



Buckinghamshire County Council

Minutes

BUCKINGHAMSHIRE LOCAL ACCESS FORUM

**MINUTES OF THE MEETING OF THE BUCKINGHAMSHIRE LOCAL ACCESS FORUM
HELD ON WEDNESDAY 18 MARCH 2015, IN MEZZANINE ROOM 2, COUNTY HALL,
AYLESBURY, COMMENCING AT 10.00 AM AND CONCLUDING AT 11.30 AM.**

MEMBERS PRESENT

Mr J Elfes, in the Chair

Mr N Harris, Mr C Hurworth, Mr A T A Lambourne, Ms N Glover, Mr R Pushman,
Ms S Randle, Ms A Heath and Mr A Clark

OFFICERS PRESENT

Mr J Clark, Ms J Taylor and Mr P Turner

OTHERS PRESENT

1. APOLOGIES FOR ABSENCE/CHANGES IN MEMBERSHIP

Apologies for absence were received from David Briggs, Gavin Caspersz, Glyn Thomas and Lesley Clarke OBE.

Changes in membership

Sara Randle, The Cyclist's Touring Club, Andrew Clarke, The Chiltern Society and Alison Heath, The British Horse Society were welcomed as new members of the Forum.

2. DECLARATIONS OF INTEREST

None

3. MINUTES OF THE MEETING HELD ON 5 NOVEMBER 2014 TO BE CONFIRMED

The minutes of the meeting of the 5 November 2014 were agreed as a correct record.

4. MATTERS ARISING

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LEADER funding has not been launched as yet in the Chilterns and the Clay Vales. The assumption is a division into two areas. Mike Furness, interim Programme Manager (ex-Rights of Way officer) has advised that funding could be available for rural businesses from the European Agricultural fund. The Chiltern Conservation

Board has submitted applications for funding for the Chiltern Cycleway and the Chiltern Tourist network project.

In terms of the work involved in applying for funding, a bank account is required to make a bid as an independent body for LEADER funding. Liaison needs to take place with the project manager and volunteers to make a bid. More information is to follow.

A meeting has taken place with the Chiltern Society to discuss the issues raised around reports. A new reporting system is in place which should help to resolve the situation.

Has the issue of the Chiltern area being omitted by DEFRA in its new allocations of the LEADER funding been resolved? This will be confirmed.

Action: Jonathan Clark

5. EAST WEST RAIL PROJECT - DIVERSIONS UPDATE

Item 5 – EWR update

Phil Turner, Definitive Map Officer gave the following update.

Part of the role of the Definitive Map and Land Charges team is liaison with Network rail regarding the East West Rail (EWR) project.

Network Rail has been involved in all of the public consultation that has taken place about crossings that need to be extinguished. They have ensured that local people have been kept informed and have been invited to evening meeting. The public consultation phase and stakeholder meetings finished in January 2015. Comments and suggestions can still be submitted and discussions can take place on the website. Progress about the crossings has been slower than expected.

Jonathan Clark explained that the options were set out last year but these are still open to change. There are some non-contentious public Rights of Way conversions near to bridges and some minor changes to the network.

Draft diversion orders will be produced for the easier works in the next six months. Further work needs to take place on the more contentious diversions.

If there is a preferred option, Network Rail has met with the landowner, followed by a site visit with the county officer to determine there is nothing untoward. If the option is agreed, Network Rail are sent a list of stiles, bridges and gates likely to be required.

Under Section 118A of the Highways Act 1980, a pilot diversion order has been issued for Swanbourne Old Station. There will be the usual time period for objections. The diversion order has very little content. There are some concerns about this particular route. There is still a lot of work to take place.

The following questions were asked.

Where the landowner doesn't agree to the diversion orders, is there still the power to make a diversion order? We try to make sure the landowner is happy with the diversion order. If an objection is raised, it is likely that the diversion order could be withdrawn. A Transport and Works Act 1992 order could be put in place at a later stage.

Is a Transport and Works Order enforceable? There are still grounds for objection. A Transport and Works order is primary legislation. The aim is to demonstrate that the correct process has been followed and for all involved to reach a consensus about the proposals for the location. A Transport and Works Act order will be used if

there is no other option.

Are there future consultations that Members may wish to attend? Public consultation finished in January 2015. The consultation was well promoted and received a lot of response. Comments can still be made on the website (link below) which also shows details of the phases of work taking place. Any concerns can be raised with Phil Turner or Jonathan Clark.

www.eastwestrail.org.uk

<http://www.eastwestrail.org.uk/sites/default/files/east-west-rail-newsletter-march-2015.pdf>

Will the branch in Aylesbury be treated as part of the main project rather than phase 1-2? The understanding is that that Aylesbury branch will be part of the main project.

