



# Buckinghamshire County Council

## Minutes

## *BUCKINGHAMSHIRE LOCAL ACCESS FORUM*

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**MINUTES OF THE MEETING OF THE BUCKINGHAMSHIRE LOCAL ACCESS FORUM HELD ON WEDNESDAY 9 MARCH 2011, IN MEZZANINE ROOM 1, COUNTY HALL, AYLESBURY, COMMENCING AT 10.02 AM AND CONCLUDING AT 12.38 PM.**

### **MEMBERS PRESENT**

Mr J Elfes, in the Chair

Mr D Briggs, Mr N Harris, Mr C Hurworth, Mr A T A Lambourne, Mrs V Lynch,  
Mr R Pushman, Mr J Coombe and Mr Caspersz

### **OFFICERS PRESENT**

Mr M Walker, Mr J Clark and Ms H Beevers

#### **1. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Brenda Jennings and Peter Challis.

#### **2. DECLARATIONS OF INTEREST**

There were no declarations of interest.

#### **3. MINUTES OF THE MEETING HELD ON 3 NOVEMBER 2010, TO BE CONFIRMED**

The minutes of the meeting held on 3 November 2010 were confirmed.

#### **4. MATTERS ARISING**

There were no matters arising.

#### **5. RIGHTS OF WAY GROUP REPORT**

Members had received the Rights of Way Group report.

The Officer provided the following update on the 'Definitive Map Update – Rights of Way Applications'

6. Since the report was published the application for the downgrading of a bridleway to a footpath in Ashley Green has been refused.

The Chairman invited questions on the report or Rights of Way issues.

Mr Pushman announced that he understood the County Council did not contest the report in relation to the Appeal of the Special Extinguishment Order – Piper's Corner School, Hughenden Parish. He said that the public have a right of way to go into the school grounds and that the Police have commented that this breaches the security of pupils. Ofsted had made reference to this point and asked why there couldn't have been a minor deviation to the path. Ms Beevers said that the County Council had made the Order and having considered all the evidence decided that diverting the route would not have made a difference. Mr Pushman said that the Council should have emphasised *deviation*, not closure of the route. Mr Walker said that the issue was discussed at length, it was a new piece of legislation and Officers were reliant on the tests as set out in legislation. The application had been to Public Inquiry and the Inspector had decided not to confirm the Order. To challenge the decision the Council would have to go to the High Court and contest the legality of the decision.

Mr Briggs said that the feeling of perceived safety of the pupils was an important issue and that Ofsted had taken this point into account. He said if strangers are able to walk around a site they will. Mr Pushman asked if it would have been easier to get the Order granted if the Council had made a diversion order rather than a closure Order. Mr Clark advised that it is not possible to divert a footpath onto an existing public right of way, which would have been the case here. Mr Walker commented that the threshold test for this legislation was high. Mr Briggs said that the Local Access Forum needs to encourage the County Council to look again at the decision and encourage change. Ms Lynch then added that it is a point of law which needs revisiting and that if it has happened at this school it is likely to happen at other schools and institutions. Mr Harris suggested that the school should improve their current security and then make another application. Mr Hurworth said that the Council should learn from the issues raised in this example and perhaps consult with schools before the submission on an application to increase the likelihood of the order succeeding. Mr Hurworth then asked if it was possible to carry out a closure under s118 Highways Act 1980. Mr Walker said that this was s118B of the Act and that Section 118 may be used if it could be shown the path was no longer needed for public use. He commented that Section 118B was designed for crime prevention.

Mr Clark took Members through the Rights of Way Operations Update and the Chairman invited questions.

Mr Pushman asked who was responsible for fallen trees as Appendix 1 mentions removal of 117 fallen trees. Mr Clark said that this was usually the landowner, but if it is on the highway it is the responsibility of the County Council as Highway Authority. He further highlighted that in some cases a balance needs to be struck between whether the Council chases the landowner or whether to carry out the works itself, as it can often be more expensive to chase the landowner.

Mr Pushman then asked who was responsible for maintaining stiles. Mr Clark said it is the landowner, but that the Council has a responsibility to ensure they were properly constructed and accessible.

Mr Lambourne enquired if the Council would be able to respond to matters raised by Parish Councils following the Walk your Local Paths initiative. Mr Clark said that 122 out of 195 issues reported had been processed and resolved. Mr Walker added that it is dependant on the issue raised as to whether it could be resolved, due to finances. Mr Lambourne said the communication regarding the matters raised was not good and asked if Parish Councils would receive a response. Mr Walker advised that all outstanding issues are logged on the Council's website. These are updated regularly and can be accessed there. He highlighted that Officers are not always able to keep

everyone informed by post as this can be time consuming.

