interesting and informative discussion.

21. **RESOLVED** – That the report be received and noted.

Modification Order Applications under Section 53 of the Wildlife and Countryside Act 1981

Background Legislation and Application Process

22. The Chairman report that the County Council's Legal Services Unit were unable to be represented at this meeting as had originally been hoped. However, they had given a firm undertaking to attend the next meeting of the Forum.

23. **RESOLVED** – That consideration of this item be deferred until the next meeting.

Current Backlog (Staffordshire County Council) and the Way Forward

24. NS reported that there were currently 240 applications for Modification Orders under Section 53 of the Wildlife and Countryside Act 1981 to the Definitive Map of Public Rights of Way for Staffordshire. The current rate of determination of applications was 2 per year. However, the County Council were attempting to identify additional resources in order to address the backlog and it was hoped to report more encouraging news at the next meeting of the Forum.

During the discussion which ensued Members sought clarification of the County Council's prioritisation scheme for Modification Order Applications. In response to a question from CG regarding a possible role for volunteers in undertaking background research necessary for determining Applications, NS said that the representative of the County Council's Legal Service Unit would be able to clarify this at their next meeting.

25. **RESOLVED** – That the oral report be received and noted.

Staffordshire County Council Countryside Estate Review

25. The Forum received a briefing note from EB regarding a review being undertaken by the County Council of their countryside estate.

The Authority currently managed an estate of six Country Parks, 12 smaller sites and 3 Greenways, in-house.

In order to meet savings targets and continue to manage the estate affectively and sustainably, alternative options for delivery now needed to be

investigated. Consequently, ten initial delivery options had been identified and following consultation with stakeholders in 2015, the following four preferred options were agreed:-

Option A – Maintain County Council ownership and seek opportunities to increase income from existing sites by working with volunteers, communities, third sector organisations and private parties.

Option B – Transfer management on a site-by-site basis to local community or voluntary sector groups such as Parish Councils.

Option C – Establish a Partnership of landowners to manage the entire countryside estate in a particular area.

Option D – Establish a not-for-profit trading company to run and develop parts of the estate.

In December 2016, those parties interested in running one, all or some of the Countryside Estate sites were encouraged to submit a formal Expression of Interest (EoI) for their management. Eleven such EoI's were received and potential operators for two sites were identified.

In undertaking this process the following issues were revealed:-

- The majority of the organisations which expressed an interest in taking over the management of a site(s) required a financial arrangement ie an endowment, lease, management contract etc. From the EoIs which had been received only one organisation had expressed an interest in taking over all of the sites at once. However, whilst others indicated a phased approach or clusters of sites they had not discounted the potential of taking over the management of them all.
- It had become clear that in order to put together a meaningful EoI, bidders required far more detail about current costs and management requirements of the sites than was originally provided. With this information, the evaluation of bids would be easier.
- Whilst there had been some interest from local communities in taking on the management of some Country Parks and Picnic areas, they would require significant levels of support which would initially need to be resourced. There had been indications that support might be available to facilitate community management which could be explored further.

A report on a proposed way forward for the review was to be submitted to the December meeting of the County Council's Cabinet with pre-decision scrutiny being undertaken in November 2017.

In the discussion which ensued CG expressed his concern that external operators might seek to pursue their own vested interests instead of maintaining sites as general recreational facilities. He expressed his wish that sites such as Consul Nature Park continued to be well managed, open to all and reflected the interests of the wider community rather than any single user group.

EB re-assured the Forum that the selection process for operators would be rigorous and the County Council's strategic aims continued to be reflected in management plans going forward.

The Forum expressed their willingness to participate in the Countryside Estates Review and in particular, give their views on the formal applications received from prospective operators. However, EB explained that the selection process was confidential and the reports to the Authority's Scrutiny Committee and Cabinet were exempt from publication under the Local Government Act 1972 (as amended). However, she thanked the Forum for their interest and undertook to keep them updated on progress with regard to the Review.

