

Report to Torbay Local Access Forum A.G.M. 24th July 2006

Presented by John Gibson on behalf of the Torbay LAF members

Members of the Torbay LAF are: Mrs P Doughty-Mortimer, Mr David Eeles, Mr John Gibson, Ms June Haywood, Mr Peter Huff, Mr Ken Robertson, Mr Mike Soper and Torbay Council's appointed representative is Cllr Ian Doggett. All of the lay members have walking and enjoying scenery & open spaces as their common interest.

The Explanatory Note, which accompanies the 2002 Statutory Instrument which sets out the Regulations under which Local Authorities[Appointing Authorities] establish LAFs, states simply:

The forums are required to advise about improvement of public access to land in their area for open-air recreational purposes.

This report covers the period from the last A.G.M., held on 25th July 2005, to today. As from the last A.G.M. this LAF the above-mentioned 7 lay members have served, no one has resigned and no one has joined during the last 12 months. No Chair or vice-Chair having been elected, on the resignation of Mrs Doughty-Mortimer from the office of Chair with effect from 5th August 05 - but not from membership of the LAF – members have met on 3 occasions in a sub-group to attend to the LAF's business, and once [24th May 06] to offer comment to Council Officers on the final draft of the ROWIP, as part of the Public Consultation.

LAF members recognise that it is essential to have a Chair – and a progressive one at that – in order to develop a successful LAF. Torbay Council's councillor representative throughout the past 12 months has been Cllr Ian Doggett – and LAF members take this opportunity to express our appreciation for his patience and support.

During the past 12 months, the Forum members' sub-group has concerned itself with the following matters:

- discussion of the University of Gloucestershire 'Review on LAFs'
- report on SW Regional LAFs Forum, held in Taunton
- participation in the Devon-wide LAFs Forum
- clarification as to Torbay Council's Cllr representative on the LAF

- responding to the Council's Transportation Plan + LDP
- responding to drafts of ROWIP, at different stages
- concern about TQ86 and BX/6
- concern that our membership has fallen below the minimum required
- report on meeting with Mr Yeo
- arrangements for this AGM

The members of this LAF wish to place on record the context in which we have striven to operate as a LAF:

1. Members see the role of the LAF as more than the prescribed " the job of the Forum is to give advice to the Council on strategic matters put forward to the L.A.F by the Council . "[which we understand to be the opinion of Council officers]. We look forward to working from Defra's recently revised Guidelines for LAFs + the awaited Handbook for LAF members[English Nature] due to be published this autumn.

2. Without the leadership of a Chair, it is difficult to make headway into the task for which LAFs were created, under the CROW Act, to fulfil. It also places a heavier burden on individual active LAF members.

3. Without the services of an independent Secretary – available to Minute etc meetings held at times convenient to LAF members – it means that the bulk of the secretarial duty is carried by members of the LAF sub-group. This situation also makes difficulties in terms of conveying to the Council the time & effort which members have put in, since meetings of the sub-group are not recognised, and travel expenses declined. It also understates the current actual workload of the secretariat.

This situation also erodes the energy which members would otherwise be spending in proposing developments and improvements to the public access facilities for whatever purpose, and networking with other local organisations promoting these objectives. LAF members realise that what the CROW Act established is much more than about RoWs.

4. During the past 12 months LAF members have found themselves in both the painful and distasteful situation - as Objectors to the Council's Extinguishment Order [re BX/6] - having to cross-examine the Council's RoW officer in a Public Enquiry. Whenever possible, LAF members want to work with Council officers, not be in public opposition to them. LAF members note that an objection has been made to the European Court of Human Rights regarding the process which led to the Inspector's

decision. On consideration of the objection, the European Court of Human Rights, has indicated that it has agreed to consider the case.

Torbay Council has also been supporting a landowner's application to have TQ86 extinguished – under a Modification Order. LAF members have objected to this, and a Public Enquiry is due to be held tomorrow – which again would have pitted LAF members against their A.A. had not the Council recently changed its stance to that of a neutral position. This has all involved Objectors – including LAF members - in a lot of work, at the time when the Council was in favour of closure.

Torbay Councillors[on 24th January 05] accepted the recommendation of officers not to re-open the ancient Brixham footpath known as the Fishermen's Way. Their decision has now been taken to appeal with the Planning Inspectorate.

LAF members also note that the closed section of the RoW/South West Coast Path which skirts Thatcher Rock is now into its 8th year of negotiations for a re-alignment of 150 metres of part of the whole section, and that the public is eager to walk what they can see on their maps is a public footpath. There is considerable exasperation over the length of the delays, and we hope that this will be reopened for public use before the next A.G.M.

LAF members are aware that officers have had difficulty in getting certain RoW maintenance works done satisfactorily, and hope that suitable contractors have now been appointed.

In November last year, I met with Mr Yeo [Strategic Director of Environment] to request that he reconsider Highways' decision not to investigate the adoption of the publically used footways linking Brixham's harbourside walk with the road running above – I have had no response.

5. ROWIP – Since the last A.G.M., this LAF has held only one formal meeting[on 24th May 06], which was to respond to the ROWIP document – as part of the public consultation process. LAF members have put in a considerable number of hours considering this document at its different stages. Some of the suggestions for additions/alterations/amendments to earlier drafts were adopted by Council officers. The 24th May meeting was an opportunity to put further amendments and to receive explanations from officers as to why some suggestions had been turned down. LAF members are agreed that the ROWIP is a reasonable working document and look forward to its implementation over the next few years. Officers' time & efforts in producing this document are recognised.

At this meeting, it came to light that Council officers have no records of Permitted Footpaths granted in the Torbay Borough. From the law-abiding public's point of view, they are simply concerned to know which paths/footways they can legally use – the O.S. map indicates both RoW & Permitted footpaths/bridleways – but clearly this demonstrates that the LAF[and its secretariat] needs to get a grip of the overall public access situation in Torbay.

6. LAF members are very much aware that the role of a successful LAF is much wider than concern about improving the RoW network. Our aim is to encourage those who have responsibility[in the public, private, and voluntary sectors] for public paths and areas open to the public to join/work with this Forum as an opportunity to enhance their aims. So we hope that Health, Leisure, Tourism, Sport & Recreational activities, Environment and Culture sectors will wish to participate, as well as those organisations which specialise in helping sick & disabled people.

The LAF gets a couple of mentions in the ROWIP, and also in the LTP2, but it is not yet regarded as sufficiently relevant by the compilers of the LDF to warrant a reference.

Nor, it appears, had either the compilers of the Torbay Walking Plan heard of us, nor those who planned the recent English Riviera Walking Festival. This is not encouraging.

7. The Forum was grateful to receive an invitation from the Secretary of the grouping of LAFs in the South West region to attend their first gathering last October. LAFs in the Devon & Cornwall area had their first meeting together in April this year – attended by Mrs Doughty-Mortimer and myself - which was a helpful occasion to be briefed on the select meeting in Bristol to review the progress of LAFs in England, and to be reminded of the regulations appertaining to LAFs issued by the Minister of State.

8. In conclusion

- need for a Chair, not be Council officer-driven
- express thanks to Hilary Winter + Bob Harvey[Devon-wide group of LAFs]
- await Defra's LAF Guidelines when available

John Gibson