The decision about whether there will be two tracks will be made in the spring as well as the possible use of HS2 spoil along the tracks.

6. RIGHTS OF WAY GROUP REPORT

Phil Turner highlighted the following items from the report detailing matters determined by Committee.

Items 1 & 2, Great Missenden and Great Missenden/Wendover
Following planning inspections, the orders have been confirmed and cases closed.

Items 3 & 4, Taplow and High Wycombe
Following public inquiries and planning inspections, orders have been confirmed and the cases closed.

Items 6 & 7, Westbury (Route 1 and Route 2)
The footpaths are now on the definitive map.

During the update, the following question was asked.

Item 9, Wooburn, is it correct that the landowner was due to sign the agreement but subsequently did not accept the offer and refused to sign the agreement?
The landowner had refused to sign the agreement for the last 13 years. Compensation was offered but the landowner wanted far in excess of what the land is worth. Sustrans was brought in as the negotiator. Under Section 26 of the Highways Act, an inspector on behalf of the Secretary of State will normally direct the county council to financially compensate the landowner. Part of the wider strategy is the aim to link Bourne End and High Wycombe along the old railway line and to create a bridleway. It is hoped that the first section at Wooburn Green will be delivered in the next 12 months.

Jonathan Clark gave the following update about strategic access;

Item 45 - HS2 - the Select Committee for High Speed Rail is currently hearing evidence from other counties. The Select Committee hearings for the Colne Valley started week commencing 9 March 2015. The Select Committee will reform after the General Election. The County Council will appear first to discuss Colne Valley, followed by the AVDC area and Chilterns area.

In terms of Rights of Way, a meeting took place on the 2 February 2015 and a further meeting will take place on the 19 March 2015 to discuss any last minute requests that have been made. HS2 Ltd has provided all the mitigation requested within the limits of deviation (land allocated as being taken control of as part of the Bill).

Item 48 – public stakeholder meetings are taking place to discuss the Princes Risborough to Aylesbury branch line which has 16 crossings. The decision about increasing the tracks to 2 lines will be made in spring 2015.

Item 49 – the Chilterns Conservation Board undertook £2,000 of surface and step improvements on the footpath through the Chequers Estate on the Box Woodland promoted route around Aston Hill. This includes the installation of two new kissing gates.

As the budget with the Strategic Access team had an underspend, funding was offered to the Haddenham and Thame Walking and Cycling Group to replace approximately 20 stiles with gates which was match funded with £1,500 from the parish council. In addition, following a grant of £9,000 from the Wycombe Local Area Forum and an additional supplement from Rights of Way, volunteers from businesses, Community Payback and local volunteer groups have carried out clearance work on paths in High Wycombe. Resurfacing of some of the bridleway through Keep Hill Wood, High Wycombe is also about to take place.

Item 51 – in the financial year to March 2014, 174 applications made in the Aylesbury Vale District required comments relating to Rights of Way. The total number of applications received to date is 207.

Item 52 – 316 donors have contributed to the Donate a Gate scheme. A series of articles celebrating the 8th year, 300th donor, 400th gate and £100,000 of private investment in the Chiltern's Walking Network have appeared in the winter edition of the Chiltern News.

During the update, the following questions were asked.

Has what was previously agreed about the diversions for HS2 survived? The vast majority of what was asked for has survived. There were a number of additional improvements for mitigation involving the dedication of new paths and assurances have been agreed in this regard from HS2.

How many crossings will there be across bridleways resulting from EWR? There will be two crossings.

Joanne Taylor gave the following update about Rights of Way operations.

Item 53 – there are still two vacancies in the Rights of Way Operations team for a part time Assistant Officer and full time Area Rights of Way Officer. Interviews for both vacancies took place at the beginning of March. Appointments are to be confirmed.

Item 54 – a mid-year review of capital funding projects by BCC resulted in the removal of £100,000 from the emergency capital budget from the Rights of Way Operations. The remaining capital money (£50,000) has been allocated to the Thames Path to carry out works to dangerous bridge structures.

Item 55 – the interim results for the performance targets for the current financial year show that current performance is well within target. The figure of 163 for the number of structures removed/alterd was achieved with help from the Chilterns Society. Feedback has not been received from the Ramblers Association on the number of volunteer hours.

Item 56 – it is anticipated that 20+ parishes will take part in the clearance scheme as part of devolved services. Invoices have been received from some parishes who have not signed up to the scheme. As the work has been done, payment of the bills has

been honoured.

