



Buckinghamshire County Council

Minutes

BUCKINGHAMSHIRE LOCAL ACCESS FORUM

MINUTES OF THE MEETING OF THE BUCKINGHAMSHIRE LOCAL ACCESS FORUM HELD ON WEDNESDAY 17 JULY 2013, 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 A T A Lambourne, Mr J Coombe, Mr Caspersz and Mr G Thomas

OFFICERS PRESENT

Mr J Clark, Ms J Taylor and Mrs C Hudson

GUESTS PRESENT

1. APOLOGIES FOR ABSENCE

Apologies of absence were received from Neil Harris, Peter Challis, Chris Hurworth, Viv Lynch, Richard Pushman and Lesley Clarke OBE.

2. DECLARATIONS OF INTEREST

There were no declarations of interest.

3. MINUTES OF THE MEETING HELD ON 27 MARCH 2013, TO BE CONFIRMED

The minutes of the meeting held on 27 March 2013 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.

Claire Hudson took Members through the Definitive Map Update.

The following updates were provided:

- The Order made on 18 June 2013 regarding the application in Taplow to record the route from River Road to Amerden Lane as Public

Bridleway was referred to the Secretary of State for determination. However it has been returned stating that there was a flaw in the plan submitted. The application will now need to be re-advertised. All Parish Councils involved have been written to advising them of the situation. The old objections are not valid and objections will need to be made again.

- The Lower Winchendon application which was accepted by the Rights of Way Committee at its January meeting is at risk of challenge by the landowner. The issue will be presented to the Committee again in due course and the Committee will be asked to consider a rescindment under a point of law.
- An Order regarding Lane End was made. It will need to be referred to the Secretary of State as an objection was received.
- The application to divert Footpath No 7 was made by network rail.
- 52 objections were received in relation to an application to extinguish Footpath No 14. The recommendation to the Committee will be for the Order to be abandoned.
- Point 45 on the report should read Hughenden not Great Missenden
- The applicants of the land at Coppice Farm Road, Tylers Green, Penn now own the land

The Chairman commented that the law regarding Village Green applications was in the process of being changed. Clare Hudson advised that it would mean that a Village Green application could not be applied for if a planning application had been applied for.

The Chairman asked if the Forum could know the reasons why the applications under points 14 and 16 were rejected by the Committee. Clare advised that this was an Officer Recommendation. Members were informed that the Rights of Way papers were publicly available to view on the BCC website should Members wish to see the detailed information

Jon Clark then took Members through the Strategic Access Update.

A Member enquired if all the path diversions, extinguishments, etc., for HS2 would have to go through the same process as presently. Jon Clark advised that they would not as there would be provisions within the Hybrid Bill.

Jon Clark updated members on HS2. He said he was looking at longer diversions, further away from the line and that this work was progressing. Jon asked if all Members of the Forum wished to be consulted or just the HS2 working group on these proposed changes. The Chairman asked that all Members be consulted. Jon said that he would make up some draft maps and send them to Members.

Glyn Thomas advised that an application had been submitted to fund a new bridge and public access on land owned by Watermead Parish Council and that it was with Natural England to adjudicate. It was highlighted that the funding was from Natural England's 'Paths for Communities' fund. Jon advised that Watermead Parish Council was willing to dedicate the land for a bridleway.

Members had received a Summary of Maintenance Carried Out (Appendix 1 of the report) and a Maintenance Update was tabled (attached to the minutes).

A Member enquired about the terms of the Ringway Jacobs contract and whether everything had to be procured through the Ringway Jacobs contract or if smaller or

more specialist jobs could be carried out by other contractors. Joanne Taylor advised that everything has to be procured through the Ringway Jacobs contract.

The Chairman said the Forum should consider whether they thought the TUPE staff transfer was a good idea or not and what the effect if any would be on Rights of Way. Glyn said that he was concerned about who would be monitoring Ringway Jacobs. He said that Officers had expertise but that if they were TUPE'd to Ringway Jacobs they would not be in a position to be able to criticise or highlight any concerns they may have. The Chairman said that the Forum needed real assurances about the protection of Rights of Way and said that the Forum may need to lobby the Cabinet Member for Transport.

