



## BUCKINGHAMSHIRE LOCAL ACCESS FORUM

**WEDNESDAY 9 NOVEMBER 2016 AT 10.00 AM  
MEZZANINE ROOM 1, COUNTY HALL, AYLESBURY**

### **AGENDA**

<b>Agenda Item</b>	<b>Page No</b>
<b>1 Apologies for Absence</b>	
<b>2 Declarations of Interest</b>	
<b>3 Matters Arising</b>	<b>3 - 8</b>
<b>4 New Online Report System</b> Jack Douglass, Business Improvement Officer, Transport Economy & Environment	
<b>5 Right Of Way Group Report</b> Helen Francis, Definitive Map Team; Jonathan Clark, Strategic Access Officer; and Joanne Taylor, Operations Team Leader	<b>9 - 16</b>
<b>6 LAF Members' Report</b>	<b>17 - 36</b>
<b>7 Any Other Business</b>	
<b>8 Date of Next and Future Meetings</b> Mezzanine Room 1, County Hall, Aylesbury, 10am Wednesday 8 <sup>th</sup> March 2017	





# 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 20 JULY 2016, IN MEZZANINE ROOM 1, COUNTY HALL, AYLESBURY, COMMENCING AT 10.00 AM AND CONCLUDING AT 12.00 PM.**

### **MEMBERS PRESENT**

Mr R Pushman, in the Chair

Mr D Briggs, Mr J Elfes, Mr N Harris, Mr A T A Lambourne, Mr G Thomas, Ms N Glover, Ms A Heath, Mr A Clark and Mr W Whyte

### **OFFICERS PRESENT**

Mr J Clark, Mrs C Hudson, Ms J Taylor and Mr L Ashton

### **OTHERS PRESENT**

Mr B Worrell, Mrs L Coldwell, Mr R Osborn and Mr S Thorns

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

Apologies had been received from Mr G Caspersz.

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

There were no declarations of interest.

#### **3. ACTION NOTES/ MATTERS ARISING**

The minutes of the meeting held 23 March 2016 were agreed as an accurate record pending the amendment made below. Updates were also given on action points as follows:

There was not yet any feedback on horsebox parking along the Ridgeway and should Local Access Forum Members have any ideas on locations for horse box parking they were asked to contact Ms Sarah Wright, the Ridgeway Trails Officer.

The Chairman advised he had missed the previous BALC meeting and would raise the issue of Local Access Forum membership at the meeting being held

20 July 2016.

In a correction to the last paragraph on page 5, the Local Access Forum were to write to County Councillors to promote the Donate a Gate scheme rather than Mr B Piers.

**ACTION: Committee Assistant to amend previous meeting record to reflect this.**

#### **4. RIGHTS OF WAY GROUP REPORT**

Local Access Forum Members were provided with the Rights of Way Group update in the agenda pack and questions were welcomed on the Definitive Map update. Key points raised were as below:

- Mrs C Hudson confirmed that both item 4 (Iver) and item 8 (Great Missenden) had been to Committee on 12 July 2016 and were accepted.
- Item 20 (Chenies, Chalfont St Peter, Denham) – Liaison was ongoing with Hertfordshire and there was a view to take this to Committee in November 2016.

Mr J Clark presented the Strategic Access update and key points were raised as below:

- Recent discussions had taken place with HS2 in relation to the Transport & Works Act Order for the railway sidings at Calvert. Three diversions were proposed, but these would not significantly affect network connectivity in the area.
- Mr A Lambourne attended a public meeting in relation to the planning application for a new walking and cycling route linking Aylesbury Vale Parkway station to Waddesdon village and Manor House. It was understood by LAF Members that no objections had been made to the application. It was confirmed that the route would not be a bridleway although would have a bridleway diverted on to the route for a short distance.
- The number of planning applications affecting rights of way had increased from 219 Y/E 31st March 2015 to 260 Y/E 31st March 2016. This was identified as 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. It was said that this was mainly linked to housing growth within Aylesbury Vale. It was added that several more applications to restore statuses of rights of way may be seen as a result of development.

Ms J Taylor presented the Rights of Way operations update and key points and comments were as below:

- The summary of works could be seen on page 19 of the agenda pack. There had been an increase in the number of issues year on year and there had been a notable increase in the number of bridges repaired. An Officer had carried out data cleansing and a number of issues were resolved when sites were inspected which added to this number.
- The number of hours recorded by Chiltern Society volunteers was down.

The volunteers were said to be working on the Rights of Way network although this was devolved parish work and not directly through BCC. Voluntary hours from the Ramblers Association were also included in the summary.

- LAF Members raised concern that footpaths were not being maintained despite the funds spent on the implementation. The actual width of grass cut was questioned and the new footpaths in Weedon and Padbury were highlighted as a concern as was the Buckingham to Winslow cycleway.

**ACTION: Mr J Clark to raise with the Highways Team and provide a response on cut widths.**

- Ms N Glover advised the LAF to report any overgrown hedges/verges online via the 'Report it' function if any were obstructing views and affecting road safety.
- There remained seven Rights of Way closed, six due to bridge issues. LAF Members were advised that a number of bridges required work which would require paid contractors for which there was no capital funding. The provisional target of inspections was 400 in a year dependant on staff levels. One bridge crossed the County boundary into Oxfordshire and a joint contribution from each County Council and the landowner was being explored to reach a resolution.
- 86 parishes had now taken up the devolvement project and were clearing paved areas and siding out. A Member asked how work was being monitored. Ms J Taylor advised that staffing levels did not allow ongoing monitoring and the team were reliant on being informed of any issues. Ms J Taylor advised that this could be done online and a list of parishes could be chosen from where the issue relates.
- A LAF Member advised that the 'Report It' system online often shows a resolved status when the issue was not necessarily resolved. Mr W Whyte explained that he had been informed this issue was resolved and this would be raised to be re-looked at.
- There had been a decrease in FTE staff in the Rights of Way operations team and this was currently at 4. It was hoped permission would be given to recruit to the role recently vacated by Ms Rosie Taylor.

## **5. LAF MEMBERS REPORT**

Mr J Clark presented the LAF Members report which could be seen in the agenda pack and the following key points were raised:

- Mr J Clark provided an update on the small piece of common land in Frieth, Hambleden Parish. Further details were provided in the agenda pack. BCC had investigated how the common had been registered and this appeared to have been done correctly although a legal dispute had been ongoing for some time purely over ownership. The Commons register had been checked and there were no commoners' rights. Mr J Clark and Mr A Lambourne attended the site on 3 June 2016 and spoke with the home owner. Access rights were exempted within 20 metres of the property and only a small amount of land fell outside of this restriction. Local residents were worried that were the fencing to remain this could set a precedent for others to do something similar on the both common land and the rights of way network.

## **RESOLVED**

**Although the fencing appeared unlawful, it was agreed by all not to take this issue further as pursuing legal action over such a small amount of land would not be in the public interest. It was agreed that a letter would be drafted to the owner outlining the position so that the homeowner could make a well informed decision over the fencing. A dispute over the land would be listed on the land charges register.**

- An update on the Restoring the Record project could be seen in the agenda pack. Mr J Clark advised that there had been good cooperation from the Centre of Buckinghamshire Studies who were providing an annual photography ticket to volunteers.
- Mr R Osborn had kindly circulated an article to Parish Councils and Bucks Older Person's Action Group. The map provided in the agenda pack indicated the areas which had coverage and those which did not and Mr J Clark advised more volunteers were required.
- It was asked whether applications for the registering of footpaths could be made in the name of the LAF rather than individuals. Following a detailed discussion it was agreed that Parish Councils may be the best vehicle to take this forward, however should individuals apply that would also be acceptable. It was confirmed that as long as the application was registered the County Council had a duty to investigate.
- A web based electronic database of information had not yet been created, but BCC were unable to host. Following discussion it was suggested that the Open Spaces Society be contacted to see if they could possibly host this on their website.

