

# **TELFORD AND WREKIN LOCAL ACCESS FORUM**

**Minutes of the Meeting held on Wednesday 20<sup>th</sup> January 2016 at 1.30pm  
at The Studio, Graham Building, Wrekin College, Sutherland Road, Wellington, Telford**

## **PRESENT:**

Cllr Liz Clare (Telford & Wrekin Council), Bob Coalbran (Wellington Walkers are Welcome), Paula Doherty (Rights of Way Projects), Anthony Francis-Jones (British Horse Society), Marion Law (Ramblers Association), Janet Mees-Robinson (British Carriage Drivers Association), Malcolm Morris (STROWP), Cadi Price (Severn Gorge Countryside Trust), Fiona Smith (Disability) and Gill Steed (Ramblers)

**ALSO PRESENT:** Ian Ross (Legal Services, TWC), Andrew Careless (Senior Rights of Way Officer, TWC), Ann Sharkey (Legal Assistant, TWC) and Jayne Clarke (Democratic Services Support Officer, TWC).

## **LAF-21      MINUTES**

Matters arising from the Minutes:

The Chair noted that in the previous minutes it was agreed that Planning/Development Control would be invited to speak at this meeting, but as there was considered to be more pressing items that this would be delayed until a future meeting.

Reference was made to LAF-12 and the Rights of Way Improvement Plan. A discussion took place regarding this item and it was agreed that the Plan would be put on the LAF page and the link circulated around to members of the LAF. It was also agreed that this would be put as an Agenda item for the 13<sup>th</sup> April meeting.

**ACTION - Rights of Way Improvement Plan be put on the LAF web page and circulated by AC  
- Agenda item to be brought to 13<sup>th</sup> April 2016 meeting**

**RESOLVED – that the minutes of the meeting held on 14<sup>th</sup> October 2015 be confirmed and signed by the Chair.**

## **LAF-22      APOLOGIES FOR ABSENCE**

Jim Roberts (Landowner), Angela Smith (Natural England), Bob Alton (Ramblers Association) and Jane Bonner (Wellington Cycling Club & Shropshire CTC).

The Chair announced to members that Bruce Udale, Landowner, had stepped down from the LAF and a new landowner was member was currently being sought.

The Senior Rights of Way Officer asked the Chair if he could approach the Homes and Communities Agency (HCA) with regard to fining a member with planning experience. It was suggested that Nick Ashcroft was the HCA contact.

## **LAF-23      BALI HI PUBLIC INQUIRY**

Due to the attendance of members of the Public and an Officer from Legal Services who wished to speak on Bali Hi, the Chair asked the members to agree to move Item 7 on the Agenda to Item 3. On being put to the vote it was unanimously:

**AGREED: that Bali Hi be moved to Item 3 on the agenda.**

Bali Hi had been put on the Agenda for discussion due to the cancellation of the Public Inquiry in order to report what had happened.

The Legal Officer addressed the LAF and explained that due to an error by his Team, the deadline for placing the advert required for the public inquiry had been missed. As soon as the error was spotted, the advert was put in the newspaper (30<sup>th</sup> December) but, because this did not allow the 4 weeks' notice which was required, the Planning Inspectorate decided that the inquiry should be postponed to a later date, suggested to be in July 2016.

Paula Doherty informed the LAF that written representations regarding Bali Hi had been made on behalf of the Ramblers.

Peter Croft, a member of the Public, spoke regarding Bali Hi which had been an issue for many years, but had come to a head during the last 5-6 years. Mr Croft attended at the LAF to see the kind of work which was undertaken by the Forum as he felt that Bali Hi had been dealt with by "stealth" and this and gone "under the radar" and not brought to the attention of the public. In 2009 the Ramblers had written in support of the proposals and it had been used as part of the evidence but they were against the 2013 order. Two paths in the village had been extinguished for "network improvements" and now the residents were to lose a further two footpaths without discussion but after consideration by the Senior Rights of Way Officer and one other person. He considered that no advice had been sought from Ramblers or other colleagues around the table. Mr Croft lived on the proposed route and the footpath had been used for 150 years together with other legal definitive lines and people had a right to walk them. He wanted the issues sorted but said that no informed decisions could be made if the facts weren't available and he felt that the 2013 Order had not been discussed.

