



Central Baptist Church, Victoria Road South, Chelmsford, CM1 1LN

MINUTES

May 4th 2010

2pm – 5pm

Present

Members:

Mick Brash (Chair)	John Victory	Kevin Ascott
Edward Dixon	Bob Drane	Alan Adcock
Norman Hunt	Robert Johnstone	

Observers:

Jeremy Squier
David Hitchman
Mags Hobby (Ramblers Association Essex Area Footpath Secretary)
Alan Sievewright (Ramblers Association)

Apologies:

Richard Tattersal
Hazel Jarrold
Nick Burley
Karen Fulcher

The following officers were present in support:

Jo Metson (RCCE ELAF secretary)
Garry White (ECC Definitive Map Manager)

		ACTION
1	Welcome and Introductions	
	Mick Brash welcomed all attendees. Jo Metson reported that Karen Fulcher had tendered her resignation from ELAF due to work commitments. Mick expressed his thanks for her service and will write to her to that effect. JM had	MB

	checked ELAF's constitution and it demanded that ELAF had no fewer than 10 and no more than 22 members. Presently we have 12 members so there is no need for an immediate replacement. However, MB appealed to all to keep a look out for potential new members.	All
2	Minutes of Previous Meeting	
	<p>The minutes of the March 2010 meeting were proposed as a true and accurate record by Robert Johnstone. Seconded by Kevin Ascott.</p> <p><i>Matters Arising:</i> KA had attended the blessing of the coastal path at Bradwell. He reported that it was very well done and a walk featuring the path had since been in the Daily Telegraph.</p> <p>MB and JM had written and sent out letters arising from the last two meetings.</p> <p>Bob Drane had received no response re Byway 13. MB to chase up.</p>	MB
3	Public Question Time	
	<p>David Hitchman brought to the member's attention the need for an investigation into equestrian crossing provisions in the Progress Road proposals on the A127. MB had written a letter last month to Paul Mattheson of Southend-on-Sea Borough Council stating ELAF's recommendations on this issue that he read out to those present. (Please see attachment 1)</p>	
4	Rights of Way Training Day	
	<p>MB invited members to attend the above event held by the British Horse Society at Writtle College on May 24th. Interested parties to let MB know.</p>	
5	Canvey Island Bridleway provision – Hansard report	

	<p>JM distributed copies of the report concerned to the public. Copies had previously been sent to members and officers.</p> <p>MB drew attention to the mention of LAFs and the important role they play.</p> <p>JV suggested, dependant on results of election, contacting Bob Spinks or new MP</p> <p>Action: Invite local communities to engage with ELAF. Inform local authorities that the Government expects them to consult with LAFs Contact relevant MP</p> <p>KA commented that LAF advice should be considered more highly than it is presently, no action is taken on our recommendations. He suggested writing to the cabinet minister expressing our concern over the lack of action being taken.</p>	<p>MB, JM “ “</p>
6	<p>Feedback from Natural England working group</p>	
	<p>The Natural England working group has reported on proposals for improving unrecorded public rights of way</p> <p>It was felt to be a good report but there is a danger it will be “cherry picked” to suit the needs of government.</p> <p>There is a real recognition of difficulties of the current process.</p> <p>ELAF would be pleased if the report was adopted in full.</p> <p>Garry White was invited to comment: Essex County Council’s procedures remain unchanged. There is no certainty that the report will be adopted, but it may not be a priority for a new Government.</p> <p>MB: The findings in the report may prove more cost effective to a new Government and therefore more attractive to them. All outstanding claims need to get be submitted as soon as possible.</p>	
7	<p>Feedback from Shoreline Management Plan stakeholder launch</p>	
	<p>MB had attended the launch of the SMP at Marks Tey. He reported there was a very good display, lots of maps etc. but Rights of Way issues appeared to be set in concrete already. ELAF had responded to the draft, drawing particular attention to the need for breaches to be looked at.</p> <p>No members had been able to attend the drop in sessions.</p> <p>Jeremy Squier stated that the farming community were trying to get a scheme underway so they can repair their own sea walls in the event of a breach. There is no clear explanation of what the definition of “maintain a secure wall” is within the SMP. Farmers’ biggest concern is that some areas will be ignored and the sea wall will be breached or worse and nothing will be done about it.</p> <p>David Hitchman suggested rather than “maintain a secure wall” a better definition would be “maintain a wall capable of use”</p>	

	<p>MB reported that this point had been made to the SMP and it was most likely a question of money. ELAF will await the final report and hope that they have taken our advice in to account.</p> <p>Garry White reported that Essex County Council Public Rights of Way representatives had attended the drop-in sessions and members of the public raised several issues including Rights of Way erosion and SMP had no solution. Another issue raised was whether the SMP covered soft cliff walkways, but it was concluded it only included man-made walkway. However there were very few questions at large. The closing date for consultation is 18th June and Essex County Council will be making consultation with them as there are questions that still need to be addressed.</p>	
8	Supporting England Access Forum	
	<p>JM distributed copies of a letter from Duncan Graham, England Local Access Forum Chair, regarding the necessity of LAFs having a voice at national level, and raising the profile of England LAF.</p> <p>KA stated the need for a united front and a consolidated voice to ensure LAFs are not picked off one by one, and asked if England LAF is a constitutional body? This was confirmed, they are funded by Defra and Natural England.</p> <p>MB wanted proposed a mandate for Essex LAF to write a letter of support to England LAF. KA seconded.</p>	MB/JM
9	Commons with rights for Horseriding	
	<p>MB reported that part of the CROW act preparations involved a survey of urban commons with the right to exercise and air including on horseback, this includes rights for sports and pastimes. A list of commons was compiled and now Defra and Natural England are trying to find out which ones are being used. A copy had been sent to DH as Commons rep.</p> <p>ELAF want to know if the County Council has a duty to publicise these rights, as not many know about them.</p> <p>DH asked if pedestrians have the right to any open track across commons if under cultivation under the CROW? It was not clear to the public.</p> <p>ELAF will write to Jacqueline Millward about how this information is publicised as it was felt it is important it is in the public domain.</p> <p>John Victory suggested this would make an interesting LAF article.</p>	MB/JM
10	Public Records Office research	