Item 57 - it is anticipated that the number of parishes taking part in the scheme this year will increase to 50+ as devolved services now includes additional tasks such as hedge cutting. An idea of the number of parishes signing up to the scheme should be available in April.

During the update, the following questions were asked.

Is funding guaranteed for all of the parishes who sign up to the clearance scheme? There is a fixed sum of money for all of the functions that have been devolved. Some of the parishes are forming larger clusters to take on the administration role for the devolved services.

Will the amount of funding increase if additional parishes join the scheme or is there an allocated amount of funding depending on the percentage of parishes taking part? The payment would have to be reviewed if more parishes come on board. Some parishes are being a bit reticent in joining the scheme in terms of waiting to see what happens and not wanting to sign up until after the election has taken place.

There is some concern about the mapping taking place in West Wycombe. Some of the Highways mapping information had to be updated. The information is as accurate as is can be. The areas identified should be exactly the same as what has previously been cleared. There has been a dispute about the Highways verge mapping in and out of the 30mph zones.

The information said there were about 100m of highway verges to be cut in the 30mph zone when in reality there is about 3000m to be cut. The understanding is that parishes will be required to take part in devolved services. The officer said she is unable to comment on the requirement for parishes to take part in devolved services. Only a certain amount of the functions for maintaining the public highway can be devolved to parish councils as the responsibility rests with the County Council.

Some parish councils are hesitant to sign up to devolved services because of financial reasons. The cost for the devolved services has been looked into and is a lot more for parishes to provide themselves. Is the County Council prepared to provide a grant to help with the costs? The Deputy Cabinet Member for Planning and Environment said it is uncertain how long the funding will be available. Parishes such as Stewkley have taken on extra functions such as clearing hedges and signs. There is a schedule outlining the responsibilities of devolved services. The clusters are being pump primed to fund the purchase of equipment such as mowers and high visibility jackets etc.

- **Could some parish councils increase their precept to raise money for devolved services?**
- **Smaller parish councils are reluctant to increase their precept. Some parishes already have their own operatives and machinery.**
- **Some small parishes are reluctant to accept help from the larger parishes and some larger parishes won't take on work from smaller parishes.**
- **Some small parishes only receive a precept of about £10,000. This amount needs to double before they could take on devolved services.**

What amount of precept do parishes receive per person? Band D is approximately £70 per property.

7. LAF MEMBERS REPORT

Jonathan Clark gave the following update.

At a future meeting of the Forum, the implications of the 'cut off' date of 1 January 2026 in the Countryside and Rights of Way Act 2000 of all unrecorded footpaths and bridleways created before 1949 needs to be discussed. There are implications for the ROW network. To be added to the agenda for the July meeting.

Action: DSO

Hertfordshire has carried out a lot of work to bring the definitive map up to date as they have lots of local expertise. It might not be possible to claim definitive rights after 2026.

Open Access

Member were referred to the response to the letter sent from the Forum to Chiltern District Council about the parcel of land called Pinner Green being fenced off. It is a major success that the LAF managed to persuade the District Council to agree to the Forum's view about the land which had been fenced off and confirmation that the barbed wire will be removed.

Members of the Forum AGREED that a letter would be drafted thanking the District Council for taking on the views of the LAF.

Action: Jonathan Clark

Joint LAF meetings

The actions and outcomes for the February meeting of LAF chairs has been included in the agenda pack. It was good to meet with 'neighbours' and to discuss cross border issues. A joint site visit has taken place and further meetings have been planned. It would be good if a member of the Forum could attend future meetings.

Conferences

Jonathan Clark explained that the funding from Natural England for his post of South East LAF co-ordinator, ends in March 2015. Jonathan has offered to continue the post on a voluntary basis until other arrangements can be made.

The South East LAF conference taking place on the 19th May 2015 which may be the last opportunity to bring together the Forums on a regional basis. The conference has several speakers including Grant McPhee from Defra, Jenny Bowen from Natural England and Linda Holloway from Cornwall County Council to talk about issues such as coastal access, a pilot scheme to address cattle attacks on ROW, and to give an update on members of the Ramblers Association aiming to walk every path in the country as well as the 80th anniversary of the founding of the Association. The agenda for the conference is to be circulated to members of the Forum.

Action: Jonathan Clark

Alison Heath advised that the Health & Safety Executive is publishing new guidelines outlining the rights and responsibilities of landowners and managers with regard to public rights of way that cross their land. The guidance is to be circulated to members of the Forum.

