

Leeds Local Access Forum

Tuesday, 20th February, 2007

PRESENT: Mike Willison in the Chair

Councillor Clive Fox, Philip Maude,
Fred Hirst and Doreen Lawson

IN ATTENDANCE: Hannah Bailey, Governance Services
Joanne Smyth, Parks & Countryside
Roger Brookes, Parks & Countryside
Paul Bowers, Legal Services
Ken Bell, Legal Services
Hannah Rees, Neighbourhoods & Housing
Trudie Canavan, Neighbourhoods & Housing
Brent Brady, Neighbourhoods & Housing
Rob Kirton, Neighbourhoods & Housing
Richard Holdsworth, Highways

Four members of the public were also in attendance

17 CHAIR'S OPENING REMARKS

The Chair welcomed all those in attendance to the meeting of the Leeds Local Access Forum.

18 APOLOGIES FOR ABSENCE

Apologies for absence were received from Didy Metcalf.

19 MINUTES OF THE PREVIOUS MEETING

RESOLVED – That subject to the following amendment the minutes of the previous meeting held on 14th November 2006 be approved as a correct record:

Minute No. 7 (Rights of Way Improvement Plan) be amended to clarify that 91% of users *surveyed* were White British.

20 MATTERS ARISING

i.) Terms of Reference.

The Chair informed Members that the new statutory guidance on Local Access Forums in England had been published in the previous week. In light of this it was proposed that the terms of reference be amended to speed up the recruitment process in order to ensure that membership numbers never fall below ten. It was agreed that Joanne Smyth investigate the possibility of amending the terms of reference accordingly before the next meeting.

- ii.) Annual Report.
Following discussions at the previous meeting, Joanne Smyth reported that Member Portfolios had now been included in the Forum's Annual Report. The meeting heard that the report would shortly be published on the new designated Local Access Forum page on the Parks and Countryside website.
- iii.) Open Access.
The Chair reported that following the previous meeting he had sent a letter to the Chief Executive of Natural England regarding the Forum's dissatisfaction with the freezing of the block grant for the Access Management Scheme, as agreed. As no response had yet been received, the Chair informed Members he intended to follow the matter up.
- iv.) Parlington.
The Chair reported that, following the discussions at the last meeting regarding the objection from the Ramblers Association to the above-mentioned Order, the Association had written to Bob Buckenham, and the Chair circulated a copy of the letter. Joanne Smyth agreed to look into the issue prior to the next meeting.
- v.) Leeds Country Way.
Roger Brookes reported that public transport information was now included on both the Leeds City Council and Metro websites in relation to the Leeds Country Way.

RESOLVED –

- a.) That the amended Terms of Reference be submitted to the next meeting for approval;
- b.) That the issue of the block grant for the Access Management Scheme be investigated;
- c.) That Officers look into the outstanding objections relating to the Parlington Order and report back to Members at the next meeting.

21 GATING ORDERS

The Forum received four separate reports from the Director of Neighbourhoods and Housing concerning requests to implement Gating Orders at the following locations:

- a.) Carrholm Grove / Drive and Carrholm Mount / Road, Leeds 7;
- b.) Carrholm Crescent / View and Wensley View, Leeds 7;
- c.) Back Pasture Road, Harehills, Leeds;
- d.) Back Stratford Terrace, Beeston, Leeds.

Appended to the reports for information was a copy *The Highways Act 1980 (Gating Orders) (England) Regulations 2006* and *The Clean Neighbourhoods and Environment Act 2005 – Guidance Relating to the Making of Gating Orders*.

The following Officers from Neighbourhoods and Housing attended the meeting to present the reports and respond to Members' questions and comments:

Hannah Rees, Area Management Officer;
Trudie Canavan, Community Issues Officer;
Brent Brady, Alleygating Coordinator;
Rob Kirton, Burglary Reduction Coordinator.

Members heard that the Orders would have the effect of temporarily closing the public highway at the four sites by installing gates across footpaths / carriageways due to high levels of crime and anti-social behaviour in the locality. As a prescribed consultee in relation to the making of Gating Orders, the views of the Forum were sought.

