



BUCKINGHAMSHIRE LOCAL ACCESS FORUM

Report

AGENDA ITEM 6

Date: 23rd March 2016

Title: Rights of Way group update

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A. DEFINITIVE MAP UPDATE (HELEN FRANCIS)

The purpose of this report is to appraise Buckinghamshire LAF members of the outstanding definitive map caseload undertaken by the Definitive Map Team and provide an update. Changes since the last meeting are shown in **bold**.

1. **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. **Matter referred to the Secretary of State, a Public Inquiry was completed on 25 November and adjourned to 1 February 2016. The Order has been confirmed. CASE CLOSED.**
2. **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. **Public Inquiry held 13-14 October 2015. The Order has been confirmed. CASE CLOSED.**
3. **Chepping Wycombe** – application to record the route from Elmshott Close to King's Wood as Public Footpath. This application was accepted by the Committee at its meeting on 15 October 2014; Objections were received to the Order; case referred to the Secretary of State; **Order confirmed with modification by Secretary of State following written representations. CASE CLOSED.**
4. **Wooburn** – proposal to create a Public Bridleway by Order along the former railway. This application was accepted by the Committee at its meeting on 15 October 2014; Objections were received to the Order; case referred to the Secretary of State; **Public Inquiry was to be held 15-16 December 2015 but adjourned to 10-12 May 2016.**

5. **Iver** – application to record various routes across The Fields and The Clump, Iver as Public Footpaths. **Determined during 10 December Committee meeting. The application was rejected. CASE CLOSED.**

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

All Definitive Map Modification Applications are dealt with in chronological order of receipt. However, where there is a particular need of an application to be investigated urgently, then the County Council may exercise its discretion to deal with that application urgently.

6. **Edgcott** – application to record Lawn House Lane as a Public Footpath to Public Footpath 11 Edgcott. **Application dated 15 June 2013. To be determined during 16 March 2016 Committee meeting.**
7. **Iver** – application to record route from Grange Way to Colne Orchard as a Public Footpath. **Application dated 10 September 2013. Under Investigation.**
8. **Hedgerley** – application to upgrade public footpath No. 14 to public bridleway status based on historical evidence. **Application dated 5 December 2013. Investigation not started.**
9. **Bledlow** – application to investigate the alignment of public footpath No. 52. **Application dated 19 December 2013. Investigation not started.**
10. **Quinton** – application to upgrade public footpath No. 4 to public bridleway status. **Application dated 21 October 2014. Investigation not started.**
11. **Great Missenden** – application to record route across Widmer Field. **Application dated 10 October 2014. Application re-prioritised as affected by development, under investigation.**
12. **Hedgerley** – application to upgrade public footpath No. 11 and No. 12 to public bridleway status. **Application dated 25 June 2015. Investigation not started**
13. **Chepping Wycombe** – application to record route between public footpath No. 14 and No. 15 Parish of Chepping Wycombe. **Application dated 14 September 2015. Investigation not started.**
14. **Marlow** – application to record a public footpath from Cromwell Gardens to New Court. **Application dated 15 January 2016. Investigation not started.**
15. **Thornborough** – application to record a public footpath around the field off Back Street. **Application dated 6 January 2016. Investigation not started.**
16. **Denham** – application to upgrade Shire Lane from bridleway to restricted byway. **Application dated 23 January 2016. Application re-prioritised as affected by development.**
17. **Little Chalfont** application to record a public footpath around Statters Field off Burton Lane. **Application dated 13 January 2016. Investigation not started.**
18. **Whaddon** – application to modify the alignment of Public Footpath No. 6. **Investigation not started.**

19. **Lillingstone Dayrell** – application to upgrade Public Footpath No. 1 to restricted byway status. **Investigation not started.**
20. **Lillingstone Dayrell** – application to upgrade Public Footpath No. 2 to public bridleway status. **Investigation not started.**

