

# Joint Local Access Forum

for the City of Bristol, Bath & North East Somerset and South Gloucestershire



## JLAF RIGHTS OF WAY COMMITTEE

*MINUTES of a meeting held on 30 January 2018 at the Community Room, Keynsham Library*

### PRESENT

Mark O'Sullivan (JLAF Chair)  
Ken Mill  
Chris Simpson

### APOLOGIES

Cllr Liz Richardson (Bath and North East Somerset)  
Peter Bird  
Andrew Gough

### MINUTES

1 It was agreed that this initial meeting of the Committee be chaired by Mark O'Sullivan. He welcomed members of the Committee, and introduced its work.

#### Background

2 Government funding had been cut by 40% in cash terms over the last seven years, and all local authorities were struggling. Rights of way had a low profile, and few among the public seemed even to have heard of the JLAF, while it was not mentioned in the pages of the Bath Chronicle and the Bristol Post. In this context it was unsurprising that public rights of way budgets had been cut. Good work had been done in the Rights Of Way Improvement Plan ROWIP 2012-16 – but that had made commitment to a review in 2015 which was only being undertaken now (and not, perhaps, with the required thoroughness), while the OutdoorsWest website was no longer being supported. Officers attending the JLAF meetings were not senior, and had no authority to respond to problems requiring additional funding.

3 It was clear that rights of way offered real benefits to the community at low cost, but that since the CROW Act this had gradually become little understood outside those directly involved. As a result real opportunities for benefit were being lost, there was growing duplication of effort, and (in a process which had been seen elsewhere) incautious financial constraint was giving rise to waste and inefficiency.

4 The JLAF had recognised this at its November meeting. It needed to demonstrate once more that its own goals coincided with those of the Appointing Authorities. It must show that it was not a nuisance getting in the Councils' way, but a partner armed with special expertise and knowledge, helping them to get where they wanted to be.

*The JLAF: improving outdoor recreation and sustainable travel*



5 To do that, it must show that it was effective, and was going in the right direction. It had made a start on the first, with the Work Plan approved at its November meeting. Now it needed to address the second. It was demonstrating its interest in taking up health issues, and was explaining its interest in economic development through tourism. Both these were significant issues for all local authorities.

6 But there were other issues for local authorities more directly related to its own concerns, related for example to traffic congestion, air pollution or community building. It had found in the past that the time available in a JLAF meeting was insufficient to explore these issues and prepare as a result really effective and practical advice to the three authorities. This meeting was an opportunity to consider whether looking in advance at some of these issues might enable JLAF meetings to be more successful.

### Initial thoughts

7 Chris Simpson noted that the Appointing Authorities continued to have difficulty finding landowners to join the JLAF. He opined that in his observation young people were not using footpaths as their predecessors had; another issue was damage done by riders on horseback. He also felt that more flexibility over diversions would be helpful to farmers. Ken Mill remarked that the balance of use of rights of way was shifting, with a higher proportion of cyclists than had formerly been the case; this echoed remarks recently made in the JLAF's Health Committee. He noted that some use had been made of web-based media by organisations concerned with rights of way, but there were real opportunities offered by the social media which had not been explored.

### Volunteering for maintenance of rights of way

8 Ken Mill remarked that a growing problem for the user of rights of way was a lack of maintenance, as the local authorities cut back their rights of way budgets. In discussion, agreement emerged that there was more opportunity for volunteers in tackling maintenance. There were volunteer teams for both the AONBs, and others sponsored by at least some of the local authorities and by Ramblers groups; it was clear that volunteering opportunities were not well publicised and that some people who would gladly volunteer were simply not aware of the arrangements. The results of volunteer work had obvious and important benefits to the community. But it was not just the results which were valuable: the very process itself expanded participants' skills and gave them good exercise in the open air with great benefits for their mental and physical health. This of course also fed directly into the local authorities' priority objectives in the public health field. It was clear that a significant opportunity for the JLAF was being missed here, and that it needed to be flagged up very clearly with the Appointing Authorities, and actively developed.

# Joint Local Access Forum



## Local plans and development control

9 Ken Mill suggested that one of the key issues at present was seeing that the expertise held by the JLAF was effectively shared, both with the local authorities and with other bodies. A key field here was planning. The public rights of way teams did their best to feed into the authorities' work both on local plans and on development control, but it was fair to say that the engagement of the planners was variable, both within and between authorities, and that attitudes were at present almost always driven by a feeling that harm needed to be minimised. This showed a sadly unambitious spirit. In fact, as was made clear by Defra's *25-Year Environment Plan*, launched on 11 January, the Government was now looking for "environmental net gain" from all development, and therefore would be expecting authorities to seize the opportunities offered by nearly all significant developments for the enhancement of the rights of way network, not merely its defence, through the intelligent use of planning conditions and agreements and of the Community Infrastructure Levy. The JLAF needed to engage directly with the planners in small groups to exchange visions and develop a common understanding of the important opportunities in this field. As time went on, the problems of traffic congestion and air pollution became more and more clear, and a significant modal shift towards walking and cycling would contribute very effectively towards resolving serious problems confronting the Appointing Authorities. Chris Simpson, however, was sceptical of the ability of the planners to resist pressure from developers.

## Priorities of the Appointing Authorities

10 It still remained the case, despite particular efforts in recent months to improve matters, that the JLAF was poorly informed of the priorities of the Appointing Authorities. So long as this was so, it would not be possible to expect the JLAF to be able to offer the best advice or the most relevant knowledge and expertise to support the three Councils in meeting their goals. It had been greatly helpful that Cllr Liz Richardson of Bath and North East Somerset had been attending JLAF meetings, and the JLAF Chair had recently met Cllr Peter Abraham of Bristol City, but better engagement with both of them and also with Cllr Keith Burchell of South Gloucestershire was essential if the best use was to be achieved of the time of JLAF members and of the resources the Councils put into supporting the JLAF.

## Conclusions

11 It was recognised to be unfortunate that several members of the Committee had been prevented, some at very short notice, from attending the meeting, so that the present group was a very small one. The Committee felt however that it had made useful progress and that the report of its meeting would be helpful to the JLAF in shaping future work.

12 The Committee recommended to the JLAF that it pick up the proposals examined by the Committee in relation to volunteering, planning, and the priorities of the Appointing Authorities. However, it considered that this meeting had not been functionally quorate for all purposes and that it was not therefore

# Joint Local Access Forum



able to appoint a Chair or to fix a subsequent meeting. However, if further members of the JLAF were prepared to commit themselves to the work of the Committee it believed that there was useful work to be done. This should be determined at the next JLAF meeting. If a positive decision there resulted, the Committee recommended to the JLAF that it be assigned the following Terms of Reference:

To advise the JLAF on:

- Particular issues about access to public rights of way, or to other urban footpaths or cyclepaths.
- The impact of maintenance or other management practices on the use of public rights of way, or other urban footpaths or cyclepaths.
- Points of potential significance in the network of public rights of way which may be affected, whether positively or negatively, by the details of particular planning permissions.

13 Mark O’Sullivan then stood down from the chair of the Committee, leaving it vacant.

## Support

14 It was still the case that the Appointing Authorities, despite a statutory obligation to provide reasonable administrative support for the JLAF’s work, had refused to support the Committee. The JLAF Chair continued to seek to resolve this problem.