**ACTION: Mr J Clark to draft letter on behalf of the Local Access Forum and send to the Open Spaces Society.**

- Little Chalfont Parish Council had designed a small nature park for the local community and sought advice from the Local Access Forum. Mr N Harris and Mr G Caspersz assisted in ensuring the site conformed to the 2010 Equalities Act and Mr N Harris explained he had been happy to help a good project.
- The Local Plan consultations were ongoing with District Councils. Mr J Clark recapped the dates these consultations would close as seen in the agenda pack. Mr J Clark had commented on the Wycombe Local Plan on behalf of the Local Access Forum and made specific reference to green infrastructure and transportation. It was agreed amongst members that a response would be drafted to the Vale of Aylesbury Local Plan.

**ACTION: Mr J Clark to draft response and distribute to Members for comment before sending on to the District Council.**

- Mr J Clark advised Members of ongoing projects all of which were listed on item 5, page 24 of the agenda pack. Mr J Clark also took Members through correspondence items 6, 7, and 8. The Chairman encouraged local users to lobby for the Pegasus crossing on the A413 at Buckingham Park, Watermead.
- Members were asked to review The Buckinghamshire LAF Annual Report for April 2015 – March 2016 which had been drafted and feed any issues back to Mr J Clark before the end of July.

**6. ANY OTHER BUSINESS**

Mr N Harris advised Members that the National Trust had released a series of downloadable walks across the Thames Valley through an app. Mr N Harris agreed to send this link to Mr J Clark for it to be distributed to all Members.

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

The next meeting will be held on Wednesday 9<sup>th</sup> November 2016 at 10am. Mezzanine Room 1, County Hall, Aylesbury.

**Chairman**







## BUCKINGHAMSHIRE LOCAL ACCESS FORUM

# Report

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## AGENDA ITEM 5

**Date:** November 2016

**Title:** Rights of Way group update

**Authors:** Helen Francis, Jonathan Clark and Joanne Taylor

**Contact Officer:** Christina Beevers (01296 382938)

### A. DEFINITIVE MAP UPDATE (HELEN FRANCIS)

#### A. MATTERS PREVIOUSLY DETERMINED BY RIGHTS OF WAY COMMITTEE

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 1 February 2016. **Order confirmed. CASE CLOSED.**
2. **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. **Inquiry adjourned until 13 September 2016 with a possible Creation Agreement being explored before this date.**
3. **Edgcott** – application to record Lawn House Lane as a Public Footpath to Public Footpath 11 Edgcott. **Awaiting Legal Services to advertise the made Order.**

#### DEFINITIVE MAP APPLICATIONS TO BE INVESTIGATED AND REPORTED TO RIGHTS OF WAY 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.

4. **Iver** – application to record route from Grange Way to Colne Orchard as a Public Footpath. **Application dated 10 September 2013. To be determined during 12 July 2016 Committee meeting.**

5. **Hedgerley** – application to upgrade public footpath No. 14 to public bridleway status based on historical evidence. **Application dated 5 December 2013. Investigation not started – scheduled for late-2016 Committee.**
6. **Bledlow** – application to investigate the alignment of public footpath No. 52. **Application dated 19 December 2013. Investigation not started – scheduled for late-2016 Committee.**
7. **Quainton** – application to upgrade public footpath No. 4 to public bridleway status. **Application dated 21 October 2014. Investigation not started – scheduled for early-2017 Committee.**
8. **Great Missenden** – application to record route across Widmer Field. **Application dated 10 October 2014. To be determined during 12 July 2016 Committee meeting.**
9. **Hedgerley** – application to upgrade public footpath No. 11 and No. 12 to public bridleway status. **Application dated 25 June 2015. Investigation not started – scheduled for early-2017 Committee.**
10. **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 – scheduled for mid-2017 Committee.**
11. **Thornborough** – application to record a public footpath around the field off Back Street. **Application dated 6 January 2016. Investigation not started – scheduled for late-2017 Committee.**
12. **Little Chalfont** - application to record a public footpath around Statters Field off Burton Lane. **Application dated 13 January 2016. Investigation not started – scheduled for early-2018 Committee.**
13. **Marlow** – application to record a public footpath from Cromwell Gardens to New Court. **Application dated 15 January 2016. Investigation not started – scheduled for mid-2017 Committee.**
14. **Denham** – application to upgrade Shire Lane from bridleway to restricted byway. **Application dated 23 January 2016. Application priority raised as affected by HS2 – scheduled for late 2016 Committee.**
15. **Whaddon** – application to modify the alignment of Public Footpath No. 6. **Application dated 4 February 2016. Investigation not started – scheduled for early-2018 Committee meeting.**
16. **Lillingstone Dayrell** – application to upgrade Public Footpath No.1 to restricted byway status. **Application dated 15 February 2016 - scheduled for mid-2018 Committee meeting.**
17. **Lillingstone Dayrell** – application to upgrade Public Footpath No. 2 to public bridleway status. **Application dated 15 February 2016 – scheduled for mid-2018 Committee meeting.**
18. **Wooburn** – application to upgrade Public Footpath No. 3 between Princes Road Groves Close to byway open to all traffic. **Application dated 26 February 2016 – scheduled for late-2018 Committee meeting.**

19. **Chenies** application to add Hollaway Road to the Definitive Map and Statement as a byway open to all traffic. **Application dated 29 February 2016 – scheduled for late-2018 Committee meeting.**
20. **Chenies, Chalfont St Peter, Denham** – application to record Shire Lane as part restricted byway and part byway open to all traffic. **Application dated 14 March 2016. Application priority raised as affected by HS2 – scheduled for late-2016 Committee meeting.**
21. **Hazlemere** - application to record various routes in the field adjacent to Public Footpath No. 8 and Public Bridleway No. 6, Parish of Hazlemere as Public Footpaths. **Application dated 23 April 2016 – scheduled for early-2019 Committee meeting.**
22. **Longwick-cum-Ilmer** – application to record the route through Wellington House passageway as a Public Footpath. **Application dated 23 May 2016. Application re-prioritised as affected by development – scheduled for late-2016 Committee meeting.**
23. **Leckhampstead** – application to upgrade Public Footpath No. 13 and 18 to Public Bridleway and add a route as Public Bridleway. **Application dated 26 May 2016 – scheduled for early-2019 Committee meeting.**

