



Buckinghamshire County Council

Minutes

BUCKINGHAMSHIRE LOCAL ACCESS FORUM

MINUTES OF THE MEETING OF THE BUCKINGHAMSHIRE LOCAL ACCESS FORUM HELD ON WEDNESDAY 4 NOVEMBER 2009, IN MEZZANINE ROOM 3, COUNTY HALL, AYLESBURY, COMMENCING AT 10.00 AM AND CONCLUDING AT 11.50 AM.

MEMBERS PRESENT

Mr J Elfes, in the Chair

Mr D Briggs, Mr P Challis, Mr N Harris, Mr C Hurworth, Mr A T A Lambourne, Mrs V Lynch, Mr J Coombe and Mr E Tamkin

OFFICERS PRESENT

Mr M Walker, Mr J Clark, Ms S Burchell and Ms J Woods

1. APOLOGIES FOR ABSENCE

Apologies were received from Brenda Jennings.

2. DECLARATIONS OF INTEREST

There were no declarations of interest.

3. MINUTES OF THE MEETING HELD ON 1 JULY 2009, TO BE CONFIRMED

The minutes of the meeting held on 1 July 2009 were confirmed subject to the following:

Annette Weiss appears in the attendance list as Annette Venters – change to Annette Weiss.

David Briggs was not recorded as being in attendance.

Page 3, Countryside Closer to Home, line 2 'National England' should read 'Natural England'.

4. MATTERS ARISING

The Chairman informed the Forum that he had written to the Cabinet Member for Transport regarding Grays Lane Bank. The Cabinet Member advised that Mr M Walker would consider this issue. The Chairman will keep the Forum updated.

5. RIGHTS OF WAY GROUP REPORT

1. Definitive Map Update

a) Recent public inquiries

Three public inquiries had been held and a hearing. One public inquiry concerned a long standing problem regarding the diversion of Public Footpath No. 12 Ickford. The route originally passed through several back gardens and this now runs outside the gardens.

A public inquiry was held into an Order to upgrade Public Bridleways Nos. 40 and 40A Great and Little Kimble and No. 62 Ellesborough to Byway Open to All Traffic. The County Council made the Order because it believes that there is sufficient evidence to show that the route carries public motor vehicular rights. During the course of the inquiry it transpired that notice had never been served on one of the major landowners in the area, the National Trust. The Inspector ruled that, despite the National Trust being fully aware of the matter, the County Council should serve notice and re-advertise the Order following the inquiry. The period for receipt of representations ended on 28 October 2009.

The Officer discussed the Drayton Parslow hearing and the Natural Environment and Rural Communities Act 2006 (NERC) and said that vehicular rights would be lost unless the exceptions in NERC section 67 are met. She highlighted that there was a case in Hampshire where an application was made before the cut off date but was not accompanied with all the evidence, which resulted the application being regarded as not duly made and therefore it did not meet the exceptions and motor vehicular rights lost.

A Member asked the Officer the process for diverting Public Footpath in Ickford. The Officer said that the public had been walking the diverted route for a number of years and that the farmer agreed to the diversion of the route.

b) Rights of Way applications in progress

The Officer advised that there are several applications waiting for a direction from the Secretary of State regarding the upgrading of the routes to Byway Open to All Traffic. Officers considered that the application were not duly made and asked that the decisions be reassessed with this in mind.

An application for a claimed footpath in Shabbington has been rejected and the applicant has appealed against this decision.

Applications for claimed rights of way based on user evidence are currently in progress, including claimed footpaths in High Wycombe and Whitchurch and claimed BOAT in Iver.

c) Village Green applications

There are currently nine village green applications in progress.

2. Maintenance Update

'Walking the paths in your parish'

This is a new initiative intended to get more people interested in walking and surveying paths in their parish so that maintenance or improvements on paths can

be identified. A letter will be sent to parishes and information included in the Parish newsletter.

3. Strategic Access Update

a) Creating new links

Naphill Riding Club has been very proactive in helping to identify and prioritise the more significant missing links in the bridleway network around Princes Risborough, Speen, Bledlow, Lacey Green and Great and Little Hampden. There will be a meeting with the landowner on November 17th at Great Hampden Estate Office.

Officers have met with Naphill Common Preservation Society. Subsequent to the meeting the group submitted a successful claim to Natural England for grant funding to renew their six interpretation boards.

Officers have met with Lane End Parish Plan Working Group and the Chiltern Society to develop an action plan for new walking and cycling routes around the village. Officers met with a local landowner to gain permission to clear an area of woodland on his land, which would provide an alternative route to the busy main B482 Marlow Road, and successfully negotiated a permissive path and sleeper bridge to link to networks severed by the road, linking the woodlands at Widdenton Park and Moor Wood. The route has already proved very popular as it diverts people away from the main road.