The Chair informed the LAF that the Order would have been served on all Statutory Bodies, which included the Ramblers. The public could make representations on the Order. The LAF could attend at the public inquiry but had not put in any representations. The Chair considered that the pragmatic solution was not an extinguishment but a diversion. He also confirmed that he had removed the representations that he had previously put his name to.

Paula Doherty asked if this Forum was the right place for every extinguishment/ diversion order to be discussed as up to this point it had not been brought to the LAF's attention.

Marion Law said that she had heard Bali Hi mentioned occasionally for some years but became more aware at the end of last year when the Public Inquiry was announced but it had taken a long time to get through the system to this stage.

The Chair confirmed that not every order came through the LAF and in fact very few came to the Forum and that is not what the LAF was for. The LAF only had a role to play when orders became high profile. It was now for the Inspector to determine as this could not be agreed

locally over many years and had now become contentious. A lot of had gone on in the background but this was fed to consultees such as the Ramblers.

The Legal Officer confirmed that, in his view, the LAF was not the correct forum to discuss the detail and merits of particular diversions and extinguishments. In the case of Bali hi, these matters would be dealt with by written and verbal representations and this was not something that should be discussed whilst the public inquiry was ongoing. This particular diversion order raised a number of interesting issues which might be of relevance to the LAF and could be report back in due course. However, the Legal Officer understood and acknowledged that the diversion had generated concern on the part of people living alongside the proposed route.

Jan Mees-Robinson commented on the mistakes made by the Legal Department and said that she had also received a letter and amended Notice with a typographical error. She felt that these mistakes couldn't go on.

Cllr Liz Clare confirmed that there were a lot of dedicated officers, parish councils, members of the public, the LAF Members and volunteers involved with the footpaths and bridleways and although mistakes were made they were rectified quickly. She further commented that it would be interesting to see what criteria would be used within the inquiry and although disappointed that it wouldn't happen until July she felt at least something was happening and suggested that as many people attend at the inquiry and put their views forward.

The Legal Officer expressed his disappointment that Mr Croft had used the word "stealth" and that he had gestured towards the Senior Right of Way Officer when he was suggesting that the proper processes had not been followed. He added that Mr Croft was welcome to contact the Legal Officer who would allow him to look at the files and provide information if Mr Croft continued to have any doubts.

A discussion took place around the statutory consultees and who received the paperwork when an Order was made. It was confirmed that there were currently 17 consultees who received this information and that members of the public also obtain the papers directly. The Legal Assistant confirmed that any orders made were advertised in the local press and owners/occupiers were written to. A member of the public, Mr Andrew Vickers, commented "could you tell them two" and looked at the Legal Officer and the Senior Rights of Way Officer. The Legal Assistant continued to comment that they always contacted the people that it directly affected. Mr Vickers again commented that "these two don't bother" and again directed these comments at the Legal Officer and the Senior Rights of Way Officer. The Legal Officer pointed out that this diversion order had been applied for by the owners who were directly affected by the existing route, that the law provided for owners to make these applications and that the council had to respond to them. He added that the Public Inquiry would be the best forum for everyone to have their say and it was suggested that the outcome was reported back and the final decision circulated around to LAF Members. The Chair reminded the LAF and the public that the Council were only responding to their statutory responsibilities in making the order. The Legal Officer hoped that this discussion had been helpful and had cleared up any issues. The Chair thanked the Legal Officer and the members of the public who had attended at the LAF.

#### **LAF-24      CHAIRMAN'S MATTERS**

The Chair continued to liaise with the Senior Rights of Way Officer and act as a general 'clearing house' for issues raised by LAF Members and the public and had looked at

approximately 1,200 planning applications during the last year, a good number of which he had submitted comments on and 25-30 having serious concerns raised on the planning portal.

The Chair reported on a number of issues/projects:-

#### Blue Pig area Trench, Muxton Solar Farm, Chicken Sheds Chetwynd

With regard to the Solar Farm at Muxton, the haulage road was no longer going ahead.

The development at The Blue Pig, Trench showed access going down the incline plane and concerns had been lodged. The Senior Rights of Way Officer confirmed that he had raised these concerns with Development Control. The Footpath would be along a side road which would be widened to a width of 3 metres and the correct surface laid in order for multi-purpose use.

