



## BUCKINGHAMSHIRE LOCAL ACCESS FORUM

# Report

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**Date:** 20<sup>th</sup> November 2013

**Title:** Rights of Way Team update

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### A. DEFINITIVE MAP UPDATE (CLAIRE HUDSON)

#### Resources Appraisal

**Definitive Map investigations are statutory duties for the Council, funded through Place Service revenue budgets. Costs associated with Public Path Orders are, for the most part, recovered from applicants.**

#### The Purpose of the Report

The purpose of this report is to appraise LAF Members of the outstanding Definitive Map caseload undertaken by the Definitive Map Team and provide an update for matters previously considered by the Rights of Way Committee.

### **DEFINITIVE MAP APPLICATIONS DETERMINED BY COMMITTEE / ORDERS MADE**

1. **Great Missenden** – upgrading of Public Bridleways Nos. 52 and 55 (part) to Public Byways Open to All Traffic. The application was rejected by the Committee on 14 July 2006. The applicant appealed the decision and the Council was directed by the Secretary of State to make an Order for Byway status. An Order has been made and advertised. Objections to the Order have been received and the matter referred back to the Secretary of State for determination. **Public Inquiry held 1<sup>st</sup> to 2<sup>nd</sup> October 2013 and adjourned to 19<sup>th</sup> November 2013.**
2. **Great Missenden/Wendover** – upgrading Public Bridleways No. 1 Great Missenden and Nos. 45 and 61 Wendover to Public Byways Open to All Traffic. The application was rejected by the Committee on 14 July 2006. The applicant appealed the decision and the Council was directed by the Secretary of State to make an Order for Byway status. An Order has been made and advertised. Objections to the Order have been received and the matter referred back to the Secretary of State for determination. **Public Inquiry held 1st to 2nd October 2013 and adjourned to 19th November 2013.**

3. **Little Missenden** – upgrading Public Bridleway No. 24 (Featherbed Lane) to Public Byway Open to All Traffic. The application was rejected by the Committee on 2 March 2006. The applicant appealed the decision and the Council was directed by the Secretary of State to make an Order for Byway status. An Order was made and advertised on 20 September 2011. Objections have been received and the matter referred back to the Secretary of State for determination. **Public Inquiry held 6<sup>th</sup> to 8<sup>th</sup> August October 2013. The Inspector determined that the Order be not confirmed.**
4. **Little Missenden** – upgrading Public Bridleway No. 25 (Kingstreet Lane) to Public Byway Open to All Traffic. The application was rejected by the Committee on 2 March 2006. The applicant appealed the decision and we were directed by the Secretary of State to make an Order for Byway status. An Order was made and advertised on 20 September 2011. Objections have been received and the matter referred back to the Secretary of State for determination. **Public Inquiry held 6<sup>th</sup> to 8<sup>th</sup> August October 2013. The Inspector determined that the Order be not confirmed.**
5. **Little Missenden** – upgrading Public Bridleway Nos. 29/42 (Mop End Lane) to Public Byway Open to All Traffic. The application was rejected by the Committee on 2 March 2006. The applicant appealed the decision and the Council was directed by the Secretary of State to make an Order for Byway status. An Order was made on 21 June 2011. Objections have been received and the matter referred back to the Secretary of State for determination. **Public Inquiry held 6<sup>th</sup> to 8<sup>th</sup> August October 2013. The Inspector determined that the Order be not confirmed.**
6. **Stowe and Lillingstone Dayrell** – upgrading Public Bridleways No. 6 Stowe and Nos. 11 (part) and 12 Lillingstone Dayrell to Public Byways Open to All Traffic. The application was partly rejected by the Committee on 2 March 2006. The applicant appealed the decision and the Council was directed by the Secretary of State to make an Order. An Order was made on 10 May 2011. Objections were received and the matter referred back to the Secretary of State for determination. **A public Inquiry was held on 14 May 2013. The Inspector determined that the Order be not confirmed.**
7. **High Wycombe** – claimed public footpath between Sheraton Drive and Windsor Drive. The Committee accepted the application on 10 November 2010. An Order was made on 25 October 2011. Objections were received and the matter has been referred to the Secretary of State for determination. **A public Inquiry was held on 16 April 2013. The Inspector determined that the Order be confirmed.**
8. **Taplow** – application to record the route from River Road to Amerden Lane as Public Bridleway. The application was accepted by the Committee at its meeting on 7 December 2011. An Order was made on 18 June 2012. **Order remade and to be advertised.**
9. **Aston Clinton** - application to record the route from Weston Road to Public Footpath No. 28 as Public Footpath. The application was accepted by Committee at its meeting on 30<sup>th</sup> May 2012. An Order was made on 22<sup>nd</sup> October 2012 and one objection received. **Secretary of State determining matter by Written Representations – accompanied site inspection with Inspector scheduled for 30<sup>th</sup> October 2013.**
10. **West Wycombe / Downley** – application to record Cookshall Lane as part Public Bridleway, part Restricted Byway. This application was rejected by the Committee at its meeting on 21 January 2013, although public footpath rights were accepted. **Matter completed with a Public Footpath Creation Agreement.**

