



## BUCKINGHAMSHIRE LOCAL ACCESS FORUM

**WEDNESDAY 8 NOVEMBER 2017 AT 10.00 AM  
MEZZANINE ROOM 2, COUNTY HALL, AYLESBURY**

### **AGENDA**

<b>Agenda Item</b>	<b>Page No</b>
<b>1 Apologies for Absence</b>	
<b>2 Declarations of Interest</b> To disclose any Personal or Disclosable Pecuniary Interests	
<b>3 Action Notes/ Matters Arising</b> To confirm the minutes of the meeting held on 05 July 2017.	<b>3 - 6</b>
<b>4 New Barriers to Disabled Access</b> Presentation to be provided by Mr J Cuthbertson, Chairman of the Disabled Ramblers.	<b>7 - 8</b>
<b>5 Rights of Way Group Report</b> Updates to be provided by- Helen Francis, Definitive Map Team; Jonathan Clark, Strategic Access Officer; and Joanne Taylor, Operations Team Leader.	<b>9 - 24</b>
<b>6 LAF Members Report</b>	<b>25 - 28</b>
<b>7 Any Other Business</b>	
<b>8 Date of Next and Future Meetings</b> Mezzanine Room 1, County Hall, Aylesbury, <ul style="list-style-type: none"><li>• Wednesday 21 March 2018, 10am</li><li>• Wednesday 25 July 2018, 10am</li><li>• Wednesday 7 November 2018, 10am</li></ul>	





# 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 JULY 2017, IN MEZZANINE ROOM 2, COUNTY HALL, AYLESBURY, COMMENCING AT 10.15 AM AND CONCLUDING AT 11.50 AM.**

### **MEMBERS PRESENT**

Mr R Pushman, in the Chair

Mr J Elfes, Mr N Harris, Mr C Hurworth, Mr A T A Lambourne, Mr G Caspersz, Mr G Thomas, Ms A Heath, Mr A Clark, Mr B Worrell and Mr W Chapple OBE

### **OFFICERS PRESENT**

Mr J Clark, Ms J Taylor and Ms C Beevers

### **OTHERS PRESENT**

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

Apologies were received from:

- Mr S Thorns

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

There were no declarations of interest.

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

The minutes of the meeting held on 08 March 2017 were agreed as an accurate record.

Matters Arising

Mr B Worrell gave an update on Item 4- Kent permit system

#### **Kent's Permit System for Byways Open to All traffic (BOATs)**

Administered by the Rights of Way department. There was no charge as they don't want any excuse for not applying. Permit Applications were available online via Kent's website. They generally use combination locks with a physical barrier. What was interesting is that physical barriers still allow track bikes to get through, but as they are perceived to cause no more damage than horses, a blind eye is turned, unless

they go off the track line and cause damage. It is recognised that the track bikes and quad bikes are still illegal and the PCSO (see below) will have a word.

There were some minor issues of locks being ground off and reports of permit holders giving out the combination code to other users. People had to sign a Code of Conduct attempting to prohibit misuse. Permits can be rescinded following infringement of the Code, including not keeping to the track, etc. There had been an improved detection rate of abuse and users are respecting the Permit system. More users are again using the route including walkers, cyclists and horse riders. There is some policing of the specific Rights of Way: in one case there is a PCSO funded through partner contributions (including the police themselves) who carry out other duties and applies the Road Traffic Act to offenders.

The Rights of Way department will perform occasional inspections usually at a time when there is likely to be unauthorised use. Also the Permit Application System is undergoing a revision to allow sharing of information with the police, particularly as they are involved in the policing of the routes. There are three specific routes which have been the subject of abuse. The first one initially started with an ETRO as an experiment. There were 107 landowners along this route and the fields and woods had been sold off in 'leisure plots', several who were no longer alive, and so there was no control or stewardship. The 4x4s were all over land, fly tipping was the norm, burnt out stolen vehicles, and real damage to the surfaces. The Permit system allowed the reporting of misuse and a large majority of the landowners got together and became a community with control and stewardship. Many other users are using the route again and the Council spent some money re-instating the surface to withstand legitimate users/permits.

The second was part of a National Trail and had residents at one end who were fed up with the anti-social behaviour. The permit system stopped fly tipping and users now keep to the route. I think this is the one with the funded PCSO.

The third site had a clay undelay and was remote. The 4x4s caused real damage to the under-surface with large deep ruts full of water, both on and off the route. There were a large number of YouTube clips recording the 'fun' the drivers were having. The permit system brought back control and is now an area patrolled by a PCSO. The Council spent nearly £100,000 in repairs to improve routes, with some improvements to the surface to withstand the permitted use. There is now a wider community use and is seen to be very successful on what was a difficult remote site.

It was agreed the scheme is not 100% successful, but is a major improvement for all concerned with the exception of 4x4 vehicular users who have faded away, including a regular contingent from the continent. Horse carriage drivers largely accept the improvements which include Kent Gaps along with combination locks where required. In addition, disability users are now using the routes, some with RADA keys. Graham Rusling, Team Leader, made the point that they tend not to exclude quad and track bikes on the basis that they cause no more damage than a horse. Also, the community now have control and the permit system gives them that legitimacy.

The Chairman thanked Mr Worrell for the update.

#### **4. CONSULTATION: WYCOMBE DISTRICT COUNCIL PROPOSED CLOSURE OF FOOTPATH HWU/80 IN HIGH WYCOMBE**

Ms J Taylor gave an overview of the written report. The following points were raised by Members in discussion:

- It was asked if Wycombe District Council (WDC) would have the power to

make this decision with or without the forums input. It was advised they would have the power to proceed regardless of any feedback.

