



BUCKINGHAMSHIRE LOCAL ACCESS FORUM

Report

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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

A. MATTERS PREVIOUSLY DETERMINED BY COMMITTEE

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 was made and advertised. Objections to the Order were received and the matter was referred back to the Secretary of State for determination. The County Council did not support the confirmation of the Orders. Public Inquiry held; Orders subsequently confirmed with modifications which were advertised between 15 January and 12 February 2014. **Written representations were requested in relation to the objections to the modifications. We await further instruction from the Secretary of State.**
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 was made and advertised. Objections to the Order were received and the matter referred back to the Secretary of State for

determination. The County Council did not support the confirmation of the Orders. Public Inquiry held; Orders subsequently confirmed with modifications (including bridleway 45 Wendover being excluded) which were advertised between 15 January and 12 February 2014. **Written representations were requested in relation to the objections to the modifications. We await further instruction from the Secretary of State.**

3. **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 subsequently made on 18 June 2012; objections received and Order referred to Secretary of State but it was deemed to be flawed. A new Order was made and advertised. Objections to the Order have been received and the matter has been referred to the Secretary of State for determination. **A public inquiry was held on 27 August 2014; the Order was subsequently confirmed with modifications which didn't need further advertisement.**
4. **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 15th April 2013. Objections have been received and the matter has been referred to the Secretary of State for determination. **A public inquiry was held on 1 October 2014; we await the decision from the Secretary of State.**
5. **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 12 February 2014. **An Order has been made and advertised. Objections have been received therefore the matter will now be referred to the Secretary of State for determination.**
6. **Radnage** – drafting error of Public Bridleway No. 3. Committee are requested to decide whether on the balance of probabilities, whether there is sufficient evidence to suggest that bridleway 3 is shown incorrectly on the Definitive Map and should be modified so that it continues along an enclosed track to the County Boundary with Oxfordshire. **Order was confirmed. CASE CLOSED.**
7. **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. Discussions were 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 to enable us to undertake investigations on their behalf. **This application was accepted by the Committee at its meeting on 9 July 2014. An Order will be made imminently.**
8. **Westbury (Route 2)** – application to record the route from the junctions of Footpath No 303, Mixbury, Oxfordshire to Fulwell Road, Westbury as Public Bridleway. Discussions were 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 to enable us to undertake investigations on their behalf. **This application was accepted by the Committee at its meeting on 9 July 2014. An Order will be made imminently.**

B. DEFINITIVE MAP APPLICATIONS TO BE INVESTIGATED AND REPORTED TO COMMITTEE.

9. **Iver** – application to record various routes across The Fields and The Clump, Iver as Public Footpaths. **Matter being investigated and will be presented to Committee in the near future.**
10. **Chepping Wycombe** – application to record the route from Elmshott Close to King's Wood as Public Footpath. **Committee determined to accept the application during its meeting of 15 October 2014. An Order to be made.**
11. **Bledlow** – application to record the route from Footpath No 49 to Bridleway No 55 as public footpath. **Investigation not started.**
12. **Edgcott** – application to record Lawn House Lane as a Public Footpath to Public Footpath 11 Edgcott. **Investigation not started.**
13. **Iver** – application to record route from Grange Way to Colne Orchard as a Public Footpath. **Investigation not started.**
14. **Hedgerley** – application to upgrade Public Footpath No. 14 to public bridleway status based on historical evidence. **Investigation not started.**
15. **Bledlow** – application to investigate the alignment of Public Footpath 52. **Investigation not started.**

C. PUBLIC PATH ORDERS

16. **Ashley Green** – Application to divert Footpath No 2B Ashley Green. **Following relevant objections to informal consultation, decision taken not to proceed with application. CASE CLOSED.**
17. **Aylesbury** – Application to extinguish Footpath No 7(part) and Footpath 8 (part). Objections have been received to the Order. Referred to the Secretary of State for determination. **Case determined by Written Representations; Order not confirmed. CASE CLOSED.**
18. **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.**
19. **Dinton with Ford and Upton** – Application to divert Footpath 15. **Order to be made and advertised.**
20. **Gawcott with Lenborough** – Diversion of Footpath No. 12. **Order Confirmed. CASE CLOSED.**
21. **Great Marlow** – Application to divert Footpath No. 21 and Bridleway No. 52. **Order made and objections received during the formal objection period. Meetings to be held with objectors.**
22. **Great and Little Kimble** – Application to divert Footpath 29. **With Legal Services to make Order.**
23. **High Wycombe** – Application to extinguish Footpath No. 27. Wycombe District Council planning matter. Order made and confirmed by WDC. **Awaiting developer works.**
24. **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.**