11. **Wendover & Halton** – application to record the route from Public Footpath No. 24, Wendover to Public Footpath No. 13, Halton as Public Footpath. **This application was rejected by the Committee at its meeting on 21st January 2013 and has not been appealed. Completed.**
12. **High Wycombe** – application to record the route from Burnham Close to Whitelands Road, High Wycombe as Public Footpath. This application was accepted by the Committee at its meeting on 21 January 2013. **An Order was made on 15<sup>th</sup> April 2013. Objections have been received and it is likely the matter will be referred to the Secretary of State to determine, probably at public inquiry.**
13. **Princes Risborough** – application to record the route from Elm Road to Bell Street, Princes Risborough as Public Footpath. **This application was rejected by the Committee at its meeting on 21st January 2013 and has not been appealed. Completed.**
14. **Lane End – drafting error of Public Footpath No 25.** This matter was accepted by the Committee at its meeting on 21 January 2013. **An Order was made on 4<sup>th</sup> March 2013 and one objection received and not withdrawn – matter referred to Secretary of State for determination, probably by written representations.**
15. **Beaconsfield** – application to record the route from Minerva Way to the junction with Public Footpath No. 15 and No. 16 as a Public Footpath. **This application was rejected by the Committee at its last meeting and has not been appealed. Completed.**

#### **DEFINITIVE MAP APPLICATIONS TO BE INVESTIGATED AND REPORTED TO COMMITTEE**

16. **Westbury (Route 1)** – application to record the route from Footpath No 14, Westbury (at the Oxfordshire county boundary) to Public Footpath No 11, Westbury as Public Footpath. The route is 90% in Oxfordshire. Investigation not started. Discussions have been held with Oxfordshire County Council with a view to their entering into an Agency Agreement with us in accordance with section 101 of the Local Government Act 1972 and to pay us, pro-rata, to undertake and complete the necessary investigations. **Agency Agreement currently under discussion – likely this case will be taken to next Committee meeting, early in 2014.**
17. **Westbury (Route 2)** – application to record the route from Footpath No 14, Westbury (at the Oxfordshire county boundary) to the route referred to in (19) below as Public Footpath. This route is entirely in Oxfordshire. Investigation not started. Discussions have been held with Oxfordshire County Council with a view to their entering into an Agency Agreement with us in accordance with section 101 of the Local Government Act 1972 and to pay us to undertake and complete the necessary investigations. **Agency Agreement currently under discussion – likely this case will be taken to next Committee meeting, early in 2014.**
18. **Westbury (Route 3)** – application to record the route from the junctions of Footpath No 303, Mixbury, Oxfordshire to Fulwell Road, Westbury as Public Footpath. Investigation not started. Discussions have been held with Oxfordshire County Council with a view to their entering into an Agency Agreement with us in accordance with section 101 of the Local Government Act 1972 and to pay us, pro-rata, to undertake and complete the necessary investigations. **Agency Agreement currently under discussion – likely this case will be taken to next Committee meeting, early in 2014.**

19. **Lower Winchendon** – application to record the route from Public Footpath No 10b to Public Footpath No. 3, Cuddington as Public Footpath. This application was accepted by the Committee at its meeting on 21 January 2013, but this decision was rescinded during the Committee meeting of 9 July. Case to be investigated from the start. **Investigation not yet started.**
20. **Iver** – application to record various routes across The Fields and The Clump, Iver as Public Footpaths. **Investigation not yet started.**
21. **Chepping Wycombe** – application to record the route from Elmshott Close to King's Wood as Public Footpath. **Investigation not started.**
22. **Bledlow** – application to record the route from Footpath No 49 to Bridleway No 55 as public footpath. **Investigation not started.**
23. **Edgcott** – application to record Lawn House Lane as a Public Footpath to Public Footpath 11 Edgcott. **Investigation not started.**
24. **Iver** – application to record route from Grange Way to Colne Orchard as a Public Footpath. **Investigation not started.**