- It was asked if the area was for pedestrians or vehicles, it was advised there was currently access for public pedestrians and private vehicles.
- The Chiltern Society stated they were rejecting recommendation as they felt it would be setting a precedent for the District Councils and the County Council to be able to shut public rights of way as they wish.
- The member representing the Trail Riders' Fellowship pointed out it was a relatively short additional length along the alternative route. .
- It was asked if the statistics of the issues were available as the report states there were issues at all times of day and night and that an alternative timed closure might be acceptable. It was felt that a full closure would be over the top- a "sledge hammer to crack a nut" and by closing the footpath you would simply move the issue from one area to another.
- It was asked that if people/groups object but WDC choose to take the proposal forward, would there be an appeals process for people to follow. MS Taylor was unaware but said she would look into it and feedback to the forum.

**ACTION: Ms J Taylor**

- It is felt by the forum there were too many issues that had not been addressed by the report.
- The forum are objecting the proposal on the grounds of-
  - o May set a precedent for closing footpaths in other areas;
  - o Closing access penalises legitimate users;
  - o The alternative footway is close to noise and fumes from traffic;
  - o The number of complaints seemed relatively low and mainly from one property;
  - o There are inherent weaknesses in a locked gate – it relies on the system working 100% of the time, with too many variables leading to it breaking down.

The Chairman thanked Ms Taylor for the update.

**5. CONSULTATION: THE RIDGEWAY: NEXT STEPS IN BUCKINGHAMSHIRE**

Ms S Wright gave a presentation on The Ridgeway - Next Steps for Buckinghamshire. It was agreed to circulate the presentation to members with the minutes. The main consultation was on the proposed new strategic link from the Ridgeway to Princes Risborough town centre to promote visitor spending in local businesses. The second part was looking at how the visitor experience at Ivinghoe Beacon could be improved, together with signage more generally along the route.

The following points were raised in discussion:

- Mr B Worrell was trying to lobby for the Ridgeway to be set to the highest status possible to allow for carriage drivers use. It was recognised that there was the need and the demand for cycles and horses, but the Trails Team were looking at parallel routes to allow this where the status along the Ridgeway was only bridleway or footpath.
- Signage could include QR code with links to websites informing the public on accessibility for different levels of disability. It is unfortunate for less able users to find out half way down the path that the route is blocked. Ms Wright felt this would be useful information to provide via a QR code.
- Ms S Wright asked for suggestions for stone that could be used to put plinths in at Ivinghoe Beacon, the forum suggested:
  - o Denner Hill Stone

- Pudding stone
- It was raised there is no representative the AONB on the Forum.

The chairman thanked Ms Wright for the update.

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

Definitive Map Team - Mr P Turner updated members on some items from the Definitive Map Team's workload. There were no further questions.

Strategic Access update - Mr J Clark summarised his written report. There were no further questions.

Rights of Way Operations update- Ms J Taylor

- Ms Taylor took members through her written update.
- Ms Taylor said the team was now part of the county council having been brought back in-house from Ringway Jacobs. It was asked who's decision it was to bring external services back? Ms Taylor advised it was the previous Cabinet Member for Planning & Environment. The Forum thought this was an excellent decision.

The Chairman thanked the officers for the updates.

## **7. LAF MEMBERS' REPORT**

The Chairman noted the report, the following points were raised in discussion:

- It was asked when East West Rail would be operational? Mr J Clark said the official start date for trains is 2019, but he thought that seemed ambitious. There were no further questions.

## **8. ANY OTHER BUSINESS**

- Mr G Thomas felt there was some confusion around the registering of footpaths with local parishes as part of the Restoring the Record Project. He thought there was a need for clarification to the Parishes around what needs registering. An email needs to be compiled and sent out to parishes to ensure everyone is aware of the process. Mr J Clark said they already had the information, but agreed to write to remind parishes of the process he thought a link to the Restoring the Record website may help clarify the situation.

**ACTION: Mr J Clark**

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

10am Wednesday 8 November 2017. Mezzanine Room1, County Hall, Aylesbury.

**Chairman**



**BUCKINGHAMSHIRE  
LOCAL ACCESS FORUM**

# *Report*

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## **AGENDA ITEM 4**

**Date:** 8<sup>th</sup> November 2017

**Title:** New Barriers to Disabled Access

**Author:** John Cuthbertson, Chairman, Disabled Ramblers

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

Since 1990, when the first ramble took place along The Ridgeway, it has become recognised that disabled people want to go into the countryside. While some barriers have come down, sadly, and all too often, these have been replaced with new barriers. This presentation addresses the main issues.

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





## BUCKINGHAMSHIRE LOCAL ACCESS FORUM

# Report

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## AGENDA ITEM 5

**Date:** 8<sup>th</sup> November 2017

**Title:** Rights of Way group update

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

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

### DEFINITIVE MAP TEAM – OUTSTANDING CASELOAD (HELEN FRANCIS)

#### A. CAMSWEB

1. The County Council is moving forward with its implementation of the CAMSWeb module. The module is expected to bring a number of improvements to the service. These include an improved customer and volunteer based system; jobs can be assigned to volunteers, customers can easily track issues and keep a log of all the issues they have reported. The module is also expected to bring savings in the medium term as it will improve efficiency; taking out the double handling of issues which is currently occurring and automatically uploading legal notices to the County Council's website.
2. The mandate for CAMSWeb was approved by the Technology Support Group on 19<sup>th</sup> September 2017 and we are currently awaiting the confirmation of a Project Manager to move the project forward.

#### B. NEW STATEMENT OF PRIORITIES

1. In recent years the number of applications for Definitive Map Modification Orders and Public Path Orders has increased. Unfortunately this has coincided with reduced staff resources. This increased pressure on the service highlighted the requirement to update the previous Statement of Priorities which was initially produced in 1989.
2. The 1989 statement lacked detail and simply said that applications were dealt with in chronological order of receipt, but prioritised if the need had arisen. Due to the increase in applications, and likely future increase, a more intuitive and detailed way of prioritising applications was needed to be able to manage competing pressures.
3. A new Statement of Priorities (Appendix A) was produced in March 2017. It details the strategic aims we are working towards, the type of applications we respond to and under what circumstances we would prioritise an application over another. The statement has been applied retrospectively to applications.