Alan Lambourne said that the County Council has a statutory duty to maintain the Rights of Ways and that they can contract this work out but asked how the County Council would ensure that the works were carried out to its satisfaction.

Following the discussions it was agreed that the Chairman would write to the Cabinet Member for Transport (who had responsibility for Ringway Jacobs) and the Cabinet Member for Environment (who had responsibility for Rights of Ways), highlighting concerns and seeking reassurances. It was also suggested that the issue of Parish path contractors be raised and to ask why Ringway Jacobs would not allow Parish Contractors to undertake rights of way work due to Health and Safety concerns. It was highlighted that Ringway Jacobs was the County Councils contractor and that if the County Council wanted to devolve services Ringway Jacobs should comply. Members did not feel that it was in the public interest to prevent Parish Contractors from undertaking the work and Members expressed deep concern that there needed to be a shield put up between the County Council and Ringway Jacobs.

Action: John Elfes

David Briggs enquired why the Chiltern Society volunteering hours had decreased. The Chairman commented that it may be an issue with the recording of the hours. Joanne advised that it was an interim figure and suggested that this be re-looked at next time.

Glyn Thomas queried the number of job sheets which appeared to have decreased from 1792 to 1631, but highlighted that the number of issues had increased from 799 in 2012 to 1150 in 2013. Joanne advised that the backlog of issues had increased and said that this was due to various issues such as the weather and staffing issues.

6. LAF MEMBERS REPORT

Members had received the LAF Members' report.

The Chairman advised that he had submitted a response to the Draft Environmental Statement on behalf of the LAF and that this would be circulated to Members (attached to minutes).

Alan Lambourne confirmed he attended the Waddesdon HS2 Community Forum meeting on 31 May 2013.

David Briggs, Glyn Thomas and Viv Lynch all attended the South East LAF Conference. David advised that a key theme of the conference was that it is sometimes difficult to maintain and manage open access if the landowner is doing something else on the land and that it is sometimes difficult for landowners to do the right thing. Glyn commented that it was highlighted at the Conference that the MOD did not insure land and that this is one of the reasons access to the land is restricted. Both David and Glyn commented that they felt the Conference was well organised

and interesting.

Gavin Caspersz advised that he is now a Regional Representative for the National Disabled Ramblers, with a role to promote the Chilterns. Gavin provided the following update:

- The Disabled Ramblers is a national organisation
- It is open to the public to participate
- There are 52 visits a year held
- Gavin is trying to get the organisation de-centralised so that there can be localised groups and that this idea has been accepted
- De-centralisation has started
- Gavin is a volunteer for Bucks and The Chilterns
- Bucks has got Stoke Mandeville Hospital and hosted the Paralympic Games
- He would like disabled rambling in the Chilterns to be promoted for tourism
- It may help to promote and publicise how well Bucks is doing in this area
- Gavin has been working with Jon Clark to create a list of routes, with the aim to publicise them on the website.
- The scheme improves upon the Simply Walk and 'Miles without Stiles' schemes where local people can get involved and just turn up without prior booking
- Some routes have been finalised and the focus is now on advertising them. This could also help to promote the LAF
- Gavin has identified, tested and graded 10 routes
- 50% are nearly ready to be classified as accessible routes

Members noted the Natural England correspondence and Glyn Thomas commented that Kevin Haugh had been very helpful with the application he had made for Watermead.

Jon Clark advised the LAF was a statutory consultee for Dog Control Orders. He said that Burnham Beeches were considering making an order and asked if Members would like them to attend a LAF meeting to discuss the issues. Members agreed that he should be invited to the November 2013 meeting of the Forum.

Action: Jon Clark

Jon advised that there had been some changes in staff and that he would circulate the Area Team Map to Members.