#### **PUBLIC PATH ORDERS**

23. **Aylesbury** – Application to extinguish Footpath No 7(part) and Footpath 8 (part). **Objections have been received to Order therefore matter to be referred to Secretary of State.**
24. **Bradenham** – Application to divert Footpath No 7. **Still in discussion.**
25. **Coleshill** – Application to divert Footpath No 11(F) part. **Order made and no objection received. Landowner works awaiting completion and then Order will be confirmed.**
26. **Ellesborough** - Application to divert footpaths Nos.3 and 9 Ellesborough. **Informal consultation not started.**
26. **Gerrards Cross** – Application to temporarily divert Footpath No 11. **Order made and confirmed.**
27. **Hambleton** – Application to divert Footpath No 24 (part). **Order made and confirmed.**
28. **High Wycombe** – Application to extinguish Footpath No 27. Wycombe District Council planning matter. **Order made and confirmed by WDC. Awaiting developer works.**
29. **Leckhampstead** – Application to divert Footpath No 34. **Order made and confirmed. Completed.**
30. **Marsworth** – Application to divert Footpath No 3. **Order made on behalf of Aylesbury Vale District Council and no objections received. Awaiting landowner works and then Order will be confirmed.**
29. **Oving** – Application to divert Footpath No.1 Oving – **awaiting formal application from landowner.**

30. **Pitchcott** – Application to divert Footpath No 4 (part). Order made and objections received. **Secretary of State to determine matter by Public Hearing scheduled for 11 March 2013.**
31. **Quainton** – Application to divert Bridleway Nos 17 & 17a. **Order made and confirmed. Completed.**
32. **Quainton** – Application to divert Bridleway No 21. **Awaiting completion of works before Order can be confirmed.**
33. **Quarrendon** – Application to extinguish Footpath No 2. **Order made and confirmed. Completed.**
34. **Steeple Claydon** – Application to divert Footpath No 6. **Under discussion.**
35. **Thornborough** – Proposal to divert Public Footpath No 9. **Order made and confirmed. Completed.**
36. **Tingewick** – Application to divert Footpaths Nos. 10, 11 and Bridleway No 13. Order made and objections received. **Referred to Secretary of State who confirmed the Order. Completed.**
37. **Waddesdon** – Application to divert Public Footpath No 13(part) Waddesdon. **Order made and in formal objection period.**
38. **Westbury** – Application to extinguish Footpath No 14 (Special Schools). Order made. Objections received. **Matter referred to Committee and it was determined to abandon the Order. Completed.**
39. **Whitchurch** – Application to extinguish Footpath No 4 (part). **Within initial informal consultation period.**
39. **Winslow** – Application to extinguish Footpath No 5. **Order made and no objections received. Awaiting landowner works ahead of confirmation.**

#### **PUBLIC PATH CREATION AGREEMENTS**

40. **Edgcott** – Bridleway Creation (BCC Land). **Head of Legal and Democratic Services instructed to complete.**
41. **Edgcott** – Bridleway Creation (ERC Land). **Awaiting go ahead from ERC to proceed.**
42. **Westcott** - Footpath Creation. **Head of Legal and Democratic Services instructed to complete.**
43. **Gerrards Cross** – Footpath Creation. **Head of Legal and Democratic Services instructed to complete.**

#### **VILLAGE GREEN APPLICATIONS**

43. **Gerrards Cross** – land at Lower Road. A Public Inquiry was held 3<sup>rd</sup> – 5<sup>th</sup> April 2013 and the Inspector recommended the application be rejected. **Matter referred to Committee and it was determined to reject application. Completed.**
44. **Iver** – land at The Fields and The Clump. **The application is being investigated.**

45. **Hughenden** – land at The Field, Bryants Bottom. **Application advertised and objections received. Likely to need public inquiry before referral to Committee.**
46. **Beaconsfield** – voluntary registration of the land at Hampden Hill. **Awaiting ownership confirmation from Town Council.**
47. **Penn** – land at Coppice Farm Road, Tylers Green, Penn. **Applicants purchased the land and voluntarily registered the land as a Village Green. Completed.**
48. **High Wycombe** – land at Meadow Close, Wycombe Marsh. **The application is being investigated.**
49. **Wooburn** – land off Cherwell Road, Bourne End. **Waiting investigation.**

