



# 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 5 NOVEMBER 2014, IN MEZZANINE ROOM 2, COUNTY HALL, AYLESBURY, COMMENCING AT 10.00 AM AND CONCLUDING AT 12.30 PM.**

### **MEMBERS PRESENT**

David Briggs, in the Chair

Mr N Harris, Mr C Hurworth, Mr A T A Lambourne, Mr J Coombe, Mr Caspersz, Mr G Thomas, Ms N Glover and Mr R Pushman

### **OFFICERS PRESENT**

Mr J Clark, Mrs C Hudson, Ms J Taylor, Mr S Newell, Ms H Rackham and Ms S David

### **OTHERS PRESENT**

Mr H Hancock, Ms J Blake and Mr A Clark

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

Apologies for absence were received from John Elfes and Sara Randle.

#### **Changes in Membership**

##### *The Chiltern Society*

John Coombe, the Chiltern Society, has advised he would like to stand down from the Forum. John was thanked for many years of active service on behalf of the Forum. Andrew Clark has been appointed to represent the Chiltern Society and was welcomed to the meeting.

##### *Cyclists Representation on the Forum*

Peter Challis term of office expired on 1 July 2013 which brings to a close his membership of the Local Access Forum. The Forum thanked Mr Challis for his contribution and interest in the Forum over the last few years. Sara Randle, of the Cyclists Touring Club, has been appointed to represent cycling issues.

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

There were no declarations of interest.

### **3. MINUTES OF THE MEETING HELD ON THE 2 JULY 2014, TO BE CONFIRMED**

The minutes of the meeting held on the 2 July 2014 were agreed as a correct record.

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

None

#### **5. DOG CONTROL ORDERS: AN ACCESS MANAGEMENT TOOL FOR BURNHAM BEECHES NATIONAL NATURE RESERVE**

Martin Hartup, Head Ranger of Burnham Beeches was welcomed to the meeting.

Mr Hartup explained that his background includes 20 years in farming, work as a ranger and work in conjunction with Rights of Way and Country Parks. He has been the Head Ranger at the City of London Burnham Beeches for five years.

The Beeches was bought by the City of London Corporation in 1880 and has been a valuable recreation amenity for local people and visitors for over 130 years. The site covers approximately 220 hectares (540 acres) and is a special area for conservation. Each year there are around 585,000 visits to the Beeches.

The site is used by a wide range of people i.e. walkers and cyclists. A large proportion of the visits are made by dog walkers.

In 2003 Burnham Beeches introduced a voluntary dog walker code. Following the introduction of the dog control order (DCO) on open spaces outside of London as a secondary authority on the 30<sup>th</sup> April 2012, Burnham Beeches was subsequently chosen as a pilot site because of its long history of voluntary approach to dog management, but still a high incidence of dog related issues.

The trend has been an increase in incidents with dogs (on average 250 per year). This includes 20/30 serious incidents where prosecution has been threatened and the police have been involved. These figures are always substantially under estimated by 10-20% as the figures only include incidents witnesses or reported by Rangers.

Consultation has taken place with the Kennel Club about ongoing issues with dog control.

Surveys carried out in relation to dog management issues have shown that 44% of visits to the Beeches are to walk dogs. Manchester Metropolitan University has been analysing data about visitors to the site for 20 years. The key outcome was that 22% of people felt their visit was spoilt by dog issues i.e. fouling or unwanted approach which is worrying.

Results from the survey have shown that those who do not have a dog welcome an area where dogs are kept under control. When a dog is off a lead it is always possible to have an unwanted approach. Dog owners are always given the opportunity to correct an offence i.e. pick up faeces.

Engagement took place with South Bucks District Council (the Primary Authority), Farnham Royal and Burnham Parish Councils, Natural England, the Kennel Club, Thames Valley Police, Burnham Beeches Consultation Group, Epping Forest and Commons Committee as well as visitors and residents.

The Buckinghamshire Local Access Forum has not been approached formally as the Forum is not seen as a statutory consultee because of the way the City of London owns Burnham Beeches.

The statutory consultation period of 35 days was extended to approximately 75 days as an objection was received.

Organisations against the Schedule 2 were; Natural England Position, the Kennel Club, the Open Spaces Society, the British Horse Society, South Bucks District Council, Bucks County Council and the majority of dog walkers. The Kennel Club conducted an intense lobbying campaign for 18 months.