#### **PUBLIC PATH ORDERS**

24. **Aston Clinton** – Application to divert public footpaths No 5 & 6 under the Town and Country Planning Act – **awaiting a made Order.**
25. **Chartridge** – Application to divert BW21A – **awaiting a confirmed Order.**
26. **Hambleden** – Application to divert Footpath No.17 - **awaiting a made Order.**
27. **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.**
28. **Little Missenden** – Application to divert Footpath No 4 – **Awaiting completion of works before Order can be confirmed.**
29. **Maids Moreton** – Application to divert Footpath No. 3. **Awaiting completion of works before Order can be confirmed.**
30. **Quainton** – Application to divert Bridleway No 21. **Awaiting a made Order.**
31. **Steeple Claydon** – Application to divert Footpath No 6. **Order Made. ON HOLD until further notice.**
32. **Swanbourne** – Application to divert Footpath No. 12/14. **Awaiting a confirmed Order.**
33. **Tingewick** – Application to divert Footpaths Nos. 29(part) and 31 and Stop Up Footpath No. 30(part) and create new Footpath and Bridleway – **Awaiting completion of footways before Order can be confirmed.**
34. **Wing** – Application to stop up Footpath No. 14 – **Awaiting completion of footway before Order can be confirmed.**

- 35. **Wingrave with Rowsham** – Application to Divert/ Extinguish Footpath No.1 (part). **Awaiting a confirmed Order.**
- 36. **Bierton with Broughton** – Application to divert Footpath No. 7B (part). **Under consultation.**
- 37. **Buckingham** – Application to divert Bridleway No. 13 (part). **Awaiting more detailed information from the developer.**
- 38. **Ashley Green** – Application to divert Footpath No. 2B (part). **In discussion with applicant.**

#### **VILLAGE GREEN APPLICATIONS**

- 39. **High Wycombe** – land at Meadow Close, Wycombe Marsh. **Further investigation required.**
- 40. **Wooburn** – land off Cherwell Road, Bourne End. **Investigation not started.**

#### **Background Papers**

None

**For further information please contact: Helen Francis 01296 387123**

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

- 41. The HS2 Bill is likely to receive Royal Assent either in December 2016 or January 2017. Enabling works (construction of compounds, preliminary investigations) are likely to start in the spring of 2017, with the majority of works commencing in 2018. Trains are due to be running through Buckinghamshire in 2026. The county council appeared in the House of Lords on Monday 24<sup>th</sup> October 2016. At the time of writing additional mitigation for access was to be sought which included: walking/cycling routes north and south of Wendover; and funding to pay for a planning application for the realignment of the footbridge for Steeple Claydon Footpaths 7, 8 and 9.
- 42. The latest East West Rail draft plans have been received for the crossing with HS2 and the Stoke Mandeville bypass. These plans can be shared with the LAF as soon as the initial conversations have finished with the Highway Authority.
- 43. Comments were made on the Draft Wycombe and Aylesbury Vale Local Plans.
- 44. A number of projects are happening in the near future around Iver and Richings Park, which could result in increases in construction traffic on local roads and will affect Footpath 15 Iver. Advice has recently been provided on the WRATH (Western Rail Access to Heathrow) project and HEx (Heathrow Express) project and Cemex planning application to extract gravel at Richings Park (see Appendix 1). The HEx project aims to relocate the Heathrow Express depot affected by HS2.

**For further information please contact: Jonathan Clark 01296 387695**

#### **C. RIGHTS OF WAY OPERATIONS UPDATE (JONATHAN CLARK on behalf of JOANNE TAYLOR)**

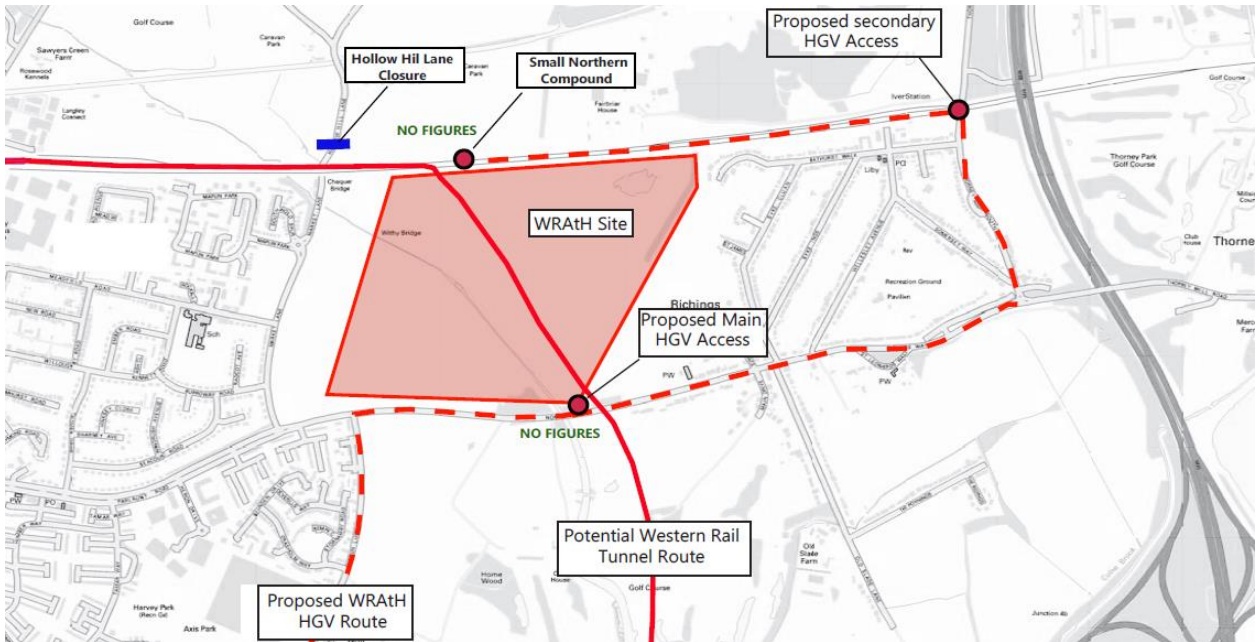
- 45. The team have worked in partnership with Oxfordshire county council to resurface a section of the National Trail through Marlow Parish. The footpath is currently closed in order to undertake these works costing £18,000, for which each authority is paying half.

46. Members of the Forum will recall the Devolvment Project made funds available to parish councils in order to undertake summer path clearance. In 2016/17 there will be 86 parishes undertaking rights of way summer clearance.
47. The current staff structure outlines positions for 7 FTE staff: 1 RoW Team Leader, 3 Area RoW Officers, 2 Assistant RoW Officer and a Bridge Structure Inspector. The team is currently down on 1 RoW Area Officer, as Rosie Taylor left in May 2016, and one bridge inspector, as Corinne has only just returned on light duties from long-term sick leave, working from home on a half-day basis.