C. PUBLIC PATH ORDERS

21. **Aston Clinton** – Application to divert public footpaths No 5 & 6 under the Town and Country Planning Act – **In consultation.**
22. **Chartridge** – Application to divert BW21A – **In consultation.**
23. **Chartridge** – Application to divert FP5(part) Chartridge – **decision made not to proceed to Order making as application did not meet legal tests. CASE CLOSED.**
24. **Hambleden** – Application to divert Footpath No.17 – **In consultation.**
25. **High Wycombe** – Application to extinguish Footpath No. 27. Wycombe District Council planning matter. Order made and confirmed by WDC. **Awaiting developer works before bringing Order into effect.**
26. **Little Missenden** – Application to divert Footpath No 4 – **In objection period.**
27. **Maids Moreton** – Application to divert Footpath No. 3. Order made and objection received. **Current Order to be withdrawn; further application made and consulted on.**
28. **Marsworth** – Application to divert Footpath No. 3. Order made on behalf of Aylesbury Vale District Council and no objections received. **Order brought into effect following completion of site works. CASE CLOSED**
29. **Quinton** – Application to divert Bridleway No 21. **Under discussion with landowner.**
30. **Steeple Claydon** – Application to divert Footpath No 6. **Order Made. ON HOLD until further notice.**
31. **Swanbourne** – Application to divert Footpath No. 12/14. **Awaiting completion of works before Order can be confirmed.**
32. **Tingewick** – Application to divert Footpath No.11 - **Order made and confirmed. CASE CLOSED.**
33. **Tingewick** – Application to divert FPs 29(part) and 31 and Stop Up FP30(part) and create new Footpath and Bridleway – **In consultation.**
34. **Wing** – Application to stop up Footpath No. 14 – **Order Made and advertised. No objections received. Awaiting confirmation.**
35. **Wingrave with Rowsham** – Application to Divert/ Extinguish Footpath No.1 (part). **Order Made and advertised. No objections received. Awaiting completion of works before Order can be confirmed.**

D. PUBLIC PATH CREATION AGREEMENTS

36. **Edgcott** – Bridleway Creation (ERC Land). **Completed. CASE CLOSED.**

E. VILLAGE GREEN APPLICATIONS

37. **High Wycombe** – land at Meadow Close, Wycombe Marsh. **Further investigation required.**

38. **Wooburn** – land off Cherwell Road, Bourne End. **Investigation not started.**

Background Papers

None

For further information please contact: Helen Francis 01296 387123

E. EAST WEST RAIL (EWR) UPDATE

39. The County Council's Definitive Map and Rights of Way consultation response to Network Rail's (NR) EWR phase 2 PROW crossing diversion proposals was made in October 2015. We are now actively involved in undertaking detailed diversion assessments with the NR EWR Project Team staff to identify and capture the ancillary works, including the installation of pedestrian gates, footbridges, surfacing, way marking and sign-posting, that will be required of NR on parts of the diversion routes beyond the crossings themselves.

40. We are also using this opportunity to clarify on the ground those diversion proposals where the County Council is requiring changes to the diversion routes originally proposed by Network Rail at a small number of crossings.

41. It is understood that Network Rail's second phase 2 EWR consultation will now be in the Autumn of 2016, allowing them additional time for the inclusion of additional design detail in their consultation document and to further refine their proposals in light of the responses they have received to the first public consultation last year.

42. Members will be aware, EWR services were planned to start in March 2019, but, the precise delivery date is now uncertain. The *'Report from Sir Peter Hendy to the Secretary of State for Transport on the re-planning of Network Rail's Investment Programme'*, lists EWR as a project *'...with significant delivery in CP5 [2014 to 2019] and completion in CP6' [2019 to 2024].*

B. STRATEGIC ACCESS UPDATE (JONATHAN CLARK)

43. The 4th round of 'Additional Provisions' (AP4) were reviewed and the council had no issues from a rights of way perspective. AP's are amendments to the HS2 Bill, to account for more recent changes. The House of Commons Select Committee completed its hearings on 22nd February 2016 and rights of way will not be petitioning the next committee process in the House of Lords. The third reading of the HS2 Hybrid Bill is estimated to take place in December 2016, when, if approved by Parliament, will receive Royal assent. This brings to a close the process of negotiating all the bridges, underpasses and diversions necessary to cross the line, a process that was largely successful. We have also received a number of assurances which improve existing ROW, as well as commitments to create new rights of way.