Discussion then ensued around the following points:

- Crime statistics for the areas in question and how frequently these were updated;
- Whether any consideration had been given to improving lighting levels and removing overgrown vegetation as an alternative to gating off the public rights of way;
- How security keys for the gates were proposed to be distributed to local residents;
- Mechanisms in place to ensure that keys were not abused by individuals;
- The consultation process in operation and the need for it to be as thorough as possible to ensure that all local residents and relevant user groups were aware of the process;
- The practical need for the gates to be fitted but the conflict that this had with the aims and objectives of the LLAF;
- The difference between Gating Orders being made in urban areas to those in more rural locations that may lead to Greenspace;
- The power of the authority to revoke an Order should issues arise;
- The expected lifespan of a gate once fitted.

Paul Bowers, Legal Services reported that the draft orders would now be taken to the Joint Technical Board for further consideration. Legal Services would then advertise a Notice of Intention, which would have a 28 day notice period for objections. Should any objections be received from the Police, Fire or Ambulance Services, the matter would need to be reported to the Secretary of State. In all other cases, the Joint Technical Board would then have the power to make the Order. Members were informed that the final outcome of the four Orders would be reported back to LLAF in due course.

The Forum noted the information contained in the reports and raised no objections to any of the Orders, subject to Members' comments being noted by the department.

RESOLVED – That the contents of the report be noted.

22 DOG CONTROL ORDERS

The Forum received a briefing from Ken Bell, Legal Services, on the issue of Dog Control Orders. Included in the agenda papers were *The Dog Control Orders (Procedures) Regulations 2006* and *Dog Control Orders: Guidance on*

Sections 55 to 67 of the Clean Neighbourhoods and Environment Act 2005
issued by DEFRA.

Members heard that the new regulations had a broader scope than the existing Dogs Fouling of Land Act 1990, which only covered the fouling of land formally designated by the local authority. Under the new Act a Dog Control Order could be prescribed for any one of the following five offences:

- a.) Failing to remove dog faeces;
- b.) Not keeping a dog on a lead;
- c.) Not putting, and keeping, a dog on a lead when directed to do so by an authorised officer;
- d.) Permitting a dog to enter land from which dogs are excluded;
- e.) Taking more than a specified number of dogs onto land.

The Forum was informed that an Order could be made on all open land to which the public are entitled or permitted to have access (with or without payment.) Due to this, the LAF was named as a statutory consultee.

Members discussed the difficulty of defining 'access land' – for example in cases where a private landowner has given permission for the public to enter land or when a Public Right of Way runs alongside private farmland. It was not yet known who the Authority would task with designating what land would fall under the new act. Officers reported that the guidance surrounding the making of Orders was still out to consultation until later in the year, therefore a formal LAF response to the consultation would be requested at a later date.

RESOLVED – That the contents of the briefing be noted.

23 RIGHTS OF WAY IMPROVEMENT PLAN

The Chair informed Members that he had received a copy of a letter from the Chair of the Cumbria LAF to Barry Gardiner MP, the Minister for Biodiversity, Landscape and Rural Affairs, concerning the implementation of Rights of Way Improvement Plans (ROWIPs.) The letter, sent on behalf of the three Forums in Cumbria, Lake District and the Yorkshire Dales, was concerned with ensuring that there was adequate funding available to implement plans following publication and asked the Minister to encourage relevant government departments to ensure funding allocation was set aside.

The Chair reported that a covering email had been sent with the letter to request that the matter be brought to the attention of the Forum in the hope that similar communication be made to the Minister on this issue which was mirrored nationally.

Members requested Officers' views on the subject. Joanne Smyth addressed the meeting and informed Members that whilst there was a statutory duty for the authority to produce a ROWIP, there was nothing stipulating that the plan had to be implemented. In essence, the letter did not offer up any new information about the funding situation which was affecting local authorities around the country. However, in Leeds some monies had been set aside for Public Rights of Way and these were currently being tapped into. There was also some scope for linking works in urban areas of the city into the Local

Transport Plan, however it was acknowledged that this was not viable for all areas.