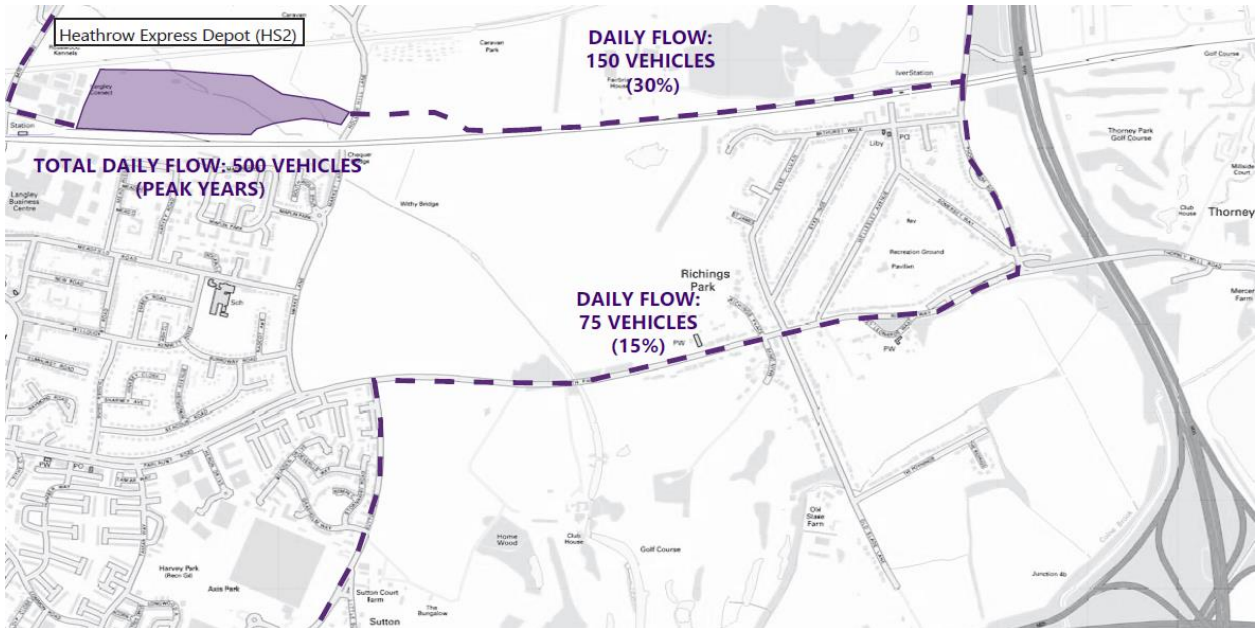
**For further information please contact: Joanne Taylor 01296 383410**



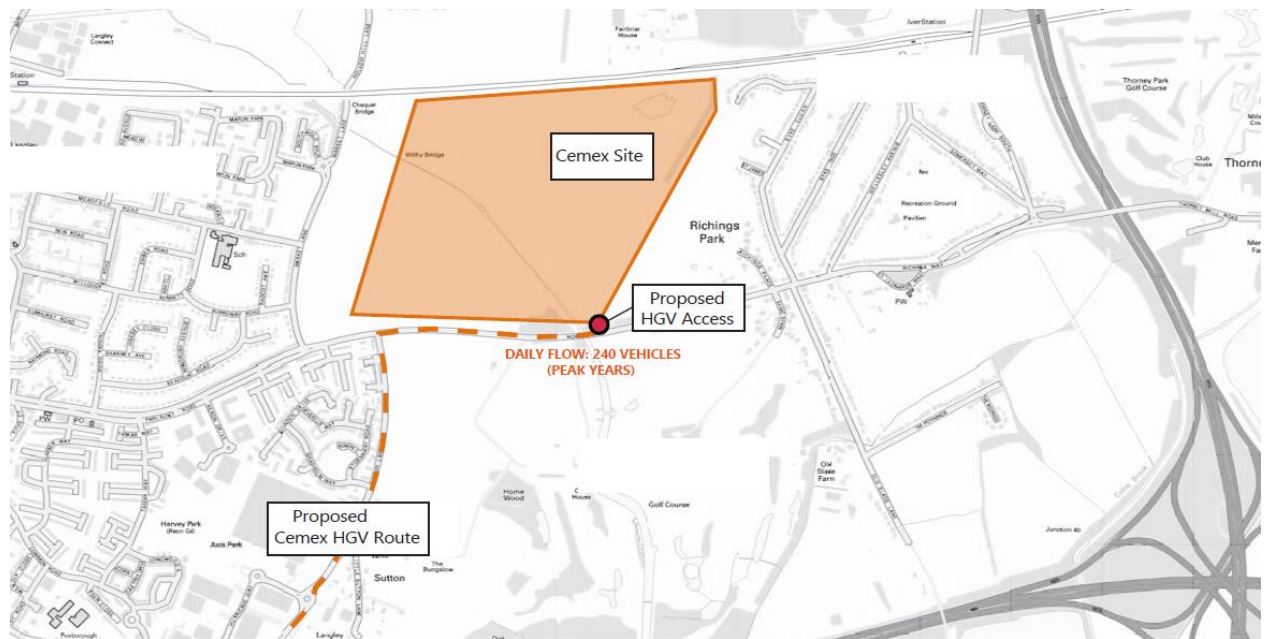
APPENDIX 1



Proposed Western Rail Access to Heathrow (WRATH)



Proposed Heathrow Express Depot (HEX)



**Proposed Cemex gravel extraction site**





## BUCKINGHAMSHIRE LOCAL ACCESS FORUM

# *Report*

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## AGENDA ITEM 6

**Date:** 9<sup>th</sup> November 2016

**Title:** LAF members' report

**Author:** Jonathan Clark, Strategic Access

**Contact Officer:** Christina Beevers (01296 382938)

### Open Access

1. Advice was sought from members at the July meeting on how the council should proceed following complaints to the parish council regarding fencing on a small piece of common in Frieth without permission under section 38 Commons Act 2006. The Forum offered to help resolve the case and Andrew Clark attended site and met with the owner on 3<sup>rd</sup> June 2016. Having been briefed on the matter, and with some background from Hambleden Parish Council clerk, members decided that county enforcement action was not a good use of resources, particularly considering the size of common land (0.12 acres), that has no commoner's rights and most of which is classified as 'excepted' land under CROW Act 2000 open access legislation (i.e. within 20 metres of a dwelling). However, advice suggested that an officer should write to the owner and parish council to outline the historical background and law (Appendix 2). It is now the owner's obligation to resolve the matter, or provide evidence the land was incorrectly registered as a common, but while the matter remains unresolved, potential new owners of the property will be made aware of the issues through an alert on the Land Charges Register.

### Restoring the Record Project

2. This LAF project aims to progress work towards achieving better access in the county before the definitive map is closed for new applications on the basis of historical documentary evidence. A total of 54 people have now volunteered, mainly from parish councils, to research lost rights of way before the definitive map cut-off date on 31<sup>st</sup> December 2026. The spatial spread of volunteers is outlined in Appendix 3, showing about 50% coverage. Following LAF advice at the July meeting a letter has been written to neighbouring LAFs inviting new volunteers (see example in Appendix 4) to address boundary routes and attract new people. A volunteer in Cherwell District has already come forward in order to co-ordinate cross-boundary research. More volunteers are continually being sought by the Co-ordinator, Ross Osborn. A suggestion was also put forward that a web-based electronic database of information could be provided - see below.

### **Website**

3. A draft website has been provided by Stephen Thorns, member for cycling. This website could host electronic information from volunteers to share. A suggestion put forward at the Restoring the Record training day included, for example, canal and railway map evidence in order to save time and money, with the added benefit of reserving rare documents. It also provides an added opportunity for the Forum to increase its profile as an independent body or use it to share information, such as training course notes.

### **Correspondence**

4. British Horse Society have written to the Forum regarding monitoring the List of Streets (Appendix 5).

### **District Council Local Plans**

5. Wycombe and Aylesbury Vale consulted on their draft local plans over the summer. These strategic documents shape growth and development over a long period and enable hooks for disciplines such as rights of way to seek gains for walking, cycling and horse riding on the back of development. Appendix 6 and 7 are the formal LAF responses. Chiltern and South Bucks districts are combining to produce a joint Local Plan covering the period 2014 to 2035 and the public consultation on the draft is likely in early 2017. There is currently a Preferred Options Consultation focussing on 15 possible Greenbelt release sites to provide about 5,000 houses from the overall 14,700 to be provided within the two districts. A LAF response to an emerging Local Plan can be addressed through correspondence or at the March 2017 meeting.

