

Carmarthenshire Local Access Forum

Thursday 18th February 2016

Held at Carmarthen Leisure Centre, Carmarthen at 6pm

Present:

Jonathan Tudor (JT) - Secretary

Members:

Mark Hadley (MH) - Chair
Geoff Williams (GW)
Glyn Evans (GE)
Richard Leggett (RL)
Chris Rankin (CR)
Jane Evans (JE)
Jillie Gardiner (JG)

Advisors/ Observers/Speakers/Members of the Public

Phil Stone (PS) – Natural Resources Wales (NRW)
Glyn Lloyd-Jones (GLJ)
Nigel Powell (NP) – CCC (for Alan Warner)

Apologies (Members)

David Stacey (DS)
Caroline Evans (CE)
Ed Percy (ED)
Alan Warner (AW) – CCC appointed member
Eric Davies (ED)
Keith Morgan (KM)

Apologies (Advisors/Observers)

Cllr Deryk Cundy – CCC Chair of CC
Community Scrutiny Committee

*CCC in these minutes refers to Carmarthenshire County Council

ITEM	ACTION
Item 1 Welcome – MH welcomed all to the meeting.	
Item 2 New Member MH welcomed Richard Leggett, a new member, to the meeting.	
Item 3 Apologies Apologies were taken and recorded.	
Item 4 Consideration/Approval of Minutes of Meeting held on 19th November 2015 The minutes were checked and approved subject to some amendments and the Addition of 2 matters under AOB concerning Glastir and the Welsh Government's Green Paper on Access.	
Item 5 Matters Arising from Minutes of Meeting held on 19th November 2015 <ul style="list-style-type: none">Carmarthenshire Archive Service – an update had been circulated following the last meeting. MH reported that it had been agreed by CCC's Executive Board that the Archive Service would remain in Carmarthenshire.	

<ul style="list-style-type: none"> • Public Space Protection Orders (Dog Control) – MH reported that following the meeting he had emailed Michael Roberts, CCC Environmental Enforcement, confirming the LAF’s support for the proposals. It had been confirmed that the National Farmers’ Union (NFU) and the Farmers’ Union of Wales (FUW) had been consulted about the proposals. • NRW Targeted Consultation on Draft Guidance for the Review of RoWIPS – GW said that he would he would obtain a copy of the Ramblers’ response for information. • Brechfa Forest Wind Farm – MH confirmed that he had written to RWE npower about concerns the LAF had about the consultation process and they had offered to meet. MH was liaising with JG about a meeting date. • Glastir Advanced Permissive Route – the LAF asked Glastir if the route in Cilycwm could be used by horse riders or if it was possible for the route which ends at a viewing point on a hill to continue beyond. Glastir had replied that the route would not be suitable for horse riders and the land further south was in different land ownership (outside the Glastir scheme) so it would not be possible to continue the path or link it to public rights of way or other public roads. 	MH/ JG
<p>Item 6 Planning – Nationally Significant Infrastructure Projects</p> <p>The LAF had already been informed that this item would be postponed until the next meeting in May.</p>	
<p>Item 7 Active Travel Act - update</p> <p>JT had obtained an email update from CCC Transport, Strategy and Infrastructure detailing the process and confirming that CCC’s mapping of its existing routes had been submitted to Welsh Government in January 2016. MH asked PS if NRW had specified to Local Authorities how and to what extent they should consult with Local Access Forums. The consultation requirements were presumably specified in the Active Travel (Wales) Act 2014.</p>	
<p>Item 8 RoWIP Review – update</p> <p>MH confirmed that the LAF had submitted a response the draft RoWIP Review Guidance from NRW expressing concern about funding for implementation. Final guidance was awaited from NRW/Welsh Government. JT said it was likely that CCC would set up a working group to take the review forward. The LAF would be consulted in the review process.</p>	
<p>Item 9 Diversion Order Process – overview JT</p> <p>JT distributed a flow chart explaining the process of a Diversion Order under s.119 Highways Act 1980. The LAF is consulted at various stages in that process. The best opportunity for the LAF to influence the process, raise any concerns about the proposal or make suggestions was during the First Consultation (Pre-Order) that is sent out by CCC following receipt of an application and before any decision on making an Order has been made. Normally, responses are invited within 28 days. At this stage it is far easier for modifications to the content of the proposal or diversion route to be addressed. The CCC officer dealing can consider and,</p>	

discuss concerns or views expressed from the consultation with the applicant(s). It may be that the proposal is changed as a result. If changes are made the consultees will be advised.

A **Second Consultation** (Notice of Making/Post Order Consultation) will occur if CCC decides that the proposal is reasonable i.e. it meets the legislative criteria and a Diversion Order has been made. This is a statutory 28 day consultation. Costs have already been incurred at this point as Notices of the consultation are advertised in the local press. As the Order has been made it is not really possible to make any changes to it at this stage. If there are objections to the Order during this statutory consultation and they are not withdrawn the Order is usually referred to the Planning Inspectorate and a Planning Inspector will decide if the Order should be confirmed or not. This is a time consuming process for all parties so it is far better if any issues with the proposal can be addressed during the **First Consultation** before any Order has been made. However, if the LAF disagrees with CCC's views on the Order it can of course still object to it which is likely to lead to the matter being referred to the Planning Inspectorate.