	<p>JV had researched Little Burstead, going as far back as tithe maps. It was part of the estate of Lord Petre and he now needs estate maps so further searching is needed.</p> <p>Alan Adcock asked if there was a precedent once land was fenced, but it was stated that there is no adverse possession and highway land cannot be acquired by encroachment.</p> <p>DH had a further example of encroachment and will email a photo.</p> <p>It was felt by members of ELAF that the same rules should apply to Highway land as PROW where there is an enforcement officer to ensure boundaries are not breached.</p>	<p>JV</p> <p>DH</p>
11	Annual Reports	
	<p>MB apologised that he was two years behind with ELAFs annual reports, partly due to the several changes in the secretariat in that time. He will work with JM to get them up to date as soon as possible. They will then be sent to Natural England and County Hall and published on ELAF's website.</p>	MB/JM
12	Hertfordshire LAF Conference	
	<p>JM read out an invitation to all members to attend the Hertfordshire LAF conference, and asked interested parties to let her know if they wished to go.</p>	All
13	Proposed diversion of footpaths in Elmstead	
	<p>JM distributed maps of this scheme to all, showing a footpath diversion to ensure a safer crossing on the A120. Essex LAFs usual position is not to get involved in footpath diversions unless users were at an impasse or there were conflicts of interest. This situation however reinforces the need to provide adequate representations to provide for vulnerable road users.</p> <p>When built, it was assumed that people would be able to safely cross these roads, but traffic flow projections fell sadly short. The Elmstead example could be used to show that ELAFs thoughts have value and should be listened to in the first instance. Highways and road improvement departments need to think much further ahead and provide realistic traffic flow projections.</p> <p>MB invited members to suggest ways that this could be achieved. JV stated that there must be a legal way as it is a legal issue to cut through any right of way and ELAF needs to lobby there.</p> <p>MB congratulated GW on negotiating successful changes in this instance and for drawing attention to the County Council that they need to be more forward thinking when planning new schemes.</p>	
14	Correspondence	
	<p>None received that hadn't already covered in the meeting.</p> <p>Letters had been sent on ELAFs behalf to:</p>	

	<p>Ian Bliss regarding the Essex and South Suffolk Shoreline Management Plan Consultation Robert Overall, Essex County Council, regarding the Progress Road improvements Cllr Hume Paul Mattheson, Southend Borough Council, regarding Sadlers Farm improvements</p>	
15	<p>Any Other Business</p>	
	<ul style="list-style-type: none"> • Obstruction of Footpath 54 / Retrospective PROW diversion under TCPA <p>Robert Johnstone brought to ELAF's attention the case of Footpath 54 which had been obstructed by a block of flats being built on it. RJ was involved in this through the local parish council who had objected to the development on the grounds of obstructing a PROW. A temporary diversion had been applied for. The flats are now built and occupied and a total of 7 temporary diversions had been issued until October 2009. There is currently no diversion in place, the ROW currently being through somebody's living room in effect!</p> <p>In February 2010 Colchester Borough Council approved a permanent diversion under the Town and Country Planning Act. RJ however believed that the TCPA could not be used retrospectively and asked for verification of this.</p> <p>GW confirmed this to be the case.</p> <p>The TCPA can only be used to facilitate. An objection has been made. This should go to the head of Environmental and Protective Services at Colchester Borough Council, and should end up with the Secretary of State.</p> <p>In a similar case in 2004, an order was refused as it was so badly drawn up and this one contains several mistakes too.</p> <p>RJ wanted to see an element of punishment, but fining the borough council would ultimately just affect the residents of Colchester. He suggested:</p> <ol style="list-style-type: none"> a.) PROW advise notes on planning to be adopted by all councils b.) Setting up a local access panel for PROW and local access similar to ones already in action for Highways in Colchester and 2 other boroughs c.) Making developers and borough councillors pay for a bridge to cross A12 by footpath 39 which is impossible currently. (ELAF cannot support this action) <p>RJ to forward further information to MB</p> <p>Action:</p> <p>ELAF will draw Colchester Borough Councils attention to planning guidelines and advice notes and emphasise the difficulties highlighted in them.</p> <p>(In ELAF's March meeting it was agreed that ELAF would write to all Chief Executives of Local Planning Departments in support of the Essex County Councils PROW department's advice note to be added to all planning application packs and add their logo to the document.)</p>	<p>RJ</p> <p>MB/JM</p> <p>MB/JM</p>

Attachments:

1. Letter to Southend-on-Sea Borough Council re A127 equestrian crossing provisions