### **Disabled Access**

6. LAF member for disabled access, Gavin Caspersz, secured £500 from Wingrave with Rowsham parish council to undertake installation of two new gates, drainage works and levelling a Thames Water manhole cover to improve disabled access on Wingrave Footpath 1, located at the end of Castle Street, Wingrave. This has now been completed and photos are shown in Appendix 8. Gavin has also successfully negotiated replacing 5 stiles for disabled accessible with several landowners along a route connecting Rowsham with Hulcot. Orders are now with the Ramblers volunteers (rRIPPLE) and donations possible through their donate-a-gate scheme. If ultimately successful, and combined with existing achievements to Wingrave, this will create an improved route to Aylesbury. Gavin has also met members of the Royal Borough of Windsor & Maidenhead (RBWM), Mid and West Berkshire and Slough LAFs and invited them to a scooter and disabled access demonstration day at Rowsham. Members will be invited in due course.

### **Training**

7. Stephen Thorns, Gavin Caspersz and Ross Osborn, the Restoring the Record volunteer co-ordinator) attended a joint LAF training session on 13<sup>th</sup> September 2016 at Maidenhead Town Hall. The course was run by the Institute of Public Rights of Way Management and covered:

- PROW basics and the role of LAFs
- Impact of the Deregulation Act 2015
- Access for disabled users and requirements of the Equality Act 2010
- Right of way claim process and investigations

### **LAF dates for 2017**

8. Dates of the next meetings are at 10am in Mezz 1, on 8<sup>th</sup> March 2017; 12<sup>th</sup> July 2017; and 8<sup>th</sup> November 2017.

Transport • Economy • Environment

**Director Environment Services**

Martin Dickman

**Buckinghamshire County Council**

County Hall, Walton Street, Aylesbury  
Buckinghamshire, HP20 1UA

Telephone 0845 3708090

[www.buckscc.gov.uk](http://www.buckscc.gov.uk)

Mrs. Attwood  
The Cottage  
Little Frieth  
Frieth  
HENLEY-ON-THAMES  
RG9 6NR

Date: 24<sup>th</sup> October 2016

Ref: JC

Dear Mrs. Attwood,

Common Land adjacent The Cottage, Little Frieth - Registration No CL217

You may recall I visited the footpath and common land on your property on 3<sup>rd</sup> June 2016 with Andrew Clark, a member of the Buckinghamshire Local Access Forum (LAF). The LAF is an independent, statutory advisory body on all matters relating to countryside access, including common land and open access land, with members representing a wide range of interests. It was set up following the Countryside & Rights of Way Act 2000.

The site visit with Andrew Clark followed complaints from local residents to Hambleden Parish Council regarding the fencing on common land CL217 adjacent and to the rear of The Cottage; the parish subsequently raising these matters with the county council. We spoke briefly about the subject and I offered to write to you following advice provided to the county council by the LAF at their meeting on 20<sup>th</sup> July 2016. This is summarised below. I have also tried to lay out the history and the council's intentions regarding the common land in light of this advice and copied-in Hambleden parish council and the Open Spaces Society for their information.

In 1969 Hambleden parish council wrote to the county council to outline the land they considered to be common land. This was presented to the Commons Registration Sub-Committee in the same year and they agreed to register it as common land. I have copied the register entry and plan for your information, together with a plan we hold on our electronic mapping, interpreted from this commons map. You will note there are no commoner's rights registered on the land. Following the sub-committee meeting the maps were returned to the parish and we assume they are still held by that council.

Also in our records we hold a Commons Commissioner's decision letter dated 5<sup>th</sup> July 1978 (Ref No 203/U/122), but this relates to ownership rather than the status of the common. I have enclosed a copy for information. The Commissioner found that, before the conveyance, the land was used in common by the occupants of the neighbouring houses and none of the land was used as a private garden. You mentioned a High Court judgement and I have found reference the county council were notified of the date the court was to 'be moved' (see attached reference 1979 C No 3316), but I do not have a copy of the final judgement. Subsequent correspondence suggests a Mr Cogswell won the case, with costs charged to the parish council, but reference is only made to awarding ownership title to Mr Cogswell. I have no evidence suggesting this High Court judgement reversed the status of common land made by the Commons Commissioner.

When we spoke on 3<sup>rd</sup> June 2016 I mentioned new legislation (part 1, Commons Act 2006) was now in force in Buckinghamshire that allowed owners to deregister areas of common land if it is believed the land was incorrectly registered; applications can be made to Buckinghamshire County Council either under section 19(2)(a) or paragraphs 6-9 Schedule 2 Commons Act 2006. There is a non-refundable fee to make an application of £1,445 (plus additional fees dependent upon case progression and you can find more information on the county council's website: <http://www.buckscc.gov.uk/environment/rights-of-way/mapping-the-network/common-land-and-town-or-village-greens/> . However, having consulted the documents held by the county council, there appears to be no evidence to suggest the common was incorrectly registered. When we met in June you stated you believed the common was registered without the owner's consent. However, at the time the land was registered in 1969 there was no owner. If you wish the land to be deregistered it is up to you to prove it has been incorrectly recorded, but ownership of the land, in itself, does not render common land designation as void.

You may also be aware, that the Countryside & Rights of Way Act 2000 designated common land as 'open access' land. However, Schedule 1 of the same Act identified 'excepted land' over which no public access would be allowed, including (in para 2) within 20 metres of a dwelling and 'land used as a garden'. I have drawn red circles denoting 20 metres from the property that illustrate that most of the land is excepted under Schedule 1. Use as a garden seems to be the current use, though this wasn't the case when the land was registered as common in 1969. I am satisfied that at least most of the land has no public access and all of the land has no commoner's rights.

Section 38(3) Commons Act 2006 specifies that fencing on common land needs consent from the Secretary of State, Department of Food & Rural Affairs. I understand you have stated the fencing is temporary, but that is not relevant. Further information on how to apply for consent is available on the Gov.uk website.

The footpath running down the south-eastern side of your property is Footpath 15 Hambleton Parish (HAM/15/1). The footpath passes over the common land from a wooden gate at the adopted highway boundary to a stile at the southern boundary. Wycombe District Council made a stopping-up Order under section 257 Town & Country Planning Act 1990 in 2004, enclosed for information, to reduce the width over a short section. The remainder of the path has no recorded width in the definitive statement. I understand the width was stopped-up in order to construct an extension which was never built, but it appears the land is now used for car parking. The gate at roadside is relatively new and with no consent under section 147 Highways Act 1980, remains unlawful.

Considering the above information, both the fence line sectioning off the common land and the gate at roadside are unlawful, without the necessary consent. The LAF's considered advice is that, while the fencing on the common is, in principle, unlawful, in light of current resources the county council should take no further action in this case. However, a note will be added to the Land Charges Register so that prospective purchasers of the property are aware of the issues when a local property search is undertaken.

Finally, you mentioned a letter you had written to Margaret Freeman, to which you had not received a reply. I have found a copy of that letter and attach it for information.