Action: Jon Clark

7. ANY OTHER BUSINESS

There was no AOB

8. DATE OF NEXT AND FUTURE MEETINGS

Members noted the next meeting date as Wednesday 20th November 2013, 10am, Mezzanine Room 1, County Hall, Aylesbury

Chairman

C. RIGHTS OF WAY OPERATIONS UPDATE (JOANNE TAYLOR)

49. The 'Summary of Works' is attached to this report in Appendix A, outlining work carried out by the Rights of Way Operations Team between 1st April 2012 and 31st March 2013. A verbal update will be provided.
50. The interim results for the May 2013 BVPI are now available. They are down for this time of year which will probably result in an overall reduction for the BVPI from 80% to approx 75%. The reason for the fall includes signposting, way marking and surface issues.

BVPI 2013 – Survey Results (interim figure)

2.5% Survey of the network showed

79% Paths Easy to use

96% Signs on Roadside

93% Structures Easy to use

51. Although we 'launched' the Community Money for Parish Path Clearance Fund in the parish newsletter, and have received requests for clearance money from a number of parishes, (to which we have agreed), we have not been in a position to push the fund as much as required due to the difficulty with financial management of the scheme and also management of Health and Safety requirements through the Ringway Jacobs Term Contract arrangements. However, we are working on these matters and we will be in a position (subject to allocation of budget) to 'sell' the scheme for next year's summer clearance in a more pro-active way.
52. Currently there are proposals for the Rights of Way Operations Team (7 officers) to be transferred over from the County Council's employ to the contractor Ringway Jacobs under TUPE (Transfer of Undertakings (Protection of Employment)) arrangements. A consultation with staff and the Union has been completed. Following on from this the Director of Service has now asked the Portfolio Members to make a Key Decision to transfer all the staff in TfB to Ringway Jacobs. The team come under Lesley Clarke, Cabinet Member for Environment. The transfer date which was originally 1st July, and was then set back to the 1st September is now set to occur on the 1st October 2013, subject of course to the Cabinet Members' agreement.

Buckinghamshire Local Access Forum response to HS2 Draft Environmental Assessment

The Buckinghamshire Local Access Forum is the statutory advisory body for all matters concerning access to the Countryside in Buckinghamshire.

Response to the HS2 Draft Environmental Assessment (DEA)

1 Introduction

1.1 The Buckinghamshire Local Access Forum (LAF) has had a strong interest in the consultation on the HS2 proposal. As well as discussion at its regular meetings, members have attended various Community Forum meetings; representatives have attended meetings convened by the Chilterns Conservation Board and Bucks County Council, and the LAF has had three unilateral meetings with HS2 representatives.

1.2 Bucks LAF members have a wide spread of backgrounds, and a range of views on HS2, which can best be summarised as “There may be a case for a High Speed railway in the United Kingdom, but there is no case whatever for routing it through the Chilterns AONB”. Regarding the AONB as a special case in no way reduces the need to treat all countryside in Buckinghamshire sensitively. There is much to enjoy and admire outside the AONB, and, indeed, the DEA itself rates the tranquillity of countryside outside the AONB higher than that within it¹.

1.3 We have taken the consultation exercise at face value, and have engaged with it in good faith, but it has to be said that it leaves much to be desired. The constantly shifting sand of multiple parallel discussions has left us highly unsure of the reliability of information or of the true position, particularly in the case of the maps.

1.4 The DEA itself is unsatisfactory in that it suffers from a constant underestimate of the adverse effects of the project, and a matching and unjustified hyperbole in the valuation of its environmental proposals. This is either dissimulation or hopelessly optimistic.

1.5 Given the LAF remit as the statutory advisory body for access to the countryside in Buckinghamshire, **this response is confined to the effects of the proposed HS2 railway on access to the countryside.** We do not propose to respond to the DEA paragraph by paragraph, but to put our concerns in a wider context.

¹ The LAF does not necessarily agree with this.

1.6 The main items affecting access to the countryside are:

- **The effect on the Rights of way network**
- **Visual and Sound impacts**
- **The effect on business**
- **Mitigation**

Comment on mitigation proposals made so far is also included in each section above.

2 The Rights of Way (RoW) Network

The Rights of Way network is the most convenient means of gaining access to the countryside. It is relatively cheap, and available to most of the population. It should not be tampered with unnecessarily.