The City of London Burnham Beeches responded to all of the concerns raised. In recognition of the way forward for the issues raised, a review period was built into the process

Prior to the introduction of the DCO, Rangers had to use powers of persuasion to get dog owners to pick up faeces. The DSO Schedules are;

Schedule 1 – it is an offence not to pick up faeces

Schedule 2 – it is an offence not to keep a dog on a lead when in an area so designated

Schedule 3 – it is an offence not to put and keep a dog on a lead when asked to do so by an Authorised Officer in an area so designated

Schedule 4 – it is an offence to bring a dog onto an area of land so scheduled

Schedule 5 – it is an offence to bring more than an agreed maximum of dogs onto a site. The maximum number of dogs for Burnham Beeches is four.

The DCO applies to the whole of the Burnham site. Schedules 1 & 5 apply to all areas; schedules 2, 3 & 4 in the areas shown on the map (see attached).

Dogs are excluded from the seating area by the café and there are two areas near the café where there is the requirement for dogs to be on a lead.

A flyer giving details of the current guidelines for dog walkers in Burnham Beeches and Stoke Common can be accessed via the following link;

<http://www.cityoflondon.gov.uk/things-to-do/green-spaces/burnham-beeches-and-stoke-common/Documents/Guidelines%20for%20dog%20walkers.pdf>

After the update, the following questions were asked.

**Does the 50,000 litres of dog urine deposited on the National Nature Reserve (NNR) each year include faeces?** 55 tonnes of dog faeces are left on the NNR each year. This figure is based on the footprint provided by ecology and the average number of faeces a dog produces. Dog faeces can affect the nutrient levels of the soil and vegetation.

**It is surprising that the decision has not been taken to ban dogs completely in the recreation areas.** From the point of view of the reserve, the recreation area is the main arrival point for most visitors and it is easy to observe what is taking place in this area. There are fewer dog related incidents in the Recreation area.

**Are there livestock at Burnham Beeches?** There are cows, ponies and sheep at Burnham Beeches. The long term aim is allow cows to graze.

**When do the DCO Schedules come into effect and how will the fixed penalties be enforced?** The Schedules come into effect on the 1 December 2014 (there will be a five week lead period). Regular visitors to the site are known by the Rangers. People are given the opportunity to put things right. There are ways of finding out information about offenders.

**Given the amount of opposition from the Kennel Club and dog walkers, what is your view of the way things are likely to go?** The majority of visitors understand

the issues in the area. There were 189 responses to the statutory consultation of which only a small proportion were against the introduction of the DCO Schedules.

**A lot of the feedback received from consultees was based on the impact of the DCOs on bridleways and other sites.** All of the matters raised were taken into account and were considered prior to the decision being taken to introduce the DCO. The decision taken by the Committee based on all of the information received and was robust.

**Would the National Trust be able to introduce DCOs Schedules if they wished to do so?** The Local Authority would need to enforce the introduction of a DCO unless the National Trust was able to become a Secondary Authority.

**There is a lot of profit to be made from dog walking. How will the maximum number of 4 dogs per walker be enforced?** The Committee always wanted the ability to license dog walking. The majority of dog walkers will be able to visit the site as they always have with only a minor change to their behaviour.

Farmers complete an analysis of nitrate vulnerable zones on their farmland and DEFRA produces about the statistics about nitrogen levels from livestock manure. It would be interesting to see the nitrate figures for Burnham Beeches.

The Chairman thanked Mr Hartup for the very informative update.

## 6. RIGHTS OF WAY GROUP REPORT

Members had received the Rights of Way Group Report.

*Claire Hudson took Members through the Definitive Map Applications determined by Committee /Orders Made, during which the following updates were noted;*

Item 1 – Great Missenden – Order upgrading Public Bridleways No's 52 and 55 (part) to Public Byways Open to all Traffic has been confirmed by the Secretary of State.

Item 2 – Order upgrading Public Bridleways No. 1 Great Missenden and No's 45 and 61 Wendover to Public Byways Open to All Traffic – has been confirmed by the Secretary of State with the modification of Bridleway 45 remaining as a bridleway.

Item 3 – application to record the route from River Road to Amerden Lane as a Public Bridleway – following a public inquiry, the Order was confirmed with modification.

Item 4 – High Wycombe – application to record the route from Burnham Close to Whitelands Road, High Wycombe as a Public Footpath – a public inquiry was held in October. A decision from the Secretary of State is awaited.

Item 5 – Lower Winchendon – application to record the route from Public Footpath No 10b to Public Footpath No. 3, Cuddington as a Public Footpath – Objections have been received – the matter has been referred to the Secretary of State.