The **Third** occasion on which the LAF will be contacted is when CCC confirms the Order. This will be after the Second Consultation if there are no outstanding objections. The LAF is served with a **Notice of Confirmation**. This is really to confirm to the LAF that the Order it has previously been consulted about is being confirmed. By this stage the Order can only be challenged in the High Court on the basis of some procedural or legal irregularity so it is too late to be discussing the merits of the proposal or suggesting changes to the proposed route or furniture etc.

GW asked how the LAF currently deals with these consultations. MH said that he receives the email as Chair from CCC and then forwards the consultations to LAF members on email asking them to feed back any views to him direct or/and to the CCC officer dealing.

RL asked if he could be sent a hard copy of the LAF Handbook.

JT

Item 10 Grant Improvement Works Programme – update NP

This item was moved from Item 11 on the Agenda. Nigel Powell (CCC Senior Ranger) attending in lieu of Alan Warner (CCC Countryside Operations Manager). NP distributed reports detailing works undertaken/proposed via the Joint Working Partnership Grant and RoWIP (Rights of Way Improvement Plan) Grant during 2014/2015. MH asked if grid references could be provided in future.

AW

NP also provided a chart and report showing public rights of way Issues resolved by category during the current financial year. RL commented that it would be useful to have information on the number of outstanding Issues.

NP also provided further detailed completion reports and photographs on specific routes. Whilst the LAF would grateful for the information they really prefer statistics showing the overall picture for the year.

The LAF asked if a full report for Financial Year 2015/16 would be provided at the next meeting.

AW

<p>Item 11 PROW Furniture (Gates/Stiles etc.) – Responsibility JT</p> <p>JT distributed information from the Public Rights of Way section of CCC’s web site which provides information to landowners on their basic public rights of way responsibilities which includes maintaining gates and stiles (s.146 Highways Act 1980 – copy of section distributed). JT explained that the Act allows for legal notice to be served by CCC on a landowner if a gate or stile or structure is in a state of disrepair and carry out the works in default if necessary (re-charging the costs). If the landowner carries out the works under this process the Local Authority has to contribute not less that 25% of the costs. In practice, many Local Authorities (including CCC) provide or install furniture for the benefit of users without going through the above somewhat cumbersome and time consuming procedures.</p>	
<p>Item 12 LAF Annual Report – update MH</p> <p>MH has produced a draft Annual Report for the calendar year of 2015 which had been distributed to LAF members for comment. The draft was discussed and members thought that producing a formal annual report in line with the regulations is a useful way of raising the profile of the LAF.</p> <p>MH asked CCC to provide a map of the LAF area. It was agreed that CCC’s Statutory Consultees for public rights of way could form the basis of a distribution list for the report.</p> <p>JT said that when the Report was completed he would arrange for translation into Welsh to enable it to be placed on CCC’s web site and aid distribution.</p>	<p>JT</p> <p>JT</p>
<p>Item 13 Legal Case – Herrick v Kidner & Somerset County Council 2010 - CR</p> <p>CR explained the importance of this case which re-iterated that the public was entitled to use the full width of a public right of way (where that width was or could be defined). The case concerned a set of large gates at Barcroft Hall had to be removed in their entirety. It was insufficient to remove the main gates and middle pillar – the outer pillars and part of the fly wall also had to be removed as they were still obstructing part of the legal width of the public right of way. A summary and copy of the case were distributed.</p> <p>CR said that this piece of case had proved useful in dealing with some public rights of way obstruction issue within Ceredigion.</p>	
<p>Item 14 Recruitment - JT</p> <p>Three members had been confirmed at the last meeting but the were no current or pending applications to join the LAF.</p>	
<p>Item 15 Future Agenda Items</p> <p>Planning – Nationally Significant Infrastructure Projects (an overview from Richard Jones, CCC Development Management Officer).</p>	

Item 16 AOB

- **Development of Tourism Destination Plan** - JG had attended a meeting of Tourism ambassadors and advised that the LAF will be included in this process.
- **Sustrans Cycle route in Burry Port** – JG referred to this proposal and will provide more details by email or at the next meeting.
- **Natural Resources Wales (NRW) representative** – PS introduced Glyn Lloyd-Jones who would be NRW’s representative at future LAF meetings (probably at least 2 per year where relevant items were on the Agenda).
- **Abergavenny to Llandeilo Cycle route meeting** – MH had attended meeting about this new route which is on-road and will become part of the National Cycle Network (NCN)
- **Best Practice Ideas** – MH commented on an email from a Ceredigion Rights of Way Officer to NRW suggesting that best practice ideas for Local Access Forums could be distributed.

JG

Item 15 Date/Location of Future Meetings

Dates for future meetings had been confirmed and distributed and are available on the Council Web Site:

<http://www.carmarthenshire.gov.wales/home/residents/leisure-outdoor-activities/public-rights-of-way/local-access-forum/>

Thursday 12th May - 6pm	Carmarthen Leisure Centre Conference Room, 1st Floor, Llansteffan Road, Carmarthen SA31 3NQ
Thursday 22nd September - 6pm	Carmarthen Leisure Centre Activity Room, 1st Floor, Llansteffan Road, Carmarthen SA31 3NQ
Thursday 8th December - 6pm	Carmarthen Leisure Centre Conference Room, 1st Floor, Llansteffan Road, Carmarthen SA31 3NQ