

# MONMOUTHSHIRE LOCAL ACCESS FORUM

## Minutes of the meeting held on

21 November 2018, 10:00am at Shire Hall. Monmouth

### PRESENT:

Members:	Anne Underwood – Chair	AU
	Irene Brooks	IB
	Sylvia Fowles	SF
	Anthea Fairey	AF
	Phil Mundell	PM
	David Smith	DS
	Mark Storey	MS
	Sheila Hampshire	SH
MCC:	Matthew Lewis - Secretary	ML
	Ruth Rourke	RR
Minutes:	Jayne Jones	JJ

### 1. Introductions/Apologies

Introductions made by LAF Members and members of the public present. Apologies received from Ann Webb and Gwyneth Jones (Members), Sarah Tindal (NRW), Paul Keeble (MCC) and Alan Clark (minutes secretary).

### 2. Declarations of Interest

None declared

### 3. To confirm and sign the minutes of the Monmouthshire Local Access Forum (LAF) meeting of 20 February 2018

The omission on the circulated minutes of Cllr Ann Webb as an attendee was noted and a revised version prepared by the Secretary was agreed and signed.

### 4. Feedback from LAF Chairs & Secretaries Meeting 15 November 2018

There was no Welsh Government attendance and no significant new issues to report. Natural Resources Wales (NRW) explained progress on their area based restructure.

There was discussion on the definition of “public goods” in respect of a new farm payment regime and LAF’s further views were invited.

The understanding is that in response to the consultation paper Welsh Government are now looking at simpler legislative changes to improve current processes and procedures rather than addressing at this stage the more complex issues consulted on. Members discussed the approach to working

with landowners to maintain furniture. A view was expressed that the current approach of the authority funding some works acts as a disincentive for landowners to maintain; however the alternative view was the complexity of administering the statutory 25% payment from the authority and the resource and other implications of shifting to a wider payment only based system. It was agreed that further discussion was required before proposing any alternative approach to Welsh Government.

**Action:** Any further views from members on the definition of public goods to be forwarded to the Secretary.

## 5. Prioritising claims for Definitive Map Modification Orders

RR introduced this item relating to Section 53 claims. A number of cases have been on list for a long time. The current situation is that they are addressed in date order with consideration given to the various matters set out in the Council approved review process. RR outlined that the procedures involved are complex and lengthy and the limited resource available to address these claims. Process involves consultations, extensive research, legislative considerations, report writing as well as dealing appropriately with any objections raised throughout the process and if required reference to the Planning Inspectorate. Some discussions are underway with Welsh Government as part of the preceding item to see if processes could be improved. If the authority does not make a decision within 12 months the applicant can ask Welsh Government to make a direction that a decision should be reached within a specified period. Welsh Government's decision on a direction is based the authority's review process, reasonableness etc. (as set out in the report). One direction has been made on the Price's Bridge claim and this will be reported to committee in January 2019.

Members discussed whether the authority's current review / prioritisation process and criteria are sufficient or need changing / expanding.

Members discussed the possible inclusion of public benefits as a criteria and whether claims with stronger user evidence should take precedence over those relying solely on historical evidence. AU referred to the claims in Chepstow Park Woods and the issues surrounding these claims in public forestry and the user evidence. RR explained that analysis of these claims was proceeding in partnership with NRW and hopefully working towards a partnership approach to addressing an access plan for the woods, however there would still be a need to formally consider the claims through the modification process.

Members considered whether claims could be prioritised on their likelihood of success / future use, and whether a test of wider public benefit could be used as a surrogate for the latter. Ease of use and connectivity were also identified as important factors. Such an approach and less priority for claims based only on historical evidence and greater priority for those with strong user evidence gained some support from members.

The Chair responded to a prior request from a member of the public, Mr Raynor, to speak to the LAF on this matter. Mr Raynor questioned the current process, using the example of a claim where applicant had since passed away. Mr Raynor was particularly concerned that in this position the claim could flounder as only the applicant could ask Welsh Government for a direction and footpaths could be lost. RR confirmed orders will still be processed even if the applicant is deceased and the authority was willing in these circumstances to let a new applicant "take over" the claim preserving its position within the review process. A discussion took place on the potential for changes to the process to mirror changes in England to allow greater dialogue with landowners and it was hoped that the Welsh Government review arising from the consultation paper may simplify the process at some point. Mr Raynor asked the LAF to consider:

- (1) That MCC should obtain a legal view on the status of claims where the applicant is deceased
- (2) MCC should check if applicants on existing claims have died or gone away
- (3) Claims should be dealt in strictly date order
- (4) MCC should prioritise work on modification order claims above other public path orders e.g. diversions and extinguishments which should be deferred

Members discussed these recommendations. MS did not agree that claims should solely be dealt in strictly date order. Other members agreed that the date order should be the starting point but other factors, as in the existing scheme, should allow claims to jump higher up the priority list. Reviewing the existing priority on a case by case basis was discussed by reference to public interest factors including, where relevant, loss of existing user benefits.

**Action:** ML and RR were left to consider further in the light of this discussion and bring any new proposal to a future LAF meeting.

## 6. AOB

ML explained the new process / forms for claiming expenses if required.

## 7. Date of next meeting

**To be arranged** for early 2019 and to include input from Chris Radford, the Lower Wye Valley Catchments Project Officer.

**Action:** ML to consult with the Chair and confirm the next meeting and venue

## 8. Workshop Session

The LAF was then followed by a workshop session to discuss issues arising from the Rights of Way Improvement Plan Review assessments attended by interested members of the public and LAF members