Item 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 a Public Footpath was accepted by the Rights of Way Committee; an Order will soon be made and advertised.

Item 8 – Westbury (Route 2) – application to record the route from the junctions of Footpath No 303, Mixbury, Oxfordshire to Fulwell Road, Westbury as a Public Bridleway was accepted by the Rights of Way Committee; an Order will soon be made and advertised.

Oxfordshire County Council will be dealing with connecting routes which will connect with those claimed in Buckinghamshire. Definitive Map Officers at BCC will deal with the parts that relate to Buckinghamshire.

Item 10 – Chepping Wycombe – the application to record the route from Elmshott Close to King’s Wood as a Public Footpath has been accepted; an Order will soon be made and advertised.

Item 21 – Great Marlow – application to divert Footpath No.21 and Bridleway No. 52 – objections were received to the Diversion Order. A decision needs to be taken whether to proceed with or abandon the Order.

Item 34 – Wooburn – proposed Bridleway Creation Order along the former railway. This is the first Creation Order undertaken by Definitive Map Officers at BCC; the proposal was accepted by the Rights of Way Committee. The Order has been made and is now being advertised.

During the update, the following questions were asked;

**Has an update been received about item 38 – Hughenden – land at The Field, Bryants Bottom?** The Officer advised that the application needs to go to the Rights of Way Committee for a final decision. The recommendation from the Independent Inspector was to accept the application to register the land as a Town or village green.

**Are the bridleways referred to in items 35 & 36 new or replacement bridleways?** The Officer advised that these are new bridleways. Following discussions with the landowner, the agreement for item 35 is almost complete.

**There has been a considerable increase in the number of diversion orders as a result of HS2. Who would pick up the costs for these?** The Officer advised that HS2 Ltd would be funding diversions on the HS2 route as these were part of primary legislation and Network Rail will be paying for diversions relating to the East West Rail project.

*Jonathan Clark took Members through the Strategic Access update, highlighting the following key points:*

Item 42 - the HS2 Parliamentary Petitioning process is underway. Evidence has just been heard for cases in Warwickshire. Dates for the Select Committee hearings relating to Buckinghamshire are not yet available. Discussions are continuing between the County Council HS2 team and the HS2.

Item 43 – there has been one amendment to the plan under ‘additional provisions’ whereby a bridge has been removed in Twyford.

Item 44 – recruitment has taken place for the post to process diversion orders. John Elfes has attended a meeting to discuss the EWR Project. Two further meetings have been arranged. There has been a slight delay to the Project which is mainly due to having to design some of the bridges as part of the diversions.

Item 50 – it is envisaged that part of the EWR route will be used for freight during the construction period for HS2 (approximately 18 trains per day). The possibility of doubling the track to 2 lines is also being discussed. A decision will be announced in spring 2015.

Item 51 – Sustrans has been commissioned to investigate the feasibility of continuing the former railway line from Bourne End to High Wycombe and how soon this could

be delivered.

*Joanne Taylor, Operations Team Leader took Members through the Rights of Way Operations update, during which the following updates were noted;*

Item 50 - Section C of the document gives a summary of the works and the latest outturns by the operational gangs.

The first column shows the 12 month period from April 2013 to March 2014. The second column shows April – October 2014. The figures exclude all annual clearance as this information is detailed in a separate job sheet. The figures reflect that the maintenance team have not been able to complete the usual amount of work i.e. stiles, footpaths etc.

The figures are slightly lower for this time of year. Due to a reduction in the budget, concentration has been on summer path clearance. It was not possible to divert the resources to structures during the summer months as there were only two teams available to carry out the work programme.

Item 51 - Sophie David has been appointed as the new Assistant Rights of Way Officer. There are currently two other vacant posts.

Item 52 – Transport for Buckinghamshire has commenced a further re-structure/re-organisation. The Rights of Way Team has been able to retain 6 posts. Recruitment will start when the Future Shape transformation process has been completed.

Item 53 – The allocation of £100,000 funding of emergency capital budget from Rights of Way operations has been removed as a result of the mid-year review of capital funding projects. This has left a number of areas of maintenance outstanding such as resurfacing works and structures and bridges.

Items 55/56 show the BVPI figures for 2013 and 2014. With the exception of 'footpaths etc. easy to use by members of public' all of the categories are rated as green. Data analysis will be carried out to try to identify the reason for the drop in these figures. Volunteers at the Chiltern Society have taken part in the clearance work. Over 20 parishes have taken advantage of the Parish Paths Clearance Fund which amounted to 80 kilometres of clearance in those parishes. In addition, the operations team carried out 120 kilometres of summer clearance in other parishes, bringing the total clearance to 200 kilometres.