Yours sincerely,

**Jonathan Clark**  
Strategic Access Officer

Tel: 01296 387695

E-mail: [jclark@buckscc.gov.uk](mailto:jclark@buckscc.gov.uk)

cc.

Hambleton Parish Council

C/O The Clerk,

20 Glade View

HIGH WYCOMBE

HP12 4UN

Open Spaces Society,

25A Bell Street

HENLEY-ON-THAMES

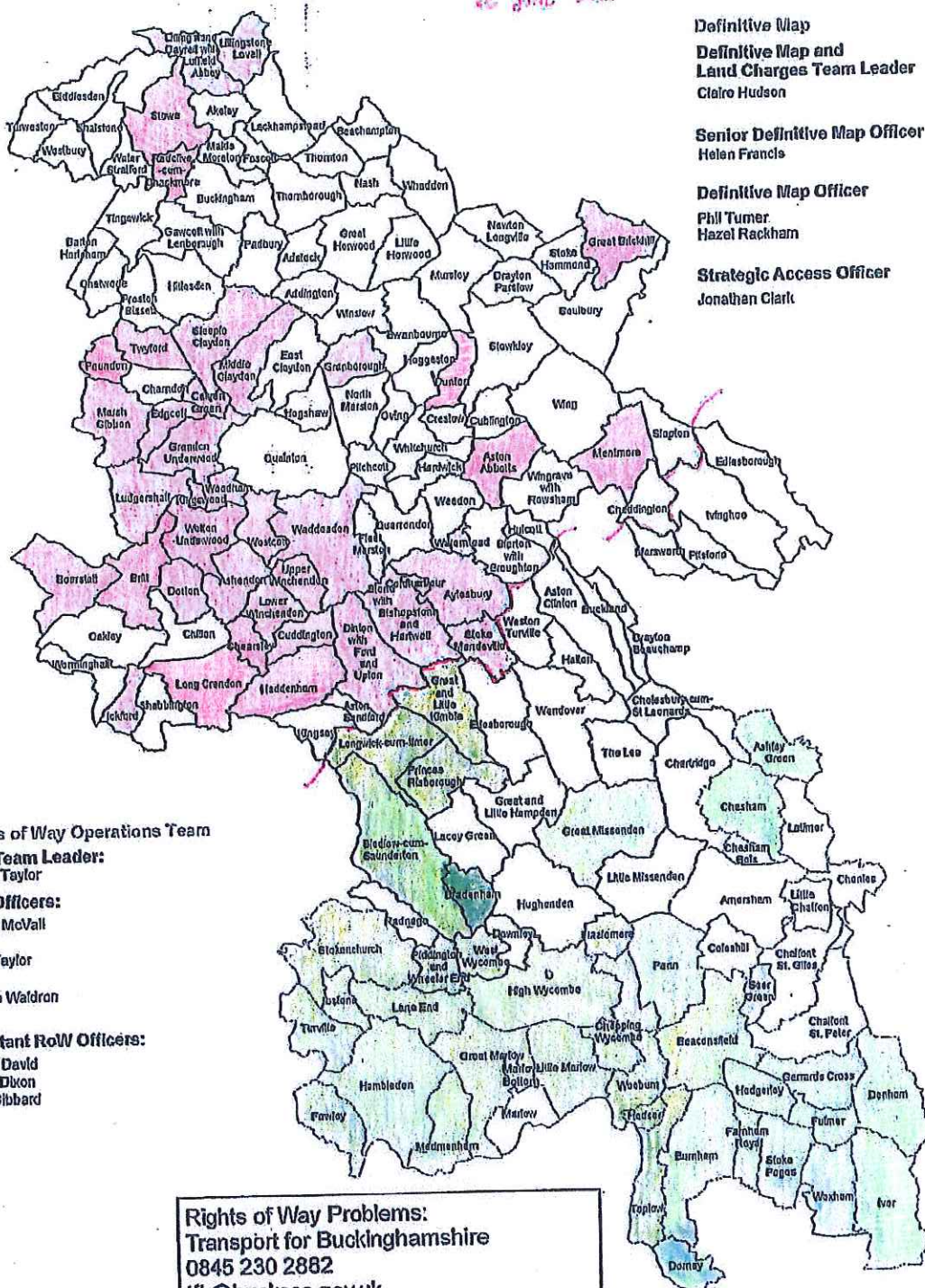
RG9 2BA





# RIGHTS OF WAY AREAS AND PARISHES

CONFIRMED PARISHES  
20 JUNE 2015



**Definitive Map**  
**Definitive Map and**  
**Land Charges Team Leader**  
Claire Hudson

**Senior Definitive Map Officer**  
Helen Francis

**Definitive Map Officer**  
Phil Turner  
Hazel Rackham

**Strategic Access Officer**  
Jonathan Clark

## Rights of Way Operations Team

**Area Team Leader:**  
Joanne Taylor

**Area Officers:**  
Alastair McVall

Rosie Taylor

Corinne Waldron

## Assistant RoW Officers:

Sophie David  
James Dixon  
Rose Gibbard

**Rights of Way Problems:**  
**Transport for Buckinghamshire**  
0845 230 2882  
tfb@buckscc.gov.uk

County Hall,  
Aylesbury, Bucks, HP20 1UY  
Tel: 0845 3708090  
DX 97401 Aylesbury2  
email:row@buckscc.gov.uk

**Definitive Map / Strategic Access Enquiry**  
0845 370 8090  
row@buckscc.gov.uk

Correct as at 1 February 2016





## BUCKINGHAMSHIRE LOCAL ACCESS FORUM

*The Buckinghamshire Local Access Forum is an independent, statutory advisory body on all matters relating to countryside access, with members representing a wide range of interests including farmers, landowners, walkers, cyclists, equestrians, parish councils, National Trust and those with disabilities.*

3<sup>rd</sup> October 2016

Dear Chairman,

### **Buckinghamshire Restoring the Record Project**

At our meeting on 1<sup>st</sup> July 2015 we had a presentation from Phil Wadey of the British Horse Society, who is undertaking work to draw attention to the 2026 cut-off date and galvanise action to secure missing links and unrecorded rights of way that could potentially be lost. The culmination of discussions after Phil's presentation, and the realisation that many years have already passed since the CROW 2000 Act, without progress, we decided to start our own county-wide, volunteer-led project and this is the reason for me writing.

We also enjoyed hosting a training session led by Phil Wadey and Sarah Bucks earlier this year and have appointed a volunteer co-ordinator, Ross Osborn (rossosborn41@gmail.com) to run the project. Ross has also written a training guide for novices to understand the background and compliment the more advanced Bucks and Wadey publication, '*Restoring the Record*'.

Attached is a map indicating the spatial coverage of volunteers. You will note there are numerous (white) gaps on the boundary with Hertfordshire, so we are looking for volunteers to cover these parishes. It seems logical to seek cross-boundary routes where these need recording, so to this end, we would like to ask if any of your members or their contacts would be interested in volunteering on our project, covering parishes in both Hertfordshire and Buckinghamshire along of our shared boundary?

I look forward to hearing from you.

Yours faithfully,



Richard Pushman (Chairman)





**From:** Eleanor Hashim [<mailto:eleanor.hashim@bhs.org.uk>]

**Sent:** 19 October 2016 17:24

**To:** Definitive Map Mailbox

**Subject:** Auditing the list of streets

Dear Sir/Madam,

I would be grateful if you could ask your Local Access Forum to consider the attached paper.