25. **Medmenham** – Application to divert Footpath No. 15. **Order made and in the formal objection period.**
26. **Oakley** – Application to divert Footpath No. 9. **With Legal Services to make Order.**
27. **Oakley** – Application to divert Footpath No. 3. **Matter to be started.**
28. **Pitchcott** – Application to divert Footpath No 4 (part). Order made and objections received. **Secretary of State confirmed Order following a Public Hearing. Order certified. CASE CLOSED.**
29. **Quinton** – Application to divert Bridleway No 21. **Awaiting completion of works before Order can be confirmed.**
30. **Steeple Claydon** – Application to divert Footpath No 6. **Order Made. ON HOLD until further notice.**
31. **Stokenchurch** – Application to divert Footpath No. 28. **Informal consultation being conducted.**
32. **Swanbourne** – Application to divert Footpath No. 12. **With Legal Services to make Order.**
33. **Winslow** – Application to extinguish Footpath No 5. Order made and no objections received. **Awaiting landowner works ahead of confirmation.**
34. **Wooburn** – Proposed Bridleway Creation Order along former railway. Matter was determined by Committee on 15 October, and an **Order will soon be made and open to formal consultation.**

D. PUBLIC PATH CREATION AGREEMENTS

35. **Edgcott** – Bridleway Creation (BCC Land). **Creation Agreement completed – awaiting works on the ground.**
36. **Edgcott** – Bridleway Creation (ERC Land). **Awaiting go ahead from ERC to proceed.**

E. VILLAGE GREEN APPLICATIONS

37. **Iver** – land at The Fields and The Clump. **The application was refused on the basis of estoppel. CASE CLOSED.**
38. **Hughenden** – land at The Field, Bryants Bottom. Application advertised and objections received. **A Public Inquiry held 4 – 6 August 2014. Committee to make a decision on this case during the next Committee meeting.**
39. **Beaconsfield** – voluntary registration of the land at Hampden Hill. **Awaiting ownership confirmation from Town Council.**
40. **High Wycombe** – land at Meadow Close, Wycombe Marsh. **The application is currently being investigated.**
41. **Wooburn** – land off Cherwell Road, Bourne End. **Waiting investigation.**

For further information please contact: Claire Hudson 01296 383425

B. STRATEGIC ACCESS UPDATE (JONATHAN CLARK)

42. The HS2 parliamentary petitioning process has commenced and the Select Committee has just heard evidence for cases in Warwickshire. A total of 1,925 representations are available to view online. Dates for the Select Committee hearings relating to Buckinghamshire are not yet available. <http://www.publications.parliament.uk/pa/cmhs2/petitions/petcontents.htm>
43. Details of the remaining rights of way issues in the county have been tabulated and sent to HS2 and a further meeting is to be arranged to try and resolve these points. Since the last meeting a bridge has been removed at Twyford, under what is known as 'additional provisions', but the nearby path diversions were considered adequate.
44. The East West Rail Project aims to re-establish rail passenger services between Oxford, Bletchley and Bicester, then south to Aylesbury, introducing a new station at Winslow. Services are planned to start in March 2019. It means that sustainable transport access will be available from Milton Keynes, Bicester and Oxford for visitors to access stations in Buckinghamshire.
49. Three stakeholder meetings with Network Rail have taken place since July 2014 to discuss each crossing and the Ramblers, landowners, parish councils and county councillors have been involved. John Elfes has already fed back concerns regarding reducing the length of diversions; including footway links alongside carriageways; and avoiding bridleway links alongside the rail corridor. There are further stakeholder meetings to which the LAF chairman is invited on 12th Nov 2014 and 17th Dec 2014 at Network Rail's office in Milton Keynes. There are also a series of public presentations taking place in the affected areas.
50. We have also been approached to look at 16 crossings on the Princes Risborough to Aylesbury branch line, which borders the Chiltern's AONB boundary, and all rights of way crossings on this line are therefore being assessed. This is also part of the East West Rail project with the aim of increasing passenger services and using the route for freight (of around 18 trains per day) during HS2's construction. An assessment is being made by Network Rail to double the tracks to 2 lines.
51. The Rights of Way committee met on 15th October 2014 and voted to approve the compulsory bridleway creation order made under section 26 Highways Act 1980. This is the first link from Bourne End to Wooburn along the former railway line that will eventually continue to High Wycombe, and Sustrans have been commissioned to investigate feasibility for this next stage.
49. There have been 5 new Donate-a-Gate since July 2014 taking the number to 305 donors. A series of articles will appear in the next edition of Chiltern News celebrating the scheme's 8th year, 300th donor, 400th gate and £100, 000 of private investment into the Chiltern's walking network.