An interactive reporting form for Rights of Way issues is now available on the BCC website. Issues reported are migrated onto a database and progress can be tracked. The reporting system saves a lot of resource time.

<http://www.transportforbucks.net/Tell-us.aspx>

After the update, the following questions were asked.

**Is it correct that the number of maintenance teams has been reduced from four to two?** The officer explained that in the summer there would normally have been 4 crews on, but funds were not available for this number, so there are only two crews to carry out all maintenance functions. It was anticipated that parish councils would pick up clearance as part of devolved services. 200km of clearance has taken place (this figure is normally 330km). This has resulted in a number of complaints from members of the public. There has been an increase from 1080 to 2220 outstanding issues in the period of 9 months. The outstanding issues have been logged.

**The figures show that 323 fallen trees were removed last year and 90 have been removed this year. Is this cost recovered from the landowner?** The figures

shown indicate the number of obstructions removed. The responsibility for the removal of smaller fallen trees will be given back to the landowner as there is no recovery requirement.

**Do the figures indicate a marked deterioration in the maintenance in the last 6 months?** A reduction in the budget has had an effect on the amount of work that can be carried out, particularly on surface clearance.

**Could the shortfall in the reduction of the budget be picked up as part of devolved services or precept?** Devolving summer clearance would free time for the RoW work gangs to carry out other maintenance functions.

**There is a marked reduction in paths rated easy to use (80% to 57%).** Unfortunately there has not been the opportunity to analyse the data to ascertain the reason for the reduction.

The following comments were made.

- Are there health and safety issues arising from maintenance not being carried out?
- Does the Forum have the duty to flag up the Health and Safety issues if there are not the resources available to carry out the required maintenance?
- The budget constraints are going to get considerably worse. Could part of the budget be devolved to Local Area Forums where footpaths could be discussed as a priority issue amongst groups of parishes rather than just by individual parishes?

**There has been an increase in vegetation growth during the last year in comparison with previous years. Has this resulted in increased pressure on the maintenance teams?** The officer explained that although there was quite a dry summer, the months of April and May were wet and warm which resulted in increased vegetation growth early summer. There was a problem with the first cut but this has now been resolved.

Could this Forum try to further advertise the need for Parish Councils to form clusters or a social enterprise to carry out services such as grass cutting i.e. the Stewkley Model?

**Could Community Service Workers help with clearing footpaths?** The officer explained that the possibility of Community Service Workers assisting with clearance was looked into several years ago. Unfortunately there were difficulties in terms of the work that can be carried out, transport and monitoring.

*Members of the Forum agreed the following;*

A letter is to be sent to the Buckinghamshire County Council expressing concern about the reduction in clearance and possible health and safety issues.

**Chairman/ Jonathan Clark**

A meeting is to be arranged with the Chiltern Society to discuss the bottlenecks. Feedback is to be given to the Forum.

**Action: Jonathan Clark**

The possibility of development funding from LEADER is to be looked into.

**Action: Jonathan Clark**

## 7. LAF MEMBERS REPORT

The following key points were highlighted from the LAF Members' Report.

### **Open Access**

A parcel of common land called Pinner Green has been fenced off along the west side of Blackwell Hall Lane, Latimer by the neighbouring landowner. The fencing blocks access to the common land which is currently owned by Chiltern District Council. The area in question is indicated in pink on the map on page 21 of the agenda pack. The area in white at the bottom of the map belongs to the neighbouring landowner.

Chiltern District Council (CDC) has been approached to raise the issue of unlawful fencing and possible adverse possession by the neighbouring landowner. Their legal advice regarding the fence is that it is lawful as the public can still gain access from north-west side of the land. CDC are happy for the fence to remain as there have previously been problems with fly tipping along Green Lane.

The Open Spaces Society has been made aware of the issue. They have suggested the barbed wire be removed but the fence post can remain as this does not fall under the requirement for permission from the Secretary of State. The suggestion has also been made of installing bollards/rocks to stop unlawful vehicle access onto the land which also does not require permission from the Secretary of State.

During discussions, the following comments were made.

- This is an unsafe area to ride a horse as the verge is very small due to the location of the fence.
- The fence will not serve as a deterrent to fly tippers. Common land should not be fenced off without consent and surely the District Council has a duty to enforce removal.
- Could a compromise be the installation of a kissing gate on the old path to the southern edge of the common land?
- Who would be liable if there was an accident on the piece of land in question?
- What is legal and what is lawful? It is the duty of the Forum to take action?
- Highways have a duty of care around the installation of barbed wire fencing.
- If the landowner chooses to fence off a piece of land which incorporates a verge, what legal action is possible?