In view of this advice, Members agreed that the Chair should respond to the letter and offer the views of the Forum on the matter to the Minister.

RESOLVED – That the Chair write to the Minister for Biodiversity, Landscape and Rural Affairs, to offer the Forum’s views on the funding situation for the implementation of Rights of Way Improvement Plans.

24 DRAFT RIGHTS OF WAY IMPROVEMENT PLAN

Members received a draft copy of the Rights of Way Improvement Plan (ROWIP) for information. Roger Brookes informed the meeting that whilst some of the information had been reported to the Forum on previous occasions, the department would welcome any comments on this latest draft.

Members went onto discuss the following points in relation to the draft plan:

- The absence of any planning policy from the policy context of the plan, with reference being made to PPG17 (Planning for Open Space, Sport and Recreation) as particularly relevant;
- Whether an appendix of relevant Unitary Development Plan policies could be included in the plan;
- The benefits of addressing any cross-authority boundary issues in the plan, as Bradford City Council had done;
- The need to specify at 2.5.1 of the report that Part 1 of the Countryside and Rights of Way Act 2000 granted a general right of access to the public on ‘access land’ and registered common land *on foot*;
- The expected timescale for the ROWIP to remain in existence and in force;
- Progress being made on placing the definitive map on-line.

Officers reported that there were still several sections missing from the draft plan which would eventually be incorporated, including an action plan and a section on resource implications. These would be circulated to Members for comments in due course.

RESOLVED –

- a.) That the contents of the draft ROWIP be noted;
- b.) That Officers circulate outstanding sections prior to the next meeting of the Forum to allow Members’ to submit any comments.

25 KIRKSTALL FORGE - UPDATE

Members received a briefing note from Martin Sellens, Area Planning Manager, relating to the proposed development at Kirkstall Forge. The paper outlined the progress made in securing outline planning permission for the site, which was currently dependent on the signing of a Section 106 legal agreement regarding the delivery of a railway station as part of the package. Members also heard that the Section 106 agreement would secure a number of footpaths across the site which would be available for public use as permissive footpaths. However the public open space within the development

would be managed by a private company and would not be adopted by the local authority.

The Forum discussed the following points arising out of the briefing note:

- The location of a railway station at the development;
- The need to ensure that adequate monies from the Section 106 fund be allocated to footpaths;
- The siting of the development in the path of the newly re-launched Leeds Country Way;
- The hope that the public open space would be effectively managed by a private company.

RESOLVED – That the contents of the briefing paper be noted.

26 LOCAL DEVELOPMENT FRAMEWORK - UPDATE

A briefing paper from the Development department concerning the Local Development Framework (LDF) was circulated at the meeting for Members' information. The paper explained that the current Unitary Development Plan was to be replaced by the LDF which would provide a spatial planning framework for the use of land within the city.

Members briefly discussed the contents of the paper but felt on balance that it would be beneficial to delay further consideration until an Officer from the department was able to attend to give a fuller presentation on the issue.

RESOLVED –

- a.) That the contents of the outline statement be noted;
- b.) That full consideration of the matter be deferred until the next meeting.

27 ITEMS FOR THE NEXT MEETING

RESOLVED – That the following items be placed on the agenda for next meeting of the Leeds Local Access Forum:

- Annual Report 2006/07;
- Presentation from the British Canoe Union on the Rivers Access Campaign;
- Presentation on the Local Development Framework;
- Terms of Reference – amendments;
- Rights of Way Improvement Plan;
- Reappointment of Members.

28 DATE AND TIME OF THE NEXT MEETING

RESOLVED – That future meetings of the Forum be scheduled for the following dates to be held in the Civic Hall, Leeds at 6:30 pm (an informal gathering for members will commence at 6:00 pm)

Tuesday 15th May 2007

Tuesday 17th July 2007

Tuesday 9th October 2007

Tuesday 5th February 2008