C. RIGHTS OF WAY OPERATIONS UPDATE (JOANNE TAYLOR)

50. A 'Summary of Works' will be tabled at the meeting to outline the work carried out by the Rights of Way Operations Team between 1st April 2012 and 31st October 2014.
51. The rights of way operations team is pleased to have recruited a new Assistant Rights of Way Officer, Miss Sophie David. Sophie started in September 2014 and is on a temporary contract until 31st March 2015. Regrettably there are still two other vacant posts, one for a part time Assistant Officer, but more problematic there is also a vacancy in the north of the county for the Area Rights of Way Officer.
52. Since updating the group in July Transport for Buckinghamshire has commenced a further re-organisation/re-structure and once again, this has prevented recruitment for these two posts. The

current re-structure proposals are advocating a further reduction in staff by one, which would reduce the team to five posts.

53. A mid-year review of capital funding projects by the county council resulted in the removal of £100,000 of emergency capital budget from rights of way operations. This has meant that the team has been unable to carry out any works that were identified as urgent on path surfaces and bridge structures. Discussions are underway to attempt to reinstate the funding, at least in part.

54. At the last Local Access Forum meeting members were updated on the results of the 2013 BVPI 178 (under 'ease of use' of the network). Please see paragraph 55 below.

55. BVPI 2013 – Survey Results 5% figure May/November 2013

80% Paths Easy to use Expected Target 2013 76 – 84%

96% Signs on Roadside Expected Target 2013 94 – 98%

92% Structures Easy to use Expected Target 2013 90 – 95%

56. The Rights of Way Operations Business Plan for this financial year (2014-2015) has Key Performance Indicators outlined below; the current performance is indicated alongside.

Title	Lower	Expected	Interim Results Sept 14
Footpaths etc. easy to use by members of public	65%	70%	57%
Structures on rights of way easy to use according to BVPI 178 criteria	80%	88%	84%
Number of structures removed/alterd to improve mobility/accessibility	50	70	81
Public RoW signposted in accordance with CA 1968 s27	80%	88%	93%
% of enforcement issues resolved within matrix targets	40%	50%	70%
Volunteering Hours for Place reporting	0		812

57 Members of the Forum will recall that a Parish Paths Clearance Fund has been made available by the county council to enable parish councils to benefit from being able to undertake and manage path clearance work over the summer. The money was in the form of a grant to parish councils wishing to employ their own contractors to undertake the work. Over 20 parishes have taken part in the scheme and this amounted to 80 kilometres of clearance in those parishes. Additionally, the operations team carried out summer clearance in a number of other parishes, which added up to a further 120 kilometres of clearance, bringing the total 2014 summer clearance to 200 kilometres. In previous years, summer clearance was undertaken on 330 kilometres of path, but, as the Forum will recall, the ROW operations budget received a significant cut from 2014 that necessitated a reduction in maintenance that could be carried out.

58 A project is underway to develop further functions to those parishes wishing to take on additional tasks. It looks likely that over 50 parishes could be taking part in summer clearance in 2015. Along with path clearance, the parishes could also be responsible for the duty of a highway authority under section 130 Highways Act 1980 to 'assert and protect' the public's use of the rights of way network and this is currently being reviewed by legal services.