Action: Jonathan Clark

Correspondence

An update will be given at the July meeting on the letter sent to Mike Freestone asking for BCC to support a Local Highway Maintenance Challenge Fund Bid to the Department of Transport.

Action: Jonathan Clark

Alison Heath explained that she has been working with Dr Phil Wadey and Sarah Bucks from the British Horse Society to look at the mapping of bridleway routes and how applications can be made to the County Council. Dr Wadey is to be invited to the July meeting to give an update.

Action: Jonathan Clark

The Cycling Association needs to enforce a code of conduct for cyclists about walkers, especially those who are hard of hearing. Some cyclists do not even have a bell to make walkers aware they are approaching. Sara Randle advised that the Cycling Association has a Code of Conduct as do most large cycling associations. Unfortunately the Code of Conduct cannot be enforced on members.

It is not just walkers who cyclists threaten. It is also horse-riders. The Chairman said it is important to have respect for all on the highway. There is the obligation to ensure that all ROW users are respected and are respectful.

Richard Pushman advised that following the success of the Best Kept Village Competition in Buckinghamshire, the decision was made to set up an independent committee to run the competition which he will chair. Work is taking place to try to link the competition with the County Council as sponsorship is needed. There is a pool of approximately 120 villages in Buckinghamshire of which 50/60 villages take part in the competition. There is a team of 40 judges and 5 judging teams. Volunteers to help judge the competition are welcomed.

Neil Harris reported that he recently attended a HS2 meeting as liaison for the National Trust project team. HS2 is currently a national project but will be handed back to the region when the Bill goes through parliament. The finer details such as the view from Coombe Hill and the screening of maintenance loops have not emerged in the report.

A report from Chiltern District Council advises if the tunnel extends to Wendover and the Nash Lee road, 1.8cubic metres of chalk slurry will be piped to Calvert. The maintenance route would be pushed further out into the landscape if the tunnel is extended. There is also the issue of where the water will come from for the slurry.

The 18 hectares of construction portals will leave a huge scar on the countryside. Petitioning is taking place about the impact of the construction traffic. This issue will be raised during the Select Committee visit in May as well as the impact of the additional 150 HGVs through Bradenham and 75 HGVs through West Wycombe Village.

The following questions were asked.

Has the National Trust been involved in maintaining the golden gates at the entrance to Waddesdon Manor? The National Trust has been involved in maintaining the landscape at Waddesdon Manor and Hartwell House.

Will compensation be paid to the County Council for any damage caused to the roads as a result of the increase in construction traffic from HS2? This will be looked into.

Action: Jonathan Clark

8. ANY OTHER BUSINESS

Proposed crossing in Langley Park and Black Park

Concern was expressed about the road crossing in Langley Park and Black Park which separates the Uxbridge Road from the A412 which is used by equestrians,

walkers and cyclists. The proposal is for a new Pegasus crossing across the dual carriageway to link the two parks. There is however, the issue of the bridleways being very dangerous as there is only a small verge in the middle of the dual carriageway.

Joanne Taylor advised that this issue has been raised previously. From memory, the response was that it is not appropriate within the traffic guidelines to install a crossing in a 50/60mph limit.

Jonathan Clark added that it was his understanding that it is too expensive to put a bridge in but clarification can be obtained and reported back to the Forum.

Action: Jonathan Clark

Clay Pigeon Shooting

Quainton Hill operates clay pigeon shooting under an arrangement with the landowner which allows shooting to take place 28 times a year without planning permission. There is concern about this arrangement as there are two major bridleways across this piece of land which is heavily used especially at weekends. There is no static site for the event and the participants do not observe the guidelines of the Clay Pigeon Society of a 300 yard safety area in the general direction of shooting. There has been an incident with a horse-rider being injured. This is being discussed at the Hogshaw Parish Council meeting at the end of March.

The Chairman said notification has to be given to members of the public when a shoot is taking place.

Joanne Taylor explained that there are two different clay pigeon operators on Quainton Hill. The County Council sent a letter to one of the operators several years ago about putting in mitigation measures to ensure the safety of members of the public such as the use of a Marshall when a shoot is taking place. The understanding is this particular operator is complying with these safety measures or is carrying out reasonable health and safety checks.

The belief is that the incidents mentioned are connected with a new operator; however, investigations are still taking place. It is not against the law to shoot across ROW but clay pigeon shooting could potentially be seen as an obstruction or public nuisance.

9. DATE OF NEXT AND FUTURE MEETINGS

The next meeting will take place on Wednesday 1 July 2015, 10am, Mezzanine 2, County Hall, Aylesbury.

Future meeting dates
Wednesday 4 November

Chairman