With regard to the Chicken Sheds at Chetwynd, it was proposed that the haulage route would be over the bridleway. The Senior Rights of Way Officer had requested that the diversion would be around the farm with off-road access or wider more frequent pull-ins and that the route to the south raised concerns regarding haulage and he wanted to make sure that rights of way users were not inconvenienced.

#### Definitive Map Update

The Chair confirmed that he had written a letter to the Managing Director expressing the concerns regarding the Definitive Map and the problems that this was causing, together with the duties the Council had and the issues that this could cause if the definitive map continued to be out of date. The Chair had received some very positive replies and he felt that his comments had been wholly taken on board.

The Senior Rights of Way Officer had also moved forward on this issue by putting together a business case whereby improving the definitive map and having this put on line both internally and externally would save the Council money as it gave people immediate access to the map rather than having to wait for the one Rights of Way Officer to answer their queries. There was a desire to have a definitive map in place as a cost saving exercise, to save money and make better use of officer time and resources. It was recognised that the team had to maximise its potential and use different practices and change how they worked. It would be helpful if Planners, Building Control and Asset & Property, as well as search companies could ask advice of any of the Highways Team and did not have to rely on just 1 officer. It was hoped that by integrating these services it would reduce risks.

A discussion took place around the business case, online maps, who would work on the maps and it was decided that this was not something the LAF could comment on as it was for the Council to decide if and how this project would be run. Due to all of this work and support for the business case the profile of the Definitive Map had now been raised and it was suggested that in order to keep the profile of this project to the fore that this project was regularly monitored and updates requested.

#### Steeraway Farm Diversion

The Senior Rights of Way Officer confirmed that the gates at Steeraway Farm had now been moved to make this right of way more accessible.

Jan Mees-Robinson informed the LAF that this right of way was currently a “river” and it couldn’t be ridden. She also informed the LAF that there was a gap in the stone between the path and the bridge that needed infilling with hardcore.

### UK Coal site

The Chair updated the LAF with regard to the UK Coal site. Dave Coxhill had been in touch to say that no progress had been made due to the weather. The restoration plan had been held up by the signatures, but that Jim Roberts had now signed his part and his issues had now been dealt with. The Senior Rights of Way Officer informed the LAF that the Company had now gone into receivership and an ex-Director of the Company had formed a new Company who had agreed to reinstate the rights of way back to how they should be. A meeting was due to take place in the spring in order to assess the state of the rights of way and what needed doing. Jan Mees-Robinson had received the minutes of a meeting of the Company held in December which gave a schedule that showed all works would be finalised by the Summer. She also raised a question as to why the Council had received the sum of £74,175 and if this was a rights of way payment. Cllr L Clare would make enquiries to find out what the payment of £74,175 from Anton Fix was for and where it had gone. Bob Coalbran confirmed that all of the walks were accessible. The Chair confirmed that these routes were not open legally despite them being walkable. The Senior Rights of Way Officer was due to meet to walk the routes to confirm their current state.

Jan Mees-Robinson asked who the Council’s Mineral Officer was. The Senior Rights of Way Officer was unsure, but would check and let Jan know.

- ACTION**
- **Cllr L Clare to make enquiries regarding the payment of £74,175 and report back her findings;**
  - **AC to make enquiries regarding the Council’s Mineral Officer and report back to Jan Mees-Robinson.**

### Lawley Development and bridleway by the Grazing Cow

The Senior Rights of Way Officer needed to meet with the Developers to discuss the work that was required on this route.

### Randlay Woods Rights of Way Issues

It was proposed to look at dedicating a number of rights of way the east of the Town Park within the inverted “L” shaped woods which met STROWP at the south.

### Council Dedication and Creation Orders

The Senior Rights of Way Officer confirmed that there were to be a number of routes that were being looked into for dedication on Council land, although some were contentious ie Apley Woods.

The Chair raised that Randlay Woods had been used for a number of years as a bridleway and there was no issue with regard to horses. He had checked the ownership and thought that it was within the Council’s land. The Legal Assistant said this would need to be checked thoroughly as there may be some pockets of HCA land and the Council could not dedicate without the permission of the HCA.