**For further information please contact: Claire Hudson on 01296 383425.**

## **B. STRATEGIC ACCESS UPDATE (JONATHAN CLARK)**

50. A total of 50 planning applications have been commented upon by the Strategic Access Officer since the last meeting, distributed between authorities as follows: Wycombe 10; Aylesbury Vale, 27; South Bucks 4; Chiltern 6; and Bucks County Council 3.
51. The Strategic Access Officer has had no further meetings with HS2, since the LAF-HS2 meeting in Wendover. The 2<sup>nd</sup> version of the Bucks Blueprint is being drafted which will inform the petitioning process in Parliament.
52. The Rights of Way team use a Geographical Information System (GIS) called Countryside Access Management System (CAMS). This is an electronic map and linked database listing all rights of way and their structures (stiles/gates), and the maintenance and enforcement attached to those paths. It is about to be upgraded and it is hoped that with a small additional payment, the footpaths, bridleways and structures can be made available on the website. Users would be able switch on and off certain layers such as promoted routes and structures, which is particularly useful for walkers with less mobility planning stile-free walks or disabled access walks in the countryside.
53. Following several Freedom of Information requests and formal complaints to the council, it has been decided all Rights of Way GIS mapping data should now be available to the public on the website. This is via what is called an 'Opendata' licence, similar to that provided by other Local Authority rights of way teams. This will enable, for example, developers to download precise information onto their plans in order that rights of way can be accurately mapped and compared against development proposals. It is likely to be useful to landowners wish to make Highway Act 1980 s31(6) applications and also by a specific private company wishing to promote walking nationally.
54. The Haddenham & Thames Safe Walking and Cycling Group have successfully made a £10K application to the Local Area Forum to fund the purchase and installation of around 25 new gates to replace stiles on the 'Wychert Way' and spine routes out to the circular walk around Haddenham. Also through this group, the Strategic Officer is investigating a possible new permissive path around the Haddenham Airfield to avoid pedestrians having to use of the verge alongside the A418 in order to connect more conveniently to the network of paths around Notley Abbey.

55. Several meetings have taken place with Network Rail to discuss RoW crossings of the East West Rail corridor between Bletchley and Bicester, via Winslow, and between Calvert Green and Aylesbury. All RoW 'at grade' crossings of the line are being closed and diverted to new or existing bridges or underpasses. Specific crossings to be reviewed on the Milton Keynes to Bicester line include: Lower Horwood Footpaths 20 & 19; Swanbourne Footpaths 1 & 17; Winslow Footpaths 6 & 5; Addington Footpath 12; Middle Claydon Footpaths 4 & 6; Twyford Footpaths 4, 3 & 2; Charndon Footpaths 4 & 3; Poundon Footpath 2 and Marsh Gibbon Footpath 5.
56. There have been 7 new Donate-a-Gate donors since July 2013, taking the total number of donors to 278.

### **C. RIGHTS OF WAY OPERATIONS UPDATE (JOANNE TAYLOR)**

57. A 'Summary of Works' is attached to this report in Appendix 1, outlining work carried out by the Rights of Way Operations Team between 1st April 2012 and 31<sup>st</sup> October 2013.
58. The Rights of Way Operations team has six members: a Team Leader, three Rights of Way Officers and two FTE Assistant Rights of Way Officers. These officers were TUPE transferred (Transfer of Undertakings (Protection of Employment)) from the 1<sup>st</sup> October 2013 into the employ of the County Council's principle highways contractor Ringway Jacobs.
59. The team has had a 0.5 FTE vacancy for an Assistant Rights of Way Officer since Rebecca McNaught went on maternity leave last spring. Unfortunately, recruitment for a temporary person to fill Rebecca's post has been delayed due to the transfer of staff into Ringway Jacobs. However, it is hoped that a green light for recruitment will be given shortly – Rebecca is on maternity leave until June 2014.
60. At the last meeting of the Forum in July, it was reported that the interim results for the May 2013 BVPI were available, but they appeared to be slightly down for the time of year, which could mean an overall reduction for the BVPI from 80% to approx 75% for 2013. The November survey is ongoing with results available by January/February 2014.
61. BVPI 2013 – Survey Results 2.5% figure May 2013
- 80% Paths Easy to use
  - 96% Signs on Roadside
  - 93% Structures Easy to use
62. Summer Clearance - Extra clearance crews were employed both north and south from June to October, first cut, and second cuts, where these were necessary, are now completed. Total for clearance so far this year is 293 kilometres; this includes all scheduled annual surface clearance and other overgrowth.
63. Other significant works carried out this year include two large replacement bridges, two surface repairs and a flight of steps replaced on the Ridgeway in Princes Risborough. Other works planned to be completed within this financial year (up to April 2014) include two more surface repair jobs in the south of the county and replacement of two further bridges in the north of the county.
64. It is believed that the recent storm that swept across the country at the end of October brought down a large number of trees. Indeed, the Operations team

received 45 complaints from the public and residents reporting obstructions and or dangerous trees/branches across or over paths within a few days of the event. It is still too early to tell how this will affect the team's work load, but it will be necessary to prioritise incoming reports that record a potential hazard and attempt to deal with these as swiftly as possible. Where necessary the landowner will be contacted and told to remove or make safe trees that are part of a boundary line.