Yours faithfully,

Eleanor Hashim  
Executive & Publications, Access & Rights of Way Department  
**The British Horse Society**

Abbey Park, Stareton, Kenilworth  
Warwickshire CV8 2XZ

Telephone: 02476 840467

Email: [Eleanor.hashim@bhs.org.uk](mailto:Eleanor.hashim@bhs.org.uk)

## Auditing the list of streets: a role for local access forums

1. The stakeholder working group on rights of way recommended that: "Routes identified on the list of streets/local street gazetteer as publicly maintainable, or as private streets carrying public rights, should be exempted from the cut off.<sup>1</sup>" The British Horse Society expects this recommendation to be given effect in regulations made under [section 54\(1\)\(d\)](#) of the Countryside and Rights of Way Act 2000, exempting routes from the cut-off provisions in Part 2 of the 2000 Act.
2. The 'list of streets' is maintained by every highway authority under [section 36\(6\)](#) of the Highways Act 1980: "The council of every county, metropolitan district and London borough and the Common Council<sup>2</sup> shall cause to be made, and shall keep corrected up to date, a list of the streets within their area which are highways maintainable at the public expense." The list should contain every way which is maintainable at the public expense, regardless of whether the way is, in fact, currently maintained. Most public rights of way are maintainable at public expense<sup>3</sup>, and 'street' being defined so as to include paths<sup>4</sup>, ought to appear on the list; however, very few highway authorities are believed to have included all publicly maintainable public rights of way on their list. But it is not unusual to find urban alleyways and some byways open to all traffic on the list of streets.

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<sup>1</sup> [Stepping Forward — The Stakeholder Working Group on Unrecorded Public Rights of Way: Report to Natural England](#) (NECR035): proposal 25.

<sup>2</sup> *i.e.* of the City of London.

<sup>3</sup> Some public rights of way, particularly many ways presumed to have been dedicated since 1949 through long use, are not publicly maintainable.

<sup>4</sup> [Section 329\(1\)](#) provides that, "except where the context otherwise requires—...street has the same meaning as in Part III of the New Roads and Street Works Act 1991". Section 48(1) of the 1991 Act provides that: "a "street" means the whole or any part of any of the following, irrespective of whether it is a thoroughfare—(a) any highway, road, lane, footway, alley or passage, (b) any square or court, and (c) any land laid out as a way whether it is for the time being formed as a way or not."

3. An exemption for routes on the list of streets may be valuable in preserving routes not on the definitive map and statement which would otherwise be extinguished by the cut-off in 2026, primarily:

- unsealed routes (often referred to as unclassified county roads, UCRs, and frequently marked on Ordnance Survey maps as 'other route with public access', ORPA<sup>5</sup>) which, on evaluation, are found to be public footpaths or public bridleways<sup>6</sup>;
- urban footpaths, alleyways, ginnels *etc.*

4. Surveying authorities and rights of way researchers may wish to rely on the exemption (if granted) for routes on the list of streets so that scarce resources may be focused on applying to record other routes which will not be exempted. However, an exemption is dependable only if:

- the terms of the exemption apply to a particular route,
- a route is currently shown on the list of streets<sup>7</sup>, and the route will continue to be shown on the list of streets at a date (expected to be close to 2026) specified in regulations.

5. Rights of way user groups and researchers believe that some highway authorities amend their list of streets without any external oversight or engagement: it is alleged that, in those authorities' areas, numerous minor or unsealed routes have been deleted without due process or accountability. Of course, it is a requirement that the authority "shall keep [the list] corrected up to date" to reflect, for example, new roads which are adopted by the authority, publicly maintainable streets which are stopped up under a legal instrument, and publicly maintainable streets which cease to be maintainable on the order of a magistrates' court<sup>8</sup>. But a highway authority should not remove a street from the list simply because it no longer wishes to maintain it, or because it sees no value in maintaining it, without following a statutory procedure to relieve it of the obligation of maintenance, or to extinguish it. Even if the highway authority believes an entry in the list to be mistaken, the Society believes that the authority should follow a transparent, accountable process to corroborate its belief. Given that reliance may now be placed on entries in the list being retained up to and beyond 2026, the Society asks local access forums to address highway authorities' present practice, and where that is found to be deficient, to press for a transparent, accountable process and public engagement where appropriate.

6. The Society recommends that the following questions could be addressed by the forum to highway authorities in the area covered by the forum:

- *What unsealed highways have been removed from the list of streets since 1998 (the year in which the Ordnance Survey collected such data for the purposes of showing ORPAS on leisure mapping)?*

If the forum is concerned that routes have been removed from the list of streets prior to 1998, an earlier date might be substituted and appropriate evidence presented.

7. If the response to this first question is 'we don't know', then clearly, the highway authority has no easily accessible record of changes made.

5 For a fuller explanation of ORsPA, see [pannageman.craddocks.co.uk/#post32](http://pannageman.craddocks.co.uk/#post32).

6 There is no provision to extinguish any type of roads (i.e. carriage roads of whatever character) in 2026, except roads which are shown in the definitive map and statement as a public footpath or public bridleway and which are not otherwise excluded from extinguishment.

7 The exception from extinguishment may apply to routes added to the list of streets in the future, but before the date specified in regulations. However, until such routes are added, they are not obvious candidates for protection from extinguishment.

8 Sometimes referred to as a 'cessor order': see [section 47](#) of the 1980 Act.

- *What procedures apply to any proposal to remove a highway from the list of streets, other than in response to a legal event (such as a magistrates' court stopping up order, or a Town and Country Planning Act diversion order)?*

8. If the response suggests that changes, including removals, may be made by officers without any reference to a council committee, and without any external consultation, it is not safe to rely on a route being exempted owing to its inclusion on the list of streets, because that route is vulnerable to removal at any time.

9. Assuming that the response to these questions is insufficient, the forum may propose that—

- *No highway (or part highway) should be removed from the list of streets, other than pursuant to a legal event, unless to correct a mistake where there has been consultation with local interests (such as the local access forum and parish council), the correction is fully documented for archiving and indexation, and the decision is taken transparently within the authority on the basis of a report by officers (e.g. by a committee or by the executive).*

10. Highway authorities may be reluctant to engage in time-consuming, costly processes to amend the list of streets. But the question remains: what power does the authority have to amend the list other than consequential to a legal event? And if the intention is to correct what is perceived to be an 'error', then the evidence for such a correction should be presented in a report after engagement with local interests, the decision taken by local authority members, and details of the correction should be made available to the public. Removing a route from the list of streets, where that route is not recorded in the definitive map and statement, has the same impact as removing a public path from the definitive map. The latter process involves a familiar and fair public process. Why should we accept anything less for deletions from the list of streets?



## BUCKINGHAMSHIRE LOCAL ACCESS FORUM

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4<sup>th</sup> October 2016

Dear Sir/Madam,

### **AYLESBURY VALE DRAFT LOCAL PLAN**

At our meeting in July 2016 members decided they would like to respond to the Aylesbury Vale Plan as it relates to countryside access.

We are keen to highlight the role played by green infrastructure and rights of way networks in providing improved choices in growth areas for new residents to access local amenities by walking and cycling. They also provide settings for improved health and wellbeing of existing and new populations. Members are pleased to see the plan accurately reflects the positive roles played by these networks within the development framework and protection afforded by policy (T2).