## C. MATTERS PREVIOUSLY DETERMINED BY COMMITTEE

1. **Edgcott** – application to record Lawn House Lane as a Public Footpath to Public Footpath 11 Edgcott. **The Order was advertised and objections received; the Order and objections have been referred to the Secretary of State; Public Inquiry scheduled 10 October 2017.**
2. **Iver** – application to record route from Grange Way to Colne Orchard as a Public Footpath. **Application dated 10 September 2013. The Order was advertised and objections received; the Order and objections have been referred to the Secretary of State; Public Inquiry held 18 July 2017 and adjourned until 21 and 22 November 2017.**
3. **Great Missenden** – application to record route across Widmer Field. **Application dated 10 October 2014. The Order was advertised and objections received; the Order and objections will be referred to the Secretary of State for determination.**
4. **Denham** – application to upgrade Shire Lane from bridleway to restricted byway. **Application dated 23 January 2016. Order to be made shortly.**
5. **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. Order to be made shortly.**

## D. DEFINITIVE MAP APPLICATIONS TO BE INVESTIGATED AND REPORTED TO COMMITTEE.

All Definitive Map Modification applications are dealt with in chronological order of receipt. However, we will prioritise certain applications under the following circumstances:

- I. The evidence in support (either fully or in part) of the application is that of User Evidence
  - II. There is a threat of development affecting the claimed route
  - III. If the evidence in support of the application is shared with another application within the chronological list and it would be efficient to investigate the applications concurrently
1. **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 early-2018 Committee.**
  2. **Marlow** – application to record a public footpath from Cromwell Gardens to New Court. **Application dated 15 January 2016. Investigation not started – scheduled for early-2018 Committee.**
  3. **Thornborough** – application to record a public footpath around the field off Back Street. **Application dated 6 January 2016. Investigation not started – scheduled for mid-2018 Committee.**
  4. **Little Chalfont** - application to record a public footpath around Statters Field off Burton Lane. **Application dated 13 January 2016. Investigation not started – scheduled for mid-2018 Committee.**

5. **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 mid-2018 Committee meeting.**
6. **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 – to be considered at the next Rights of Way Committee meeting.**
7. **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 late-2018 Committee meeting.**
8. **Chesham** – Application to add a Public Footpath to the Definitive Map between Fair Leas and Asheridge Road. **Application received 20 December 2016 – scheduled for late-2018 Committee meeting.**
9. **Hedgerley** – application to upgrade public footpath No. 14 to public bridleway status based on historical evidence. **Application dated 5 December 2013. Under Investigation – scheduled for early-2019 Committee.**
10. **Quinton** – application to upgrade public footpath No. 4 to public bridleway status. **Application dated 21 October 2014. Investigation not started – scheduled for early-2019 Committee.**
11. **Bledlow** – application to investigate the alignment of public footpath No. 52. **Application dated 19 December 2013. Investigation not started – scheduled for mid-2019 Committee.**
12. **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 mid-2019 Committee.**
13. **Whaddon** – application to modify the alignment of Public Footpath No. 6. **Application dated 4 February 2016. Investigation not started – scheduled for late-2019 Committee meeting.**
14. **Lillingstone Dayrell** – application to upgrade Public Footpath No.1 to restricted byway status. **Application dated 15 February 2016 - scheduled for late-2019 Committee meeting.**
15. **Lillingstone Dayrell** – application to upgrade Public Footpath No. 2 to public bridleway status. **Application dated 15 February 2016 – scheduled for early-2020 Committee meeting.**
16. **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 early-2020 Committee meeting.**
17. **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 mid-2020 Committee meeting.**
18. **Leckhampstead** - Application to upgrade Public Footpath No. 5 (part) to Public Bridleway and add a route which connects with No.5 as Public Bridleway. **Application dated 21 June 2016 – scheduled for mid-2020 Committee meeting.**

19. **Water Stratford** – application to add a claimed bridleway to the Definitive Map and Statement, Parish of Water Stratford – **scheduled for late-2020 Committee meeting.**

## **E. PUBLIC PATH ORDERS**

1. **Quarrendon** – Application to divert Footpath No. 2. **Order Made, waiting for completion of works.**
2. **Biddlesden and Turweston** – Application to divert Public Footpaths No. 6 and 8. **Order made and advertised, no objections received so the Order will be confirmed.**
3. **Buckingham** – Application to divert Bridleway No. 13 (part). **Order made and advertised, no objections received, awaiting completion of works.**
4. **Tingewick** – Application to divert Footpaths Nos. 29(part) and 31 and Stop Up Footpath No. 30(part) and create new Footpath and Bridleway – **Order made, awaiting completion of works.**
5. **Weston Turville** – Application to divert Footpath No. 33 – **in discussion with applicant and neighbouring landowner.**
6. **The Lee** – Application to divert Footpath No. 6 – **Instructions to Legal to draft Order.**
7. **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.**
8. **Wing** – Application to stop up Footpath No. 14 – **Awaiting completion of work on site.**
9. **Mursley, Swanbourne and Little Horwood** – Application to divert Public Footpaths No. 19, 20 and 27. **Awaiting completion of works on site**
10. **Lane End** – Application to divert Footpath No. 9 – **Instructions to Legal to draft Order.**
11. **Shabbington** – Application to divert Footpath No. 6 – **Under consultation.**
12. **Shabbington** – Application to divert Footpath No. 5 - **Informal consultation to be started.**
13. **Chepping Wycombe** – Application to divert Footpath No. 47 – **Instructions to Legal to Draft Order.**
14. **Coleshill** – Application to divert Footpath No. 1 – **Under investigation.**
15. **Calvert Green and Steeple Claydon** – Application to temporary divert Footpaths No. 5 and 17 for quarry works – **Instruction to Legal to Draft Order.**
16. **Iver** – Application to temporary divert Footpath No. 15 for quarry works – **Instructions to Legal to Draft Order.**