44. The Secretary of State (or their agent) will be responsible for the legal process in relation to making the necessary Orders to stop-up, divert and create the new rights of way and they will bear all administrative costs, including notifications, notices and site inspections. In the future, it is likely the role of the county council will be to take

part in detailed design discussions and monitor works undertaken by HS2. The LAF will be consulted on these discussions and any major issues that arise.

45. Despite the many successes, it is considered prudent to outline the petition points not resolved through assurances (Appendix 1). Notes have been attached to each point.
46. A new cycling and walking route (a bridleway) linking Aylesbury Vale Parkway station to Waddesdon has been proposed, which could form part of a National Cycleway between London and Birmingham. This local section could be worth around £1.2 million, with funding provided by the Department of Transport. A public meeting is planned for 17th March 2016 in Waddesdon, with a planning application likely shortly afterwards.
47. We have submitted a bid for £125k to the Planning Inspectorate in order to mitigate the closure of Old Slade Lane, Iver, along the Colne Valley Way, as part of the M4 motorway widening works. We await the outcome.
48. The number of planning applications affecting rights of way is increasing markedly, from 174 to Y/E 31st March 2014; to 219 Y/E 31st March 2015 and the current figures stand for Y/E 31st March 2016 at 260 with 1 week to go. This is an important area of work as it can attract hundreds of thousands of pounds worth of investment in the network, on paths linked to development sites.
49. Aylesbury Vale and Chiltern District have identified up to 250 sites which they think may be appropriate for housing development and requested input from a rights of way perspective. These sites have been commented upon in terms of mitigating the impact of housing growth and providing improvements to the strategic network. Current figures in AVDC indicate a 'need' for 21, 300 homes and a potential 'supply' of 28, 300 over the next 15-20 years.
50. The number of new donors to the Donate-a-Gate scheme now stands at 336 donors. An article on the project featured in the Winter Edition of Chiltern News celebrating 10 years of the scheme, raising over £100, 000, and the spring edition includes donating a gate under '51 things to do in the Chilterns' in the Society's 51st year.

For further information please contact: Jonathan Clark 01296 387695

C. RIGHTS OF WAY OPERATIONS UPDATE (JOANNE TAYLOR)

51. A 'Summary of Works' is attached to this report in Appendix 2, outlining work carried out by the Rights of Way Operations Team between 1st April 2014 and 29th February 2016.
52. The bridge inspection project commenced on 4th August 2015 and the intention is that 400 bridge structures will be inspected up to the 31st March 2016 (end of financial year). Inspections are made on a priority basis, selecting first bridges on byways, restricted byways and bridleways, as they pose the greatest liability and potential danger to the public if they fail. There are 216 of these bridges of which 5 are currently closed for public safety. Full assessments will to be carried out to inform likely funding sources for repairs. Also, it has become obvious that not all bridge structures have been recorded during earlier surveys and do not appear on the database. It is likely that there will be an increase in bridge stock by approximately 1% - 2%. There is a plan to carry out a further 400 bridge inspections during the forthcoming financial year, but this target will depend on staff and financial resource.

53. Members of the Forum will recall that the Devolvement Project was 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. Funding was given to parish councils wishing to employ their contractors to undertake rights of way clearance work. Over 20 parishes took part in the scheme in 2014/15 amounting to 80 km of clearance being undertaken in those parishes. The 2015/16 devolvement scheme had 45 parishes, carrying out approximately 170km of rights of way clearance, and the agreements also included other highway clearance and maintenance works. The latest information on the Devolvement Project for next financial year is that up to 60 parishes could be involved in agreements and will be undertaking rights of way summer clearance as part of that agreement.

For further information please contact: Joanne Taylor 01296 383410