Mr Briggs said he would like to congratulate the team as they have done a fantastic job with the numbers of matters resolved. He also commented that the website was very useful as it made it easier to report problems. He said that it was due to the hard work of the team that whilst it was easier to report problems the Council had the lowest number of outstanding problems recorded.

Mr Clark then took Members through the Strategic Access developments and provided the following updates:

#### Strategic developments

Wycombe and Winslow Area based staff will be moving back to County Hall, Aylesbury in June. Staff will be issued with laptops and be working more flexibly.

The Cabinet Member for Transport has committed £100k for capital projects and £75k for emergency works.

Mr Clark said that the Council had not been able to obtain certain GIS information from HS2 Ltd, but that the Council would be doing further work on the effects of the new line on footpaths and bridleways.

Mr Walker commented that Ms Taylor was likely to be the only team leader for Rights of Way and that the team had gone from 3 team leader posts to 1. He said that whilst funds are available for capital projects members should bear in mind that the service had lost posts following restructuring. Mr Pushman asked if this would result in more commissioning of work. Mr Walker said that Ringway Jacobs already carry out the work on the ground and highlighted that there will be increased pressure on existing staff.

Ms Lynch said that the BHS had also been trying to obtain the information from HS2 Ltd on the roads, footpaths and bridleways affected and asked whether the Council would be publishing this on the County Council website and when this information would be available. She commented that the consultation was already underway and highlighted the importance of this information to be able to respond to the consultation. Mr Clark said he hoped to publish this information on the website in the next few weeks.

Mr Pushman said that no environmental impact assessment had been carried out by HS2 Ltd., even though it had been promised. He said that the Chilterns' Conservation Board had been querying this. Mr Clark advised that the Natural Environment Team had completed an assessment for Buckinghamshire and that this was available on the website. Mr Elfes asked what input into the Consultation the Forum wanted to make? Mr Pushman suggested that the Forum should comment on the impacts on local access. Mr Clark said that a response from the Forum as an independent body would be good. Mr Walker suggested the possibility of a co-ordinated LAF response along the route. Mr Hurworth commented that agricultural access to various parts of land would be affected and said that some paths would need to be diverted. Ms Lynch said that the BHS will formally respond and each County Bridleway Officer would also be responding. It was also suggested that each individual BHS member responds. Mr Clark said he would provide the information on the effect on access along the route to all Members and asked that Members feed back their views to the Chairman. The response could be reviewed at the next meeting or at a special meeting if necessary.

#### **Action: All Members**

Mr Elfes asked whether the better financial position of the Rights of Way team meant the buy-one-get-one-free donate-a-gate scheme could be reinstated? Mr Clark said the Council did not want to commit itself at this stage.

## 6. LAF MEMBERS' REPORT

Members had received the LAF Members' Report.

Buckinghamshire County Council – Finance and Budgets.

Mr Pushman said that the Council has to make tremendous savings and thanked staff, commenting that Members appreciated that it was not good for staff morale to work under a constant threat of down-sizing.

Local Transport Plan (LTP) 3 consultation.

The Chairman responded to the consultation although there were no comments received from LAF Members.

**Members noted the response**

Chilterns' Conservation Board Access Conference, 3 March 2011

Mr Harris attended the conference and outlined the National Trust's Outdoors vision for the Chilterns and also presented this to the LAF. The key points highlighted were as follows:

How the National Trust takes forward its vision until 2020 will be done in phases.

Next 3 year vision:-

- People recognise us and join us as much for the work carried out in the countryside as for our houses and built environment
- Change in the way people see and support us both in terms of what we do and our relevance and appeal to a wider range of people.
- A shift from just 'conservation' to 'enabler' provide opportunity for people to experience and enjoy outdoors in way they want to
- A new more sustainable business case for our work at non pay for entry properties.

Why do people come to a NT site?

- Countryside
- Architecture
- Lots of opportunity for access – Bradenham is an ideal site
- Views
- Walks
- Tress – have beautiful woodlands
- New leisure – e.g. snowboarding at sites like Coombe Hill
- Geo-caching
- Den building

The key theme is going local and visiting village fetes to tell people what the NT is doing and what is on offer. It is also a good way to talk to local people.

Visitors are:

- Curious minds
- Explorer families

Walking, cycling and camping will be three areas which the NT will be looking at developing further.

There will be a walking festival in October 2011 and a series of local walks will be developed.

What will we be doing?

- Make the Countryside more accessible
- Provide great walking
- Generate income
- Conservation work

The Chairman thanked Mr Harris for his presentation.