17. **Tingewick** – Application to divert Footpath No. 2 – **Instructions to Legal to Draft Order.**

18. **Ibstone** – Application to divert Footpath No. 16 – **Under Investigation.**

#### **F. VILLAGE GREEN APPLICATIONS**

19. **High Wycombe** – land at Meadow Close, Wycombe Marsh. **Public Inquiry held 15-17 March 2017, will be presented to the next Rights of Way Committee.**

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

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

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

21. The council has drafted planning advice for landowners and developers (Appendix B) and the Forum's comments are sought.

22. Maintenance works have been completed on the Jubilee River between Maidenhead and Dorney to repair sections of footpath eroded since the paths were brought into use by the Environment Agency, and undertake bridge repairs on Footpath 1 Dorney Parish (DOR/1/1). The council was allocated £30,000 as part of a Section 106 Agreement to fund ongoing maintenance, and following these works all the money has now been spent. As members may know, this riverside route between Maidenhead and Windsor forms part of the National Cycle Network and is fully disabled accessible.

23. Most of the work being undertaken by National Grid to replace overhead power lines has now been completed and the rights of way network alongside has largely been reopened.

24. The Rights of Way Operational team returned in-house from Ringway Jacobs in June 2017. David Sutherland, Head of Planning & Environment, has since commissioned the Association of Public Service Excellence (APSE) to undertake a benchmarking review of the Rights of Way teams. A workshop hosted by APSE, with all right of way staff attending, took place in September 2017 in order to review current work and consider benchmarks with other authorities. APSE will make recommendations to help the council develop the service to ensure sustainable and improving performance, while recognising current challenges such as:

- managing a growing network;  
devolved functions to Parishes / Local Groups;
- use of volunteers;
- charging powers and their potential for the future;
- commissioning work;
- systems and processes within BCC i.e. Confirm and CAM system; and
- resourcing - potential for shared services/operations/recruitment

Proposed recommendations will be reported to the Forum in March 2018.

25. The latest The latest update report from North Bucks RIPPLE group (Ramblers volunteers), which includes their Donate-a-Gate project and all other work undertaken on the network, can be found via this link:

<http://www.bucks-wmiddx-ramblers.org.uk/donate-a-gate.html>

Since 1<sup>st</sup> April 2017 they have installed 27 gates to replace stiles.

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

#### **H. RIGHTS OF WAY OPERATIONS UPDATE (JOANNE TAYLOR)**

26. I can report current staff structure is 6 FTE staff: 1 RoW Team Leader, 2 Area RoW Officers, 2 Assistant RoW Officer and a Bridge Structure Inspector. At the time of writing this report the team had 5 FTE in post with one vacancy out for recruitment with interviews likely mid-October.
27. Appendix C shows the Rights of Way Operations output from 1<sup>st</sup> April 2016 to 30<sup>st</sup> September 2017 and includes a break-down of works undertaken by volunteers.
28. I can report on the outcome of the additional projects that were hoped to be completed during this financial year:
- replacement of the deck on an equestrian bridge on Denham BW52 (currently closed in the interests of safety); Quotations received, work to be allocated;
  - replacement of a footbridge on Wendover FP9 (currently closed in the interests of safety); Quotations received - order raised;
  - replacement of a footbridge on Preston Bissett FP18 (currently closed in the interests of safety); Quotations received, order raised;
  - repairs to the surface of the Thames Path in Marlow (near Temple) – completed;
  - repairs to Bridleway 8 in Hillesden, subject to the issuing of a badger licence - completed
29. The Devolvement Project has made funds available to parish councils in order to undertake summer path clearance on rights of way, with a total clearance anticipated at 253 kilometres. The number of parishes taking part this year was 86. A list of parishes is available on the county council's website at:  
<http://old.buckscc.gov.uk/media/3716655/Best-Case-T2-calculations-2016-01-20.pdf>

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

Buckinghamshire County Council  
**Definitive Map Application - Statement of Priorities 2017**

***“Keeping Buckinghamshire Thriving and Attractive –  
 Continue to protect our high quality environment”***

*Maintain records & registers as set out in legislation & safeguard the  
 Public Rights of Way network*

The Definitive Map and Local Land Charges Team process applications to both modify the Definitive Map and Statement upon the discovery of evidence that it requires modification (these are called Definitive Map Modification Orders – “DMMOs”), and also to change the Public Rights of Way network upon an external event or application made by a landowner (these are called Public Path Orders – “PPOs”). The team also processes Creation Agreements to create new public rights of way and also Town or Village Green Applications and Common Land Deregistration Applications.

The County Council, in achieving its strategic outcome, seeks to prioritise these applications to achieve the best possible outcome for the people of Buckinghamshire.