## Path Clearance Groups Update

The Senior Rights of Way Officer informed the LAF that he had been contacted by Jude Walker, T&E Shrops Path Maintenance Team Leader, who wished to meet with him as she keen to take over from Bob's work with the Ramblers.

Bob Coalbran reported that Jude Walker had also attended some Wellington Walkers are Welcome path clearance sessions to see what was involved. There had only been occasional sessions since the last LAF meeting due to the weather conditions. There were some exciting ideas coming forward with Wrekin Link and this would be reported at the next LAF meeting.

Cadi Price advised the LAF that the Severn Gorge Countryside Trust had a group of 15-20 volunteers to help groups ie "friends of . . .", groups outside of the Severn Gorge area and she had been working with Bob Coalbran and Chris Turley on 5 sites within Telford.

The Chair thanked Cadi for this work and wanted to get recognition for the Groups for their work keeping rights of ways open in all areas. This would also help to raise the profile of the Group and the LAF. The Chair suggested that the Groups send press reports in order that the Community could see the work that was being undertaken. Cadi Price suggested that facebook pages were used for publicity. The Senior Rights of Way Officer suggested that the Rights of Way internet page could also be used to show the work being undertaken, what had been achieved and the groups involved. Cllr L Clare suggested "Your Voice" and Marion Law suggested Walk Magazine.

Bob Coalbran reported that the work they had done with Dothill LNR had been put on the website when they helped to clear Tee Lake. He would like to publicise more work but struggled to engage with this. Bob was to liaise with Fiona Smith who had knowledge and contacts in this area.

## Apley Home Farm – Apley Castle

Bob Coalbran reported on the current position with regard to Apley Home Farm. There were 3 issues:

- Planning Application – Right of Way land disagreement about where this was located
- Finger Post and Sign Post not in place
- How would the Applicants be convinced this was a right of way if they were refusing to talk to the Senior Rights of Way Officer as they may have pulled down the way markers and blocked the gate

The Senior Rights of Way Officer had been looking at various approaches with regard to this development. S137 of the Highways Act could be used regarding the wilful obstruction and use of the highway. This would not be the first port of call as it led to a £1,000 fine. If this route was to be followed the Council would need to demonstrate that all other usual routes had failed. He also confirmed that he had not yet put up the new finger post, but was hopeful that this could be achieved during the next week.

A discussion took place around the DMMO and the rules which were a “test in law” to check if this route had been incorrectly mapped as a footpath, any other views or information were irrelevant at this stage. The DMMO affected 4 paths 77-81.

The Senior Rights of Way Officer was due to meet with Cllr Karen Blundell during early February to discuss the DMMO. He pointed out that this DMMO was number 81 on the register and although the process had been started the application currently lay inactive. Once the order had been made the consultees would be notified and given notice to respond. Once evidence and responses had been received it would then be decided if the order was confirmed or not confirmed. The making of an Order was by no means a foregone conclusion.

### Rocks on Hatch Lane

The Senior Rights of Way Officer informed the LAF that he had been intending to serve notice regarding the rocks at 4 locations on Hatch Lane. He had spoken to Jim Roberts regarding the rocks but only 1 set of the rocks were on his land. These rocks were too narrow. There was another way of rectifying this situation which would be to make a Traffic Regulation Order on this route which was across a bridleway and up a footpath. A future application could be made to deal with the access for carriage drivers. The boulders did serve a purpose which was to stop recurrent anti-social behaviour issues. A Kent Carriage gap or moving the boulders was the solution. Fiona Smith suggested that if the boulders were removed and gates put in that this would prevent costs and issues further down the line. The Senior Rights of Way Officer reported that Jim had admitted that he had put the one set of boulders there and it was his intention to serve a notice for this obstruction to be removed, although he wanted to prevent the reoccurrence of anti-social behaviour issues.

### LAF News

The Chair apologised that there was no copy of the LAF news circulated with the Agenda due to the Agenda being published on the 12<sup>th</sup> January and the Newsletter only being available on the 18<sup>th</sup> January. The LAF News had been circulated to all Members via e-mail on the 18<sup>th</sup> January.

### **LAF-25      MEMBERSHIP MATTERS**

Membership matters had already been discussed at LAF-22 – Apologies for Absence.