CG stressed that there should be no diminution of service under the new arrangements to which other Members of the Forum expressed their agreement.

The Chairman then thanked EB for her time in attending the meeting and her interesting and informative presentation.

27. RESOLVED – (a) That the Briefing Note be received and noted.

(b) That the Forum be kept updated on progress with regard to the Countryside Estates Review.

Updates from the Appointing Authorities

28. The Forum received updates on matters of interest from the Appointing Authorities, as follows:-

(i) Staffordshire County Council

NS updated them on progress with regard to the Rights of Way Review currently being undertaken by the County Council. During the discussion which ensued Members cited various voluntary organisations who might be willing to assist the Authority in maintaining the Public Rights of Way Network under the new arrangements.

(iii) City of Wolverhampton Council

There was no update report provided from the City Council.

29. **RESOLVED** – That the oral report be received and noted.

Replacement Stiles

30. This item had been included on the Agenda at the request of TAJH who highlighted that many wooden stiles on the Public Rights of Way Network in Staffordshire were no longer fit for purpose. TAJH circulated a briefing note to all Members at the meeting giving further details of the issues he sought bring to the Forum's attention.

NS explained that whilst the installation and maintenance of furniture along public paths was the responsibility of relevant landowners, the County Council could be required to contribute up to 25% of the cost of its replacement as and when necessary. However, where possible the Authority sought to avoid the use of new stiles having regard to the needs of mobility impaired residents in accessing and enjoying the Countryside.

Izaak Walton Way

31. This item had been included on the Agenda at the request of TAJH and a briefing note supplied by him on the Izaak Walton Way had been circulated with the Agenda and papers for the meeting.

The Izaak Walton Way was a 95 mile route through ten Staffordshire valleys in celebration of England's famous fisherman and author. Running from Berresford Dale to Madeley the route passed through three distinctive landscape areas giving a scenic variety unavailable on the Staffordshire Way. Linked by existing Public Rights of Way for 95% of the route, its aim was to encourage the use of some lesser used paths.

During the discussion which ensued the Chairman thanked TAJH for his efforts in seeking to highlight the Public Rights of Way included in the Izaak Walton Way.

Consultation Correspondence

32. There was no consultation correspondence to report.

Questions from the Public

33. The following questions had been received from Mr. D. Rice of Amberley, Gloucestershire:-

"Q1 - Taking all the above issues, attachments and rational into account, what "advice" can the Local Access Forum provide to Staffordshire County, to ensure that all duly made section 53 applications are now determined "as soon as is reasonably practicable" – in line with what the Minister interprets that to mean?"

Q2 – Taking the attached North Somerset direction into account, factoring-in many others that can be viewed on the Planning Inspectorate Website and those already served on Staffordshire County Council, what period of time do the Forum conclude to be as a maximum time limit for the meaning of “as soon as reasonably practicable” within the 1981 Act?

Q3 – What policy changes, applied resources and other actions do the Local Access Forum “advise” Staffordshire County Council to adopt in view of the attached landmark direction and many other similar directions that have been served?”

34. **RESOLVED** – That in the absence of the relevant information/presentation from Staffordshire County Council, consideration of the Public Questions received from Mr. D. Rice be deferred until their next meeting.

Any Other Business

(i) Items for Information

35. There were no items for information raised.

(ii) Items for Agenda for Next Meeting

35. **RESOLVED** – that the following items be included on the Agenda for their next meeting:-

- Staffordshire County Council Countryside Estate Review – Update;
- Modifications Order Applications under Section 53 of the Wildlife and Countryside Act 1981 – Background – Legislation and Applications process;
- Responses to Public Questions received from Mr. D. Rice of Amberley, Gloucestershire.

Date of Next Meeting

36. **RESOLVED** – That a further meeting of the Forum be held in February/March 2018 on a date and at a time to be arranged.

CHAIRMAN