2.1 The impact of the HS2 railway on Rights of Way in Buckinghamshire and the loss of amenity to residents and visitors, will be profound, both when completed and during the lengthy construction period. Indeed it is during the latter that the greatest impact will occur: it is when Rights of Way will be severed, and the network completely ruptured. We are concerned that during this period when well known routes, some widely promoted, are unusable that public interest in the network will diminish, and visitors will not return when construction is complete.

2.2 The underestimation of adverse effects made by HS2 Ltd is clear in its failure to acknowledge the value of the Rights of Way network. The network provides added value by the multiple choices it gives to users. This added value is ignored in seeking to limit expenditure by disrupting the network: for example by routing several RoWs over a single footbridge. It is not enough merely to be able to get from A to B, the full range of choices for users must be maintained.

2.3 Provision for the disabled: It is not clear what account has been taken of accommodating the needs of this group in when using RoWs. It is not clear that bridges will meet their requirements. We accept that disabled access to the RoW network is in its infancy in Bucks, but the project could give it a useful boost. It would be of most value where the HS2 line skirts towns and villages, since this is where the main usage is at present.

3 Visual and sound impacts

People visit the countryside to admire its beauty and enjoy its tranquillity, so that there can be no doubt that the visual and sound impact of HS2 will affect access to the countryside. It is impossible to judge what the full level of impact will be because it is not clear which of a variety of solutions has been applied in any individual case, or what their effectiveness will be.

3.1 Visual impact

The mere presence of the railway, its high speeds when in operation and its unavoidable intrusion into virgin areas will create an immediate impact. The inevitable and highly visible scars on a largely green environment will mar views across the country side. The effects will be worst during the construction phase when large areas of chalk will be exposed to support the operation and it will not be possible to restore this damage fully, merely to disguise it.

3.1.1 Structures : we consider that the design of structures is inappropriate in some cases, and that improvements are needed.

a) Footbridges

A case in point is that of footbridges to carry public rights of way across the railway. Their construction from spoil may represent a very slight environmental gain, but they would appear to be extremely bulky and obtrusive, to the extent that some residents² have declined the provision of a footbridge on the grounds that would be an eyesore. Similar concerns have been expressed by bodies such as the Chiltern Conservation Board. Bridges need not be eyesores: earlier railway engineers produced neat and sometimes genuinely elegant structures. It is inappropriate that the most expensive railway ever built in this country should contain sub-standard structures.

At this price (£40 billion and counting³), only the best is good enough.

b) The catenary system

This seems unnecessarily high, particularly when compared with the arrangements on the nearby west coast line. As some simulations in the published HS2 documents show, the superstructure will still be visible even when track and trains are well hidden. Its height also forces bridges to be built unnecessarily high, and therefore with bulkier and more visibly intrusive supporting structure. HS2 Ltd appear to be judge and jury in these cases since they hold that the visual impact of some bridges is justification for path diversions.

4 Effect on business

There will be considerable effects on businesses in Bucks. The statistics given in the DEA are a profound underestimate of the losses in both income and jobs which will result from the construction of HS2.

² Twyford, reportedly

³ A rumoured £50billion if it is to have actual trains: presumably as an optional extra.

- 4.1 For example Wendover relies on users of the Rights of Way network for much of its business – it is a tourist town. This is because so many walks and rides conveniently begin or end there and because the Ridgeway National Trail passes through the village, providing a useful break for its users, who will use local facilities. Disruption to the Ridgeway during construction will reduce the number of visitors, and affect businesses.
- 4.2 The concern of those who have built up a business reliant on Rights of Way users is not only the disruption during construction, but that, as already noted, users will not return to a marred network after such a long interval. Businesses will undoubtedly close, as some already have.

5 Mitigation

The information provided on mitigation early in the consultation process was unsatisfactory: piecemeal, grudging, and incomplete. The climate changed during the process and became more open, but, as noted in our introduction, we are still unsure about the true position at the end of the consultation.

5.1 Rights of Way.

The LAF aims to maintain the RoW network in a form as near as possible to its present diversity. We accept that some changes will be necessary if and when the project goes ahead. We are willing to compromise, but oppose changes that seem to be based solely on cost/profit considerations: as noted above, the project is far too costly to allow a botched job.