### **LAF-26      CURRENT PROJECTS - REVIEW**

Current projects had been discussed under Chairman’s matters.

### **LAF-27      REVIEW OF DEFINITIVE MAP MODIFICATION ORDER APPLICATIONS**

Ann Sharkey reported progress that had been made on the modification order application.

The DMMO numbers were taken from the on-line register.

There had been 75 applications on the list with 7 being added and 7 being determined in the last 12 months.

1. Highpoint, Little Wenlock, footpath addition- rejected due to insufficient evidence.

2. Festival Gardens to Dawley Road, footpath addition- intention was to make the order as the evidence was deemed sufficient by officers.
18. Footpath 18, upgrade to bridleway- considered with No's 4 and 15 as they are the same footpaths. FP18 is on the SCC side. There were s36 landowners declarations in this area, which are being reviewed.
5. Sylvan Close, footpath addition- order made 20 November 2015, objections received, Correspondence was being exchanged with the objectors. If the objections were not removed, this order would go to the Secretary of State for determination.
6. Paths 55, 56, 57 and 58, Little Wenlock, upgrade to bridleway- these paths were the subject of a creation agreement with Shropshire Wildlife Trust. Need to confirm map and horse access details.
13. Grange Lane, 3 routes, to restricted byway- owners have been consulted, replies were being reviewed. .
14. Court Road to Rough Park Way, upgrade to bridleway, 34) Footpath 143, Lees Farm, upgrade to bridleway, 35) Footpath 61, Halesfield 16, upgrade to bridleway- all in Madeley parish, dedicated by the Council, some parts owned by HCA who had agreed to create a bridleway, legal documents to be completed.
16. Cockshutt in St Georges and Wrockwardine Wood, 13 footpaths and non-status paths to bridleways- dedicated by the Council, deed completed. Further legal work required to amend definitive map
63. Town Park routes in parishes of Hollinswood & Randlay, Great Dawley, and Stirchley & Brookside, upgrade footpaths and non-status routes – dedicated by the Council, legal documents completed, apart from creation agreements by HCA, and further work for definitive map.

Bob Coalbran expressed concerns with regard to the status and situation of footpaths and bridleways within Limekiln Woods and Ercall Woods. He raised concerns regarding the overuse of the footpaths and the terrible state they were in.

The Legal Assistant confirmed that with regard to Ercall Woods, paths 55-58, Shropshire Wildlife Trust had agreed to create the orders. She also confirmed that the Wildlife Trust preferred that the surfaces weren't touched by anyone else and that they were happy for horses to use these routes as it encouraged wildlife.

Bob Coalbran raised further concerns regarding the Council's Cycling Map. Some routes were constantly muddy and a hazard to walkers. The Senior Rights of Way Officer advised Bob to contact Dom Proud regarding the issues raised.

The Chair praised the fantastic work that had been undertaken.

**LAF-28      ANY OTHER URGENT BUSINESS**

Benthall Edge – Cadi Price was pleased to confirm that there had been no further issues with the Cyclists and all had gone quiet following the work by Natural England and the Severn Gorge Countryside Trust.

Hutchinson Way, Lilleshall – Paula Doherty reported to the LAF that a large hole had appeared on the Hutchinson Way in Lilleshall. The Senior Rights of Way Officer was currently looking at this as it was a sensitive mining area built up at a steep angle of repose. The sink hole was 5-6m deep and it was hoped that he would attend the site with volunteers and camera equipment to establish if the area had washed away. The Council had responsibility for the top two feet but anything under that was the responsibility of the landowner, although it may be hard to serve a notice on a landowner as the entire structure may make up the Right of Way. A number of tunnels had collapsed over time and had been reconstructed at a cost of approximately £10-12K, this would not cause a problem, but if this was a deeper mineshaft this may prove different.

The Senior Rights of Way Officer would report back.

**ACTION – The Senior Rights of Way Officer to Report back.**

**LAF-29      DATE OF NEXT MEETING**

The Chair thanked everyone for their attendance and reminded the LAF that the next meeting would be held on Wednesday 13<sup>th</sup> April 2016 at The Studio, Graham Building, Wrekin College at 1.00pm for 1.30pm start.

The meeting ended at 4.16pm

Chair: .....

Date: .....