**DMMOs**

Applications of this nature are seeking to amend the Definitive Map and Statement upon discovery that the records may require amendment i.e. additional routes have been used and should be added, routes should be removed or diverted, or the status of the route needs changing. This is a statutory function of the County Council. These applications are based upon either documentary evidence or user evidence from witnesses or a combination of both. Applications will be investigated in date of chronological Order of receipt subject to a suitably experienced Officer being available. The County Council will however prioritise certain applications under any of the following circumstances:

1. The evidence in support (either fully or in part) of the application is that of User Evidence
2. There is a threat of development affecting the claimed route
3. If the evidence in support of the application is shared with another application within the chronological list and it would be efficient to investigate the applications concurrently

**PPOs**

Applications of this nature are seeking to amend the Public Rights of Way Network by diverting, extinguishing or creating public rights by Order. These applications are made by landowners in the interests of land use, privacy and security; or may be made by Developers to realign routes or supersede routes through development sites by adopted roads / footways; or through the County Council exercising its compulsory Creation Order powers. Processing these applications is a power of the County Council and not a duty and as such will be accepted at Officer discretion; applications can be refused if they are not expedient or if they fail to meet the criteria outlined below. Applications will be investigated in date of chronological order of receipt subject to a suitably experienced Officer being available. The County Council will however prioritise certain applications under any of the following circumstances:

## **Definitive Map Application - Statement of Priorities 2017**

1. Changes to the network are needed to facilitate development
2. Where the change to the network would save costs in the wider Rights of Way service provision i.e. by avoiding enforcement action
3. Where an application is made for a School's Special Order
4. Where an application seeks a betterment to the network
5. Where an application improves or enhances public safety

### **Creation Agreements**

Creation Agreements are a discretionary power of the County Council which will only be exercised in certain circumstances:

1. Where little or no maintenance work is required to bring the route up to an acceptable standard for public use
2. If the County Council is satisfied it is prepared to take on the ongoing future maintenance liability of the route to be created; all surface works must be to the Council's required standard before an agreement is entered
3. Where a route has been dedicated by the landowner, subject to points 1 and 2 above, and/or where it would make efficiency savings by avoiding a DMMO
4. Where a route forms part of a s106 agreement

### **Town or Village Green and Common Land Deregistration Applications**

Applications of this nature are processed as a statutory function of the County Council. Applications to register new Town or Village Greens will be dealt with in chronological order of receipt unless the land is affected by development, in which case that application would be prioritised.

Applications to deregister Common Land pursuant to the implemented sections of Part 1 Commons Act 2006 in Buckinghamshire will also be processed in chronological order of receipt unless an application land is affected by development, in which case that application would be prioritised.

## **Buckinghamshire Public Rights of Way – Planning & Development advice**

### **Aims**

This paper aims to provide developers with guidance on public rights of way (PROW) matters in order to enhance walking, cycling and horse riding opportunities, ensure compliance with the law and ultimately smooth the passage of planning applications through the planning process. It is an addendum to the Buckinghamshire Rights of Way Improvement Plan 2008-18 and will extend beyond April 2018 if a replacement Plan is delayed.

Further planning advice on PROW is available in Defra Rights of Way Circular 1/09, chapter 7. Pre-application PROW advice is available for applications in Buckinghamshire at no charge - please email [row@buckscc.gov.uk](mailto:row@buckscc.gov.uk). Further local contacts can also be provided in order to consult with the Ramblers or British Horse Society prior to applying to make any changes to the network.

### **Introduction**

The PROW network is an important part of the sustainable transport network that links communities together via vehicular highways and public footways. They provide safe opportunities for walking and cycling and a healthy alternative to the car for journeys to school, work, shops and local services. PROW should be seen as a positive benefit to development schemes, being able to add significantly to quality of life as well as improving public space and amenity.

Developers should give thought at an early stage to:

- how the existing PROW are affected by the development proposals;
- assessing and minimising impact on the existing PROW network; and
- enhancing existing surfaces and improving overall network connectivity.

*'The effect of development on a public right of way is a material consideration in the determination of applications for planning permission...'*

Defra Rights of Way Circular 1/09, para 7.2.

### **Preliminary investigations**

PROW are highways that include footpaths, bridleways, byways open to all traffic and restricted byways, and have the same protection as adopted vehicular highways. They are recorded in a legal document called the Definitive Map and Statement (DMS) which provides conclusive evidence of a route on the ground. The map is held at County Hall, Aylesbury and can be viewed by appointment ([definitivemap@buckscc.gov.uk](mailto:definitivemap@buckscc.gov.uk)). It is also possible to view routes on the Rights of Way section of the County Council website, but this is not always kept right up-to-date.

The existence or alignment of a PROW and the extent of adopted highways can be established through the Local Land Charges Search process – please visit the County Council website for more information. It is worth bearing in mind there may also be higher rights or additional routes in existence which are not yet recorded on the DMS. If a claim has been made for an additional route or status change, these are listed on the County Council website. It is important to highlight that in many instances a path on the ground may not always represent the true legal definitive route. It is therefore essential to check the legal line and width of a PROW as this will be the route assessed in a planning response.

Failure to make the checks outlined above may result in costly delays to a development or delay the sale of a property until the matter has been resolved.

### **Diversions and extinguishments under section 257 Town & Country Planning Act 1990**

The County Council can make an Order to divert or extinguish a PROW if it is:

*'...satisfied that it is necessary to do so in order to enable development to be carried out.'*

Section 257 (1) Town & Country Planning Act 1990

This means that the diversion of a PROW should be an early consideration in the development process to allow enough time for a PROW to be legally diverted before development affecting the path is substantially complete. This involves designing a new route to a standard to which the Highway Authority is content. A legal Order will be advertised on site and in a local newspaper during a 28 day public consultation period. Providing no objections are received, the Order can be confirmed. If the public object, the matter will be referred to the Secretary of State for determination. Development that affects a PROW must not start until the highway authority is satisfied with the alternative provided.