We also support the proposal for Aylesbury to become a Garden Town, which, it is hoped, can be a catalyst to attract funding that supports improvements to walking and cycling networks connecting between the growth areas and into the town centre. Proposed projects such as the Grand Union Triangle, National Cycleway and Waddesdon cycleway can only compliment this bid.

We acknowledge the need outlined in the Plan for over 30, 000 new homes in the District and hope that the rights of way network can play some part in maintaining transport sustainability alongside that growth. A downward spiral of increased traffic leading to vulnerable users being intimidated or discouraged must be avoided and safer options for walkers, cyclists and equestrians provided. Our member for the British Horse Society is concerned with vehicle accident rates involving horses, especially against a background of increased growth in equestrian businesses. Our member representing cyclists supports segregated footways and cycleways that provide opportunities to link new developments with local amenities, where children can learn and gain confidence on their bikes.

Our member representing the Disabled Ramblers seeks to gain greater countryside access for those with limited mobility, in his case on a mobility scooter. With this in mind, we feel the principles of the Equality Act 2010 need more emphasis in your Plan to provide the opportunity for the less able to enjoy as much of Aylesbury Vale as possible, both within urban and rural settings, with connections between the two.

We are also aware of the support that rights of way provide to the district's tourism, which we feel needs greater emphasis. The network enables the public to seek recreation and leisure, for example, at Wildlife Trust sites, open access land, historic sites and the canal network, which in turn supports pubs and cafes and creates jobs. Further opportunities for overnight stays at B&Bs, camping and caravan sites, could increase the relative spend of visitors significantly.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'Richard Pushman', with a stylized flourish underneath.

Richard Pushman (Chairman)



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4<sup>th</sup> October 2016

Dear Sir/Madam,

### **WYCOMBE LOCAL PLAN**

At our meeting in July 2016 we were given a summary of the Wycombe Local Plan process and the Forum decided to respond to the Plan as it relates to countryside access.

Members are pleased with the protection afforded to countryside access in general and public rights of way in particular within the development framework. We are aware that green infrastructure and rights of way networks provide improved choices within and close to growth areas for new residents to access local amenities by walking and cycling, improving the sustainability of developments. It also adds positively to health and wellbeing of these new populations. The proposed route improvements to walking and cycling opportunities within the Draft Princes Risborough Town Plan, for example, are excellent and we hope this can be duplicated across the district.

We also support the proposals within the Draft Plan under 'Principles for Rural Areas' seeking safer options for walkers, cyclists and equestrians on rural roads. Our member for the British Horse Society is particularly supportive as accident rates involving horses and cars remain a concern. Our member representing cyclists is supportive of segregated footways and cycleways that provide opportunities to link new developments with local amenities, within which children can learn and gain confidence on their bikes.

Our member representing the Disabled Ramblers seeks to gain greater countryside access for those with limited mobility, in his case on a mobility scooter. With this in mind, we feel the principles of the Equality Act 2010 need more emphasis in your Plan to provide the opportunity for the less able to enjoy as much of Wycombe District as possible, in both urban both rural environments.

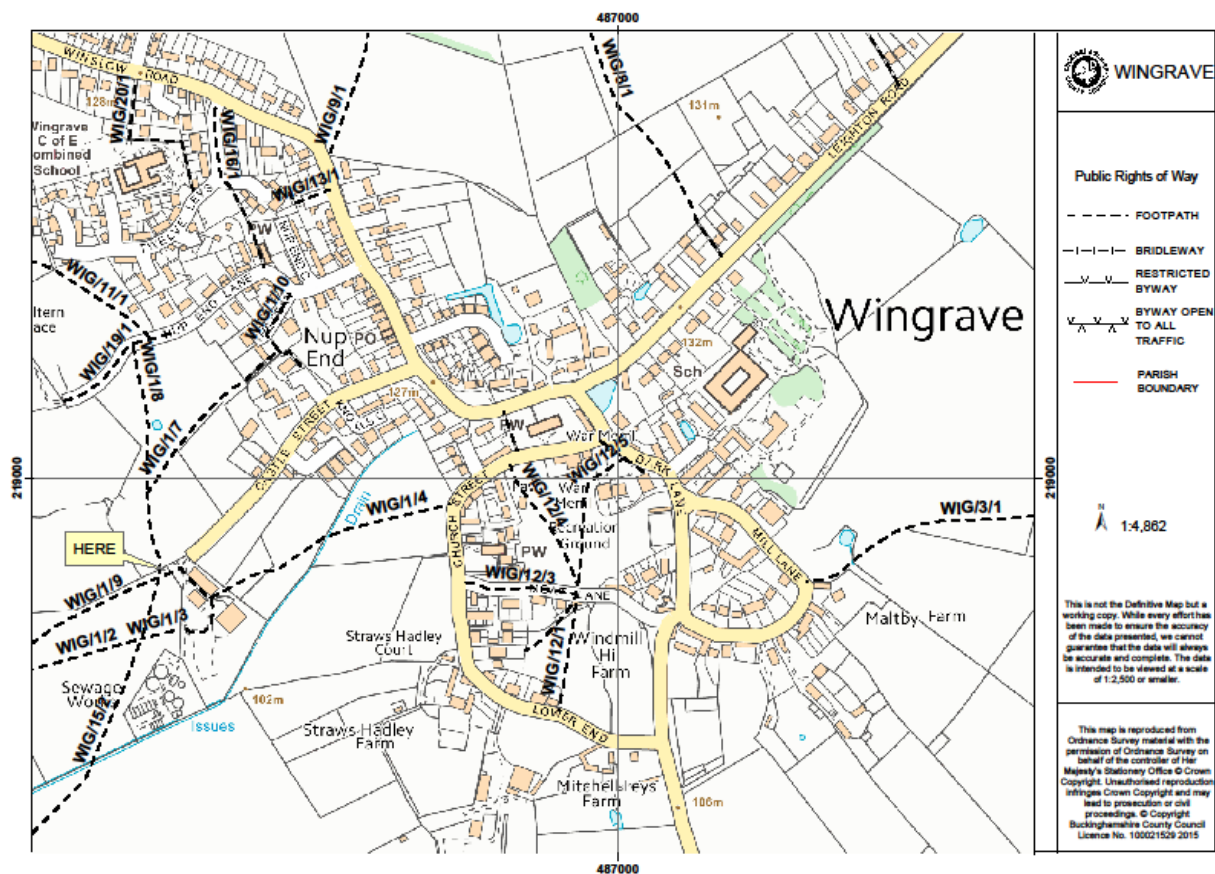
We are also aware of the significant support that the rights of way network provides to the district's tourism, which we feel needs greater emphasis in the Plan. Wycombe enjoys hosting the Thames Path (Marlow) and the Ridgeway (Princes Risborough) National Trails, both of which attract outside income. The Chilterns also attracts significant tourism income that relies on good countryside access opportunities, such as the Chiltern Way, Chilterns Cycleway and rights of way network in general. Businesses are popping up that rely on good

countryside access, such as 'The Barn' at Turville Heath, only accessible by a local bridleway. Further opportunities for overnight stays at B&Bs, camping and caravan sites, will increase the relative spend of visitors significantly from the existing day visitor that the Chilterns currently attracts.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'Richard Pushman', with a stylized flourish underneath.

Richard Pushman (Chairman)



New sleeper bridge, gates and concrete ramp at Castle Street, Wingrave