**Members of the Forum AGREED that a letter would be sent to the Estates Officer, Chiltern District Council, expressing it is the view of the Forum that;**

- **The fence illegally fences off common land, in contravention of section 38 Commons Act 2006**
- **The barbed wire is likely to be harmful to users of the highway**
- **The fence blocks the route traditionally used as a pedestrian connection**
- **It is the wish of the Forum that the fence and barbed wire should be removed from Chiltern District Council land**

### **Ridgeway & Thames National Trails**

Natural England has agreed to provide a grant of 75% towards the management and promotional costs for national trails. The remaining 25% of the cost will need to be sourced or match funded. Each trail will integrate into the wider Rights of Way Access Network.

Following the recommendation from consultants, the management of the Thames Path and Ridgeway will be split into two. The inaugural meeting of the Ridgeway

Shadow Partnership took place on 3rd November 2014. Oxfordshire County Council will continue to host the Trails Officers.

### ***Disabled Access***

Gavin Caspersz reported the following;

#### *Joint LAF Chairs meeting*

At a recent meeting at Maidenhead Town Hall, the following issues were raised;

- Concern about dog related issues in open spaces outside of London;
- How cross border links take place with other Local Access Forums in the area and how information and examples of good practice are shared;
- Further information is needed about footpaths as well as an increase in signage; and
- Public rights of way information for Buckinghamshire is now available on the BCC website. This is not as accessible as the definitive map information provided by Berkshire.

Some very good contacts were made during the meeting.

#### *Wingrave/Rowsham accessible footpath link*

- This is a community project to provide an accessible pathway for wheelchair users, scooters and buggies between the villages of Wingrave and Rowsham. The project is well underway. A number of gates and footbridges have been upgraded. One stile has been replaced by a kissing gate.
- The grand opening of the footpath has been delayed until the spring of 2015. Funding to continue the maintenance of the pathway is an issue. Following a visit to the footpath, the local parish council has offered to provide some funding although this is not towards the infrastructure. The Chairman of the local parish council has also requested details of the costings for the footpaths.
- One problem is the replacement of a footbridge which does not have safety rails or handrails. Possible funding sources are being looked into.
- Some visitors from Spain went to the site in September. They were keen to learn about the work being carried out as Bucks leads the way in a number of areas of accessibility
- Members of the Forum will be sent an invitation to visit the site.

#### *Disabled Rambles*

A number of regional events for disabled ramblers have been organised. There are now some superb sites in Bucks as a result of improvements that have taken place e.g. Ashridge, Ivinghoe Beacon, Wendover and Chequers. These areas will be showcased.

#### *Route testing*

A request has been received to take part in route testing at Penn Wood, near Amersham to identify any accessibility issues.

Jonathan Clark reported the following;

#### *Conferences*

- The Chiltern's Annual Forum is taking place on Friday 7 November 2014.
- Glyn Thomas is attending the Buckinghamshire Rural Affairs Group and Natural Environment Partnership Joint Conference on the 14 November behalf of the Forum.
- The South East LAF chair's meeting is taking place on 27 January 2015. The venue to be confirmed.
- Natural England is hosting the National LAF Conference in February 2015. The date is to be confirmed.

- The South East Local Access Forum Conference is taking place on Tuesday 19 May 2015.

*Correspondence*

An interim response has been received to the letter sent from the Chairman of the Forum to the Cabinet Member for Transportation regarding S106 monies for a crossing on the A413 between Watermead and Buckingham Park. Installation is being looked into. Clarification is needed that the developer is happy to install a pedestrian crossing not a Pegasus crossing.

The Chairman wrote to the Cabinet Member for Transportation regarding concerns over the Ringway Jacobs contract. A report will be given at the March meeting of the Forum.

**Action: Jonathan Clark**

The Buckinghamshire LAF Annual Report for 2013/14 was submitted to Natural England on the 30 June 2014.

**8. ANY OTHER BUSINESS**

*De-regulation Bill*

A written update about the de-regulation bill will be circulated to John Coombe.

**Action: Jonathan Clark**

**9. DATE OF NEXT AND FUTURE MEETINGS**

The next meeting will take place on Wednesday 18 March 2015, 10am, Mezzanine Room 2, County Hall, Aylesbury, Bucks.

*Meeting dates for 2015*

1 July

4 November

**Chairman**