### **Advice on Local Authority responsibilities and Application types**

- Planning applications – These should be directed to the relevant District Council planning authority: Aylesbury Vale, Wycombe, South Bucks or Chiltern. Minerals and waste planning applications go to the Development Control Team at Buckinghamshire County Council: [dcplanning@buckscc.gov.uk](mailto:dcplanning@buckscc.gov.uk).
- Section 257 TCPA 1990 path diversions/stopping up – these are managed by Buckinghamshire County Council in the Aylesbury Vale District area, but for all other Districts they are managed by the respective planning authority. The power of a local authority to use section 257 only comes into force once planning permission has been granted, but developers can apply prior to permission being granted. The Council loses its power to confirm an order under section 257 if a development has been substantially completed; therefore development should not be substantially completed until the Order is confirmed. The cost for a diversion through the County Council is £1540 plus newspaper advert costs; all works required to open up the new route are at the expense of the applicant. £100 of the £1540 needs to be paid when the application is made and can be paid by cheque.
- Temporary path closure – Temporary Traffic Regulation Orders (TTROs) – Buckinghamshire County Council has powers to close PROW for up to 6 months, following payment of £1690 and providing 3 months' notice of the closure date. Extensions for a temporary closure can be sought for longer than 6 months, but these require approval from the Department for Transport; therefore 1 months' notice should be provided to the County Council prior to the initial 6 month closure expiring to allow sufficient time to secure the extension. TTROs are for safety and emergency use only whilst developments occur; they can be in place concurrent to a formal

diversion (s257 Order) being processed and can be used to close a PROW prior to the new alignment being provided. Applications should be made to Buckinghamshire County Council by emailing [definitivemap@buckscc.gov.uk](mailto:definitivemap@buckscc.gov.uk); details of any alternative route should be provided and 3 months' notice for a closure must be observed; full payment in advance is required and can be made by cheque.

- Section 119 Highways Act 1980 diversions – these are diversions normally used outside the planning process and are only appropriate where it is **not** necessary for the path to be diverted '*in order for the development to be carried out*'.
- Section 25 Highways Act 1980 Creation Agreements - Developers can enter creation agreements with Buckinghamshire County Council to create new PROW to enhance the network across the site. There is generally no charge for these agreements, but each situation will be considered on its own merits and a charge may be levied if deemed appropriate.

### **Network Protection**

Buckinghamshire County Council has a duty as Highway Authority under section 130 Highways Act 1980 to assert and protect the rights of the public to use and enjoy the PROW network. This includes enforcement through prosecution or serving of a Notice where a developer obstructs a PROW which has not been deleted or diverted by legal Order. It is therefore in a developer's interest to ensure PROW matters are resolved to avoid a project being delayed or having a property blighted.

### **Planning Considerations**

A developer should consider:

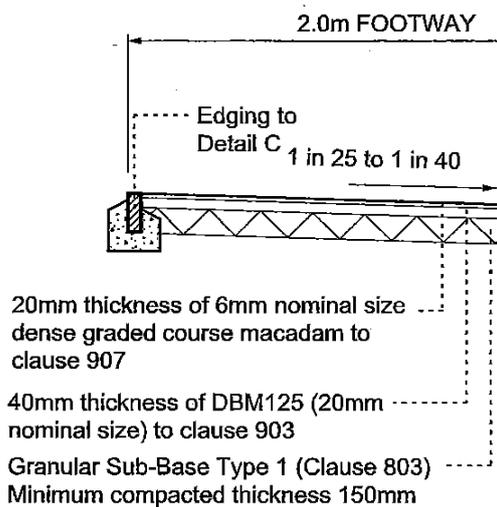
- Upgrading a PROW in order to offer multi-user opportunities that connect new residents by walking and cycling to local shops, amenities and other transport modes, such as bus stops.
- Maintaining the amenity of a PROW in terms of its width, directness, attractiveness and convenience: routes should be wide, direct, pleasant and give users confidence in an environment that enjoys natural surveillance. Narrow, fenced-in corridors should be avoided.
- Making enhancements that enable greater disabled access, such as upgrading surfaces or installing new British Standard gates.
- New links to the PROW network can be provided as part of the development to improve sustainable travel within and around the new development, linking with other formal off-road transport corridors, such as footways, cycle lanes and 'green corridors'. If a public footpath is to be used as a cycleway then an upgrade to a public bridleway or conversion to a cycle track is required to avoid the developer inheriting the insurance liability for cyclists; there is a cost attached to these works which must be met by the developer. The public cannot cycle on a Public Footpath.

### **Improving the construction of PROW – better surfaces, bridges and gates**

Depending on the size of the development, financial contributions will be sought to provide PROW improvements in order that an application meets policies and

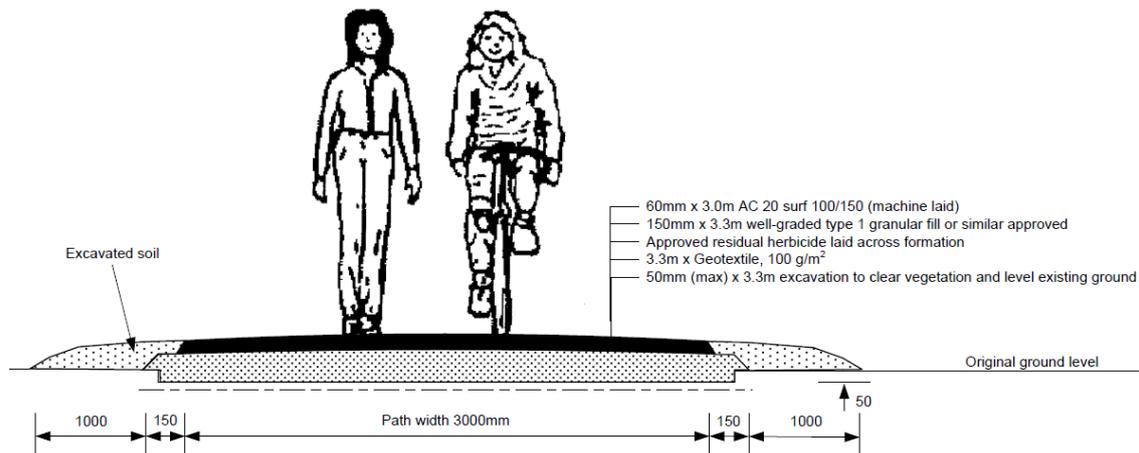
guidelines in the Local Plan, National Planning Policy Framework and Buckinghamshire Local Transport Plan 4.