Officers are negotiating the relocation of a permissive bridleway across Moorend Common, Lane End. The bridleway would be diverted to a drier route away from the fragile acid grassland meadow and allow marshy ground to recover. The new bridleway will provide a better link in the fragmented bridleway network and the proposed surface will allow users a safer route between Lane End and Frieth. Work is due to start imminently to create the new route.

Officers have been working with the Lane End Conservation Group and the Chiltern Society to help identify the definitive footpath across Wheeler End common. The definitive footpath will be re-instated in late autumn/early winter and the path will be way marked.

Negotiations are ongoing with Paul Newman Homes at Valley Farm, Soulbury for a possible bridleway dedication west of the Leighton-Linslade bypass.

Officers have been working with a representative from the National Grid to dedicate a short section of their land near Caps Wood, Denham as a public right of way, for use as a bridleway.

Officers have been unsuccessful in negotiating a footpath upgrade to bridleway linking the communities of Jordans and Seer Green.

Part of the Swan's Way promoted route had been overgrown and almost impassable after wet weather. A bridge had also fallen into disrepair. Surface improvements have recently been completed and a new bridge installed.

A feasibility study has been undertaken regarding the Haddenham to Thame cycle route and it will be discussed at the Haddenham Local Area Forum on 9 December 2009.

Members discussed Lacey Green Bridleway 30 and it was commented that there is no statutory width for bridleways and that the path had been in existence for

approximately 50 years. It was highlighted that the width of the path is approximately 3 feet and has barbed wire fencing on one side. Officers have been trying to negotiate with the landowner to move back the landowner's fencing to widen the path. Members had a discussion regarding the compulsory purchase process and compensation. The Officer said that Officers firstly try to gain agreement but there are powers to compulsorily create a public right of way, which will trigger a public enquiry if there are objections.

A dead-end bridleway, fragmenting networks in Fulmer and Hedgerley, has been an anomaly on the definitive map for many years. The Council is looking to create a new section of public bridleway to close the gap.

A Member enquired how much these processes would cost. An Officer said that it would cost in the region of £4-5k to make an Order plus other associated costs such as the cost of any public enquiry and any compensation that might be payable.

b) Strategic developments

Officers met with Aylesbury Vale District Council in May 2009 to consider the impact on rights of way within the three proposed strategic development areas around Aylesbury.

The Weedon Hill and Berryfields developments are progressing.

Officers are considering the effects of proposals to upgrade the railway line running north from Aylesbury which is currently only used for freight, and the line between Bicester and Bletchley which is currently disused. The proposals form part of an East-West Rail link. A number of public rights of way cross the lines and there are concerns about safety and access as trains will run at up to 100mph. Officers have met with Network Rail's consultants to discuss options. Officers will keep the Forum updated on any developments. Viv Lynch advised Officers to contact her should they require any assistance from the British Horse Society.

Initial comments have been requested from the Rights of Way team regarding the Chiltern Railway's 'Evergreen 3' project which aims to reduce journey times between Marylebone and Birmingham Snow Hill by increasing line speeds to 100mph. Neil Harris advised that one of his colleagues was attending a meeting in London regarding the route and that he will report back at a future meeting of the Forum.

Action: Neil Harris

c) Open Access

Downley Parish Council is promoting Downley Common using an information sheet that has been developed by the Rights of Way team. The information sheet maps the open access common land and provides useful information about what is special about the common. The sheets are being displayed on parish notice boards and in local pubs. This template can be made available to any Parish Council with common land. The Forum was advised that Oxfordshire County Council has also adopted the template.

A Member suggested changing the word 'Country Code' on the information sheet to Countryside Code. Another Member also requested that Officers check the grid reference on the Downley Common information sheet.

With regards to Grays Lane Bank Open Access Land at Ibstone, the Chairman wrote to Val Letheren, Cabinet Member on 24 August explaining that no agreement could be reached with the owner to create physical access to the site, but advising that the land be opened up to the public for access on foot from the adjacent bridleway. An Officer advised that legal advice had been sought although there was no legal precedent on this issue. The Chairman asked if the Forum was fully supportive on this issue.

Action: The Forum agreed their support

d) Partnership Work

The Thames Path National Trail at Bourne End Marina and Spade Oak had been resurfaced with the Thames Path Preservation Trust contributing towards the cost.

An Officer attended the Chiltern Disability Focus Group hosted by Chiltern District Council, and regularly attended by Ed Tampkin. It was highlighted that this is a good opportunity for Officer to communicate and learn from disability groups of their requirements in the Buckinghamshire Countryside.

Officers have been working with the Chilterns' Conservation Board and Transport for Buckinghamshire to develop the Chilterns' Cycleway.

Officers are working with Transport for Buckinghamshire to support the Walk Wycombe project, which is linked to the online facility called walkit.com where walking routes and rights of way information can be obtained.

