

MONMOUTHSHIRE LOCAL ACCESS FORUM

Minutes of the meeting held on

Monday 20 November 2017, 1:30pm at Gilwern Outdoor Centre

PRESENT:

Members:	Anne Underwood – Chair	AU
	Irene Brooks	IB
	Sylvia Fowles	SF
	Anthea Fairey	AF
	Gwyneth Jones	GJ
	Phil Mundell	PM
	Sheila Hampshire	SH
NRW:	Sarah Tyndall	ST
MCC:	Matthew Lewis	ML
	Ruth Rourke	RR
Minutes:	Jayne Jones	JJ

1. Introductions/Apologies

Introductions made.

Apologies received from Pat Belsten, David Smith, Ann Webb, Mark Storey, and Alan Clarke

2. Declarations of Interest

None noted

3. To confirm and sign the minutes of the Monmouthshire Local Access Forum (LAF) meeting of 7 September 2017

IB stated she felt the minutes in respect of the response to the consultation paper were not a full representation of the discussion. However it was noted that the response sent to Welsh Government (see item 4) had captured all of the issues discussed. Minutes of previous meeting agreed and signed by AU.

4. Response to the Welsh Government Consultation Paper: Taking Forward Wales' Sustainable Management of Natural Resources

The response to the consultation paper submitted to Welsh Government (WG) was noted. AU expressed concerns about how the changes proposed in the paper can be put into practice and their financial implications. ML advised that Monmouthshire County Council (MCC) had submitted a separate response which reflected many of the same issues that the LAF had raised. RR recently attended the Wales National Access Forum meeting. WG had received a large number of representation and that with the cabinet reshuffle, which has led to a new minister taking responsibility, may affect the speed of WG's response. An initial analysis to the responses is

unlikely to be available until New Year. There is no indication of any timescale for legislative change and so we need to carry on working with existing legislation.

5. Prioritising claims for Definitive Map Modification Orders

ML introduced the report. As the prioritisation of Definitive Map Modification Orders claims (DMMO claims) was last considered in 2004 it was timely to review the approach. Since 2004 a prioritisation scheme had been successfully introduced for maintenance and enforcement issues. Whilst there is a fundamental difference in the purpose and details of the priority systems there may be some merit in contrasting the intent / principles behind the two systems.

The original intent behind reviewing the claims prioritisation had been a claim made in the Wye Valley which had raised some issues over the existing approach. This claim would if successful link existing rights of way / access to public forest. However in this case a direction has now been received from the Planning Inspectorate on behalf of Welsh Ministers to make a determination within 12 months. Such a direction although very unusual can be made by Welsh Ministers in response to an applicant's request after 12 months of non-determination.

Guidance indicates that the existence of a claims priority policy is one of the matters that will be taken into account in deciding whether or not to make a direction. Until now the authority has been able to defend requests for direction on this basis, but in this recent case the inspector took a contrary view. It therefore remains appropriate and timely to review the claims priority policy.

RR added that each claim the authority receives, needs to be processed fairly and equally. The existing policy broadly deals with claims in date order of receipt unless there are specified circumstances why a claim can be brought forward. As an example one claim was fast tracked on the basis of legal advice. It involved owners of a property having difficulty selling a property. However in general the approach has been to limit moving claims forward unless they fulfil one of the current criteria as it can be unfair to others.

RR said MCC's list is quite small compared to other LAs and it is a requirement due to legislation for the Register to list all old, as well as new claims. Discussion took place amongst members as to whether the claims could be colour coded, or older ones listed at the bottom, to make it more user friendly.

IB expressed concerns that there may be consideration of other issues, e.g. discrepancies noted as a result of quality assurance of records, in progress that are not listed, so how would the public know about these and that everyone has the right to be consulted. RR confirmed that all Section 53 application claims have to be listed in the public register. All current cases the Countryside Service is dealing with which do not have an application are also shown in the Section 52 Register. All known anomalies are shown in each community file. They may or may not be resolved by evidential modification order process. The relationship between these two strands of work was discussed along with the resources available to address the issues and it was noted that MCC only has one Definitive Map Officer.

Members discussed whether the circumstances currently used to take a claim out of date order required review. The potential to reflect wider community benefit, as within the task prioritisation scheme, was discussed, possibly through consideration of the contribution of any claimed route to improved connectivity of the network, including higher rights and if there was particular pressure on parts of the existing network. Potentially such claims could take higher priority than those which did not significantly add to wider countryside access opportunities. However in discussion it was noted that any revised approach has to be both fair to existing applicants and practical to apply in an equitable manner.

Discussion also took place about how the process could be made more efficient perhaps by placing a much greater emphasis on the applicant to undertake the core research to support their claim. RR explained the steps that had already been taken to change the process with the claimant being advised and asked to provide more supporting information before submitting their claim. It was noted that whatever steps were taken on new claims the historic claims which were often accepted with limited evidence remain to be dealt with. SF suggested an independent person make a decision on historic cases. AU suggested this agenda item could be discussed at a future National Access Forum or Chair's meeting.

Action – RR and ML will reflect on the discussion and prepare a draft proposal for consideration at a future meeting of the LAF

6. Chair's report of Meeting of LAF Secretaries and Chairs 5 October 2017

AU and RR were present. AU said 16,000 responses submitted to consultation document. LAF's responses were considered as balanced submissions. No representative from WG was present. AU concerned the LAFs are getting pushed down the system. The next meeting is in Welshpool and fears that South Wales may be poorly represented. RR said NRW were present and are quite supportive of LAFs and see the meetings and their views, as important.

ST explained that NRW are very aware of the need to tread carefully, not to be too dominant and take away from the LAFs, but to support their autonomy.

RR outlined a recent liaison meeting between MCC and NRW which had been useful in discussing a number of key local access issues. NRW through its public forest estate is the largest manager of public access land in Monmouthshire and new ways of working need to be established. A further liaison meeting is shortly to take place to address more strategic issues.

PM expressed his personal view that he has found NRW 'obstructive' when trying to organise an event. IB felt the NRW website is not welcoming and seems to contradict 'open access'. Members also raised issues around NRW's communications. ST responded that she understood and confirmed she is not hearing anything new, as similar issues are being presented by other groups.

ST confirmed that NRW have the desire to work together to address local access issues and to help overcome their constraints of lack of staff and resources.

7. Future Work Programme

ML to circulate the Active Travel Consultation and informed the forum that a workshop will be held on 6 December 2017 in conjunction with this. Strategic Cycling Group. LAF members are welcome to attend.

Action – ML to circulate the Active Travel Consultation

Rights of Way Improvement Plan (ROWIP) needs to be the main focus and to be discussed at the next meeting.

Alternative Delivery Model – No final decision as yet. Progress to be reported to a future meeting.

AU asked if any sub groups need to assist in the ROWIP process. RR said she would confirm if this is needed or not.

Action - RR to confirm if sub groups needed to assist in the ROWIP process

8. Date of next meeting

To be arranged for end of January / early February 2018.

DRAFT