The type of surfacing will depend on the situation and likely use of the route by the public (walking and/or cycling) and level demand as a result of the development. Normally, urban paths with a high demand will require surfaces that meet adoptable standards. A typical asphalt footpath construction abutting a vehicular highway is outlined in Fig.1.



**Fig. 1** - typical asphalt footpath construction with concrete edging

Open, landscaped areas should include grass verges with a width of at least 0.75 metres on either side. A typical asphalt cycleway construction is outlined in Fig 2.



**Fig. 2** - typical asphalt cycleway construction

In circumstances with particular equestrian sensitivities, a rubber-crumb, 'flexipave' surface may be more appropriate.

Normally, in order to comply with Equality Act 2010 legislation and to be suitable for walkers, cyclists and horse riders, a bridge specification should meet the standards outlined in *Design Manual for Roads and Bridges, vol. 2, section 2*

(special structures), part 8, BD29/04. Example foot and bridleway bridges are outlined in Fig. 3a and 3b below:



Fig. 3a – Typical footbridge design



Fig. 3b – Typical bridleway bridge design



Fig. 3c - Footbridge



Fig 4c - Footbridge

### Disabled Access

Applications should always comply with the Equality Act 2010. There are specific, PROW related, British Standard design guidelines (BS 5709:2006) ensuring better access for the less able. The 'least restrictive option' requires, for example, 1 metre gaps at site boundaries, or pedestrian gates if stock control is required. Moving, changing, or introducing new gates on an existing PROW will require separate highway authority permission under Section 147 Highways Act 1980 (provided free of charge). Roadside kerbs should be dropped and bridges ramped to allow access for wheelchairs and mobility scooters.

### Political support within the planning process

*The ROW network is a valuable resource in both urban and rural environments. It is one element of the county's sustainable transport network connecting communities together for every day journeys and a healthy way to access green space. The planning process is an important and often a rare opportunity to improve these opportunities for local communities, enhancing existing paths and creating new routes. I hope this guidance provides a guide to enable you to successfully incorporate ROW into your development, and by doing so, improve the sustainability of communities within Buckinghamshire.*

County Councillor Bill Chapple OBE  
Cabinet Member, Transport Economy & Environment

**Contact:**

**The Definitive Map and Local Land Charges Team**

Planning and Environment

Transport • Economy • Environment

Buckinghamshire County Council, County Hall, AYLESBURY, HP20 1UY

Email: [row@buckscc.gov.uk](mailto:row@buckscc.gov.uk)

Website: <http://www.buckscc.gov.uk/services/environment/rights-of-way/>

**Buckinghamshire County Council - Rights of Way  
Summary of Maintenance Carried Out  
Between 1/04/16 and 26/09/17**

TYPE	DESCRIPTION		
		April 16 - Mar 17	April17- Sept 17
Alignment	Path Off Line - resolved issue	55	3
Clearance	Clearance - carried out-jobs/km	135km	56km
Bridge	Installed or repaired	82	10
Finger/post	Installed or repaired	139	119
Fly Tipping	Fly Tipping - removed	17	7
Gate	Gate repaired or installed	95	69
Intimidation + animal	Intimidation - resolved	28	7
Intimidating sign	Misleading Sign - removed	10	4
Obstruction - resolved	Barbed wire	17	2
Obstruction - resolved	Barrier - Fencing, wall or other	211	26
Obstruction - resolved	Electric fence	30	5
Obstruction - removed	Fallen Tree	277	100
Obstruction - resolved	Locked Gate	27	5
Obstruction - resolved	Ploughing and Cropping	131	60
Other	Delivery of materials	45	12
Other	Miscellaneous issues resolved	45	20
Stile	Installed or repaired	226	64
Stile	Stile To Gap	17	4
Stile	Stile To KG	56	21
Stile	Stile To PG	79	18
Terrain	Bank Steps	19	2
Terrain	Path Surface problem resolved	117	20
Waymark Post	Installed/Repaired	171	40
Authorisation	New Structure HA80 sec 147	6	
Issues Signed off	Since 1st April 2016	2443	673
Volunteer Hours	The Chiltern Society	1717	586
Volunteer Hours	RA Only	698	442
Improvements	To aid mobility access	247	69
5% Survey Results	Paths Rated easy to use	66%	nov/dec
5% Survey Results	Structures rated easy to use	97%	"
5% Survey Results	Routes with Roadside Signs	89%	"
Number on Database	No. of issues os 31/03/12	799	
Number on Database	No. of issues os 31/03/13	1150	
Number on Database	No. of Issues os 31/03/14	1085	
Number on Database	No. of Issues os 31/03/15	1423	
Number on Database	No. of Issues os 31/03/16	1531	
Number on Database	No. of Issues os 31/03/17	1114	
Number on Database	No. of Issues os 26/09/17		1570

**Above includes**

Clearance direct from BCC  
Miscellaneous Jobs  
Waymarking and signs  
Gates Repaired and installed  
Bank Steps  
Stiles replaced and repaired  
Trees removed  
Total Jobs  
Hours

**Volunteer Jobs Completed**

149 jobs/36km	43 jobs/12km
	17
	4
	121
	30
	67
	31
	7
	75
	24
	69
	35
536 jobs	167 jobs
2415 hours	1028 hours





## BUCKINGHAMSHIRE LOCAL ACCESS FORUM

# Report

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## AGENDA ITEM 7

**Date:** 8<sup>th</sup> November 2017

**Title:** LAF members' report

**Author:** Jonathan Clark, Strategic Access

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

### Membership

1. Clive Harriss joins the Forum as Deputy Cabinet Member for Planning & Environment, replacing Netta Glover and Warren Whyte. Clive is the Conservative County Council Member for the Bernwood Division (Haddenham, Long Crendon, Worminghall) and Wycombe District Council member for the Icknield Ward.