#### Natural England Countryside Code Review

Members were referred to Appendix 2 and 3 and the Chairman invited comments. The following points were raised;

- It is difficult to know who the code is aimed at
- It does not appear a finished document
- Presentation not effective
- It is not plain English or easy to understand messages
- If it wants to say don't touch nests it should say it instead of a long paragraph about how "eggs and young will die soon without protection from their parents....."
- Birds are not mentioned again until the end of the code
- If want to say don't pick bluebells it should say it
- Litter is not mentioned until the end of the document
- It says to call the police if see a dead bird – why?
- It mentions farm animals – what about non farm animals
- Document says 'be prepared for the unexpected' but it doesn't mention any examples
- There is no structure to the document and it appears to be a series of statements
- The document is badly written on page 40 it says 'we have a duty of care' and on page 41 it changes to 'you have a duty of care'

Mr Briggs agreed to produce a response on behalf of the LAF. This will be sent to the Chairman and Mr Clark.

#### **Action: Mr Briggs**

#### British Horse Society Correspondence

Members discussed Appendix 4. Ms Lynch said that she was not sure what prompted this letter and commented that Bucks are supportive of issues for horse riders. Horse riders in Buckinghamshire have few complaints with the exception of missing links in the network. She said that the letter was just for information for Buckinghamshire.

The LAF was informed that, in Hertfordshire, the Council takes a default position that new Rights of Way would be bridleways rather than restrictive bridleway. Ms Lynch said that this was a good idea and said that she would like Bucks to adopt this approach. Mr Walker said that Buckinghamshire has a less rigid approach but, in practice, the first consideration is that any new route would be bridleway. He highlighted that Bucks had introduced many new bridleways as a result of this.

It was agreed that Bucks would continue operating as presently.

#### Traffic Regulation Orders on bridleways

Mr Hurworth enquired why the Council make pre-emptive Traffic Regulation Orders (TROs) to ban vehicular use following an order for a new byway being confirmed. He questioned this policy and asked if it sat comfortably with LAF Members, whose role is to encourage the use of countryside, not just to those whom we like to see in the countryside. Mr Walker said this is not Council policy.

The Policy of the County Council reflected a balanced view but, in some circumstances, Members do take a view that a pre-emptive order is something they might wish to pursue.

Mr Walker said that, generally, the making of TROs is not automatic and that it is only considered on the basis of sound and sustained evidence and not as a means to solve a one-off or short term problem.

Open Access – Chorley Manor Farm, near West Wycombe

Natural England is consulting on the restrictions at Chorley Manor Farm, as they expire on 19 May 2011. LAF views were sought to assist in deciding whether the restrictions are still necessary for the original purpose and if so whether the extent and nature of the restrictions are still appropriate for the original purpose.

The LAF were informed that the current restrictions are as follows:

1. Keep dogs on the fenced route; and
2. Walkers to keep to fenced route between 1 July – 1 February

Members were shown photographs and maps of the area. Following discussion Members said that both gates which had been removed should be re-instated and that the fenced-off Rights of Way be maintained at all times as photographic evidence showed this to be very overgrowth and inaccessible; and between February to July there should be access to the access land. It was also suggested that the access land be signposted from the roadside with a map in a clip frame on the entrance gate. It was felt that the landowner had been granted the restrictions, but had not acted in good faith as access appeared to have been restricted and that from the photographic evidence it would seem that there was an attempt to re-claim the land as private land. The general feeling of Members was that the landowner should be informed that the land is access land and that there had been agreement to trial the restrictions. The landowner had not met his obligations and that the LAF was minded to review the restrictions.

**Action: Mr Clark to draft a letter on behalf of the Chairman and for the Chairman to sign the letter**

## **7. ANY OTHER BUSINESS**

The Chairman invited the Member of Royal Borough of Windsor LAF to comment on his thoughts of the Buckinghamshire LAF. He observed that there appears to be co-operation around the table. He said that it was a return invitation and a Member of Bucks LAF was invited to observe a meeting of Royal Borough of Windsor LAF. Mr Coombe agreed to attend this provided the date was suitable.

Mr Clark highlighted that the South East LAF meeting was to be held on 7 April 2011 at the Friends Meeting House, Euston Road, London. Mr Elfes, Mr Briggs and Ms Lynch will be attending.

Mr Clark provided Members with copies of the Simply Walk leaflet. Mr Caspersz enquired if the project was run by BCC and Mr Clark confirmed that it was. Mr Caspersz enquired about the brief of the group and asked whether it could accommodate disabled users. Mr Clark said he could put Mr Caspersz in touch with Ms Broadbent, the officer responsible.

## **8. DATE OF NEXT AND FUTURE MEETINGS**

The next meeting is to be held on 6 July 2011, 10am, Mezzanine Room 1, County Hall, Aylesbury.

**Chairman**