5.1.1 **Trackside diversions:** In many cases HS2 have proposed trackside diversions as an alternative to footbridges. These diversions - some over 1 Km - would be highly unpleasant to use, and about as far from the tranquillity people seek from country walking and riding as can be imagined. All diversions desired by the contractor to avoid building foot and bridle bridges should be routed as far from the trackside as possible, converging to the trackside only at the actual crossing point.

5.1.2 Road Bridges

All road bridges must have adequate footways whether or not they form part of a definitive Right of Way. Many users of RoWs are forced to use roads to fill in gaps in the network, and it is essential that this should be as safe as possible, particularly where the road ahead is obscured by the bridge structure.

5.1.3 New or modified roads

These should be provided with verges which can be used by walkers and riders. It is a long term aim of user groups to achieve this for all roads, so starting with this richly endowed project would provide a very small amount of “planning gain”.

Specific points are covered in Appendix A

6 Chilterns AONB

As noted in our introduction the LAF believes that all countryside is worth protecting, and all deserving of a high level of mitigation. Nevertheless, it is clear that a special case can be made for the AONB. This reflected in the high number of visitors, and the generally high and positive profile accorded by the public. Given the level of mitigation applied by HS2, it is clear that the only way to preserve the full integrity of the AONB is a bored tunnel across its whole width.

7 Conclusion

We conclude that the consultation was welcome, and was by no means a waste of time, but it was flawed. While we accept that this exercise was consultation and not negotiation, we also believe that consultation should always be meaningful. Only on publication of the full Environmental Assessment will we know how much meaning the process has had.

**John Elfes, Chairman,
Buckinghamshire Local Access Forum**

Buckinghamshire Local Access Forum

Response to the HS2 Draft Environmental Assessment (DEA)

Appendix A

CFA Report No 7, Colne Valley, p23, section 2.3.29, table 4

Provision must be made for off-road connection between DEN/2/1 and CSP/43/2 for the whole of the construction period

CFA Report No 9, Central Chilterns, p21, section 2.3.26, table 3

GMI/23/7 and LMI/21/1

The diversion to accommodate the twin tunnel portal at Mantles Wood must be confirmed, and must connect to the existing route through Mantles Wood, and not the longer diversion proposed..

GMI/13/3

The proposal to divert the route over the Northern portal of the South Heath green tunnel should be adopted, and the alternative via park farm overbridge dropped

GMI/2/1

Trackside routes are not acceptable, and the suggestion to divert via Havenfield Wood is preferred.

CFA Report No 11, Stoke Mandeville and Aylesbury, p24, section 2.3.27, table 4

SMA/5/1

We support the proposal for a new path on the north-east side of the HS2 route linking the current northern end of SMA/5/1 in the vicinity of Stoke House with SMA/6/1 and/or ELL/20/1.

FMA/1/1

We do not support trackside diversions

CFA Report No 12, Waddesdon and Quainton, p21, section 2.3.26, table 3

WAD/5/1

We oppose the deletion of the path, and support the proposal for a smaller diversion to bring the path on to Blackgrove Road at the southern end of the proposed overbridge across the HS2 route.

WAD/3/4

We agree that the entire length of the path should be diverted to meet WAD/4A/1 just north of Glebe Farm.

CFA Report No 13, Calvert Steeple Claydon Twyford and Chetwode, p22, section 2.3.28, table 4

SCL/7, SCL/8 and SCL/9

The proposals are unclear, and must be clarified before the final EA is published.

TWY/16/1 and TWY/17/1

We understand that villagers have objected to the proposed footbridge on visual grounds. While we feel that a better design of bridge might solve the problem, we agree to diversion under the viaduct. However, we cannot accept that the diversion should run at the trackside.

/Contd

CHW/24/2

We support the proposal that this bridleway should remain on, or close to, its current route, passing under Godington Viaduct No. 2 in preference to being diverted on to an offline overbridge.

CFA Report No 14, Newton Purcell to Brackley, p22, section 2.3.26, table 3

BHA/2/2

TUW/3/2

The diversion should be taken away from the HS2 boundary fence, despite the extra length.

11.7.13