



Buckinghamshire Local Access Forum minutes

Minutes of the meeting of the Buckinghamshire Local Access Forum held on Wednesday 1 November 2023 in The Paralympic Room, Buckinghamshire Council, Gatehouse Road, Aylesbury HP19 8FF, commencing at 10am and concluding at 11:46am.

Members present

Mr D Briggs (Vice-Chairman), Mr G Casperz, Mr A Clark, Mr N Harris (Chairman), Ms K Haining, Ms A Heath, Mr C Hurworth, Mr R Jennings, R Johnson, P Martin, Mr G Thomas, A Turner and Mr B Worrell

Others in attendance

Cl P Martin

Agenda Item

1 Apologies for Absence

Apologies were heard from Councillor Steve Broadbent. Councillor Peter Martin attended as