The Simply Walk target to increase the number of engaged walkers has been included in the County Council's Corporate Plan targets for the next four years.

e) Donate-a-gate

The scheme has attracted its 153rd donor.

f) Parish newsletter

The first parish newsletter was published in July and positive feedback received. Parish Councils have reported that they will link to the newsletter from their own websites, and are using some of the articles in their own newsletters.

6. LAF MEMBERS' REPORT

1. Walkers' Welcome Initiative

Ed Tamkin contacted Chesham Town Council and a working group was set up to consider the initiative. Over 400 signatures of support have been obtained.

The Chairman thanked Ed for all his efforts in this matter.

Members NOTED the information

2. Inter LAF meeting

John Coombe attended a meeting on 12 August 2009 with representatives from Slough LAF. It was highlighted that Slough only has one Rights of Way officer and it was suggested to members of Slough LAF that they should ensure regular contact with Officers at Buckinghamshire on rights of way matters.

Members NOTED the information

3. Fennels Wood Underpass

John Coombe raised this issue. An Officer commented that lighting within the underpass often gets vandalised and has been hugely expensive to continue to repair. It is the responsibility of the Highways Agency to maintain the lighting in question as the route passes beneath the M40 Motorway. It was suggested that Members might like to contact the local Area Co-ordinator from Localities Services at the Council suggesting a letter be sent to the Highways Agency.

Members NOTED the information

4. Walker's injured by cattle when crossing fields on right of way

This has been raised as a significant issue receiving much publicity in the national media. The NFU representative was not present at the meeting but David Briggs commented that the advice he had received was not to put up signs warning of the cows as it means an implied acknowledgment that the animals are dangerous and could be illegal by deterring members of the public from using a path. An Officer said that he would be attending a meeting of the National Rights of Way Review Committee and that David Blunkett was due to attend to advise of his own recent experience in this respect where he had been trampled by cattle whilst walking on a public right of way.

Members said that they would like to hear from the NFU in Buckinghamshire to see how they deal with this issue.

Members had a discussion regarding the number of injuries as a result of this issue and who might be liable suggesting that there are often issues around the farmer's responsibilities in such matters.

Action: Officers to report back to the next meeting and the NFU representative be asked to comment.

5. Regional LAF

A Member enquired if the LAF should have a policy on wind turbines and it was agreed that there was currently not a need in Buckinghamshire to have such a policy. Viv Lynch informed the Forum that she was attending a meeting in Milton Keynes regarding this issue and would report back at the next meeting of the LAF.

In relation to the example of an information leaflet for dog walkers provided by North York Moors National Park Authority, Members commented that they thought the leaflet was very good and that it should be adopted in Buckinghamshire. A Member commented that dog bins were necessary and another Member highlighted some concerns with the use of stereotypes in the cartoons. The Chairman asked if something could be included on the website and the Officer said this would be investigated.

Action: Viv Lynch to report back to the next meeting and Officers to draft a leaflet

6. Forestry commission

Members NOTED the information

7. Draft Defra guidance on the DDA in relation to gates and stiles

An Officer agreed to circulate a summary of the document to Members and to

draft a response if Members forwarded comments.

Action: Officer

8. Buckinghamshire Ramblers – 25th Anniversary

Members NOTED the information

7. ANY OTHER BUSINESS

The Forum was advised that as part of the Council's Medium Term Plan, the Rights of Way Group will be expected to absorb approximately £35k inflation. And potentially see budgets reduced by a further 5% which equates to approximately £50k. On top of this, the three year capital programme which equates to £150k a year comes to an end this year.

The Council's Transformation process could result in approximately 400 job losses within Buckinghamshire County Council. All Service areas are being looked at and the process is currently well underway. The principles of Transformation will reduce the number of 'managers' and support staff. How Transformation affects Rights of Way specifically is not yet clear. Consultation on Transformation issues with staff begins in December. Staff may be re-organised and required to apply for posts.

David Briggs advised that he attended a CLG meeting which was organised by a firm of rural solicitors, the purpose of which was to give advice to landowners on access issues. It was suggested that landowners only allow new access by permission whenever possible as this means the landowner remains in control. It was also suggested that if a more convenient path be installed, people are encouraged to use it and ensure the path has permissive access. The suggestion was that when, at some future date, the right of way was to be moved more people would support the application.

He said that there was a lot of discussion regarding the 20year rule and that the message was to 'manage your land'. Permissive access needs to be managed as it may turn into statutory access.

Discussion on this point followed and an Officer said that the Rights of Way Group is also an excellent source of advice on Rights of Way issues.

8. DATE AND LOCATION OF NEXT MEETING

31 March 2010, 10am, Mezzanine Room 1, County Hall, Aylesbury

Chairman