### Public Spaces Protection Order

2. The Local Access Forum voted 11-0 against the proposed Wycombe District Council closure of Footpath 80 High Wycombe on the grounds of anti-social behaviour. Unfortunately, the author of the report to the Town Committee interpreted the attendance at the July LAF meeting (11 out of 14 members) as the vote (i.e. 11-14 against). Nevertheless, the High Wycombe Town Committee agreed to recommend at their meeting on 3<sup>rd</sup> October 2017 to close the footpath, for Cabinet Member, Cllr Graham Peart to sign off. It is not anticipated he will oppose it. However, Kate Ashbrook, Open Spaces Society, wrote to Cllr Peart on 5<sup>th</sup> October 2017 urging him not to close the footpath. Further information will be provided as details emerge. A question at the last meeting raised if there was an appeals process. In relation to appeals to PSPOs, the legislation says:

An interested person may apply to the High Court to question the validity of—

- (a) a public spaces protection order, or
- (b) a variation of a public spaces protection order.

An 'interested person' means an individual who lives in the restricted area or who regularly works in or visits that area.

### Chiltern Society Volunteers – Annual Meeting

3. A meeting is held annually with the Chiltern Society Area Secretaries and Path Maintenance Volunteer Leader to review the year's working practices and discuss working more efficiently in future. This year the meeting is at the Full Moon, Hawridge HP5 2UH and LAF members are very welcome to attend.

## **East West Rail**

4. Alan Lambourne attended an EWR public consultation event on 14<sup>th</sup> July 2017 relating to the Transport and Works Act Order Environmental Statement.

Those affected rights of way in Buckinghamshire are as follows:

**Marsh Gibbon** -MGI/5/1

**Poundon No. 2** - POD/2/1

**Charndon No. 3** - POD/4/2, CHA/3/1

**Twyford No 2 & 3** - TWY/3/1

**Middle Claydon No. 8** - MCL/8/1, SCL/1/3

**Middle Claydon No's 4 & 6** - MCL/4/1, MCL/6/2, MCL/6/1, MCL/4/2

**Verney Junction** - MCL/2/1, MCL/2/2

**Winslow FP No. 5** - ADD/11/1, WIS/5/1

**Winslow FP No. 17** - SWA/17/1 (incorrectly named by EWR)

**Moco Farm No. 2** - SWA/1/2

**Swanbourne Old Station** - MUR/19/1, LHO/27/1, SWA/20/

**Swans Way** - LHO/20/1, MUR/13/1

**North Bucks Way No.1** - WAD/3/5

**Griffin Lane** – AYL/7/1, AYL/8/1

## **Hockeridge Wood Disabled Access Improvements**

5. Gavin and Andrew have been investigating the possibility of replacing two narrow kissing gates at Hockeridge Wood, Ashley Green with the Royal Forestry Society. Gavin has designed metal gates that incorporate RADAR operated disabled locks into the existing design. Andrew has been successful in applying for £720 from the Chesham 'Walkers Are Welcome' initiative, and will give the money to the Chiltern Society's Donate-a-Gate Scheme to facilitate the installations.

## **Chilterns Walking Festival**

6. Gavin led disabled access walks at Ivinghoe Beacon and the Grand Union Canal in Leighton Buzzard. Andrew led four walks, three of which were HS2 themed, giving an opportunity to experience the landscape around Wendover, Great Missenden and Denham before it changes. All walks proved to be very popular. Andrew also reports that the Chesham 'Walkers are Welcome' scheme has been working with Chesham Museum to produce four downloadable history walks around the town. The next stage is to upload them to a specialist walking app.

## **British Horse Society Bridleways Officer (South Bucks)**

7. Sarah Fisher is the new BHS Area Bridleways Officer for South Bucks. She is a horse rider and keen mountain biker, so has a great interest in access to the local bridleway networks and their upkeep. Her volunteer role will cover:
  1. being contact and liaison for horse riders wanting to improve, protect and widen the network for equestrian users;
  2. being a representative of the horse riding community amongst other interested parties with respect to broader policies and planning matters relating to bridleways and access;
  3. being a contact for research and submissions for the Restoring the Record project to ensure all bridleways are on the definitive map ahead of the 2026 cut-off.

Sarah can be contacted via email: [sarahfisher2@yahoo.co.uk](mailto:sarahfisher2@yahoo.co.uk);

The two other BHS Bridleway Officers in the county are Alison Heath (Aylesbury / north Bucks) and Tina Munday (Buckingham).

### **Restoring the Record update**

8. There are two further sessions being run in Henley and Bicester, with both being taken by Phil Wadey & Sarah Bucks. Registration is through either the Open Spaces Society or British Horse Society. To book, please see link below.  
<http://www.oss.org.uk/what-we-do/training-courses/>
9. The 2<sup>nd</sup> Edition of Rights of Way Restoring the Record, by Sarah Bucks & Phil Wadey is out now and available online. <http://www.restoringtherecord.org.uk/>
10. I've been asked by Jacky Akam ([jakam@chilternsaonb.org](mailto:jakam@chilternsaonb.org)) from the Chilterns Conservation Board to signpost RTR volunteers you to their project, 'Chalk, Cherries & Trees' <http://www.chilternsaonb.org/about-chilterns/landscape-partnership-scheme.html> There is some cross-over between the CCB's scheme and the RTR project, primarily because they are looking to record landscape features such as sunken lanes, and RTR volunteers will be researching these routes which might have unrecorded public rights. Contact has been made with RTR volunteers to see if they would like to volunteer for the CCB project.

### **LAF dates for 2017**

11. The dates of the next meetings are 21<sup>st</sup> March, 25<sup>th</sup> July and 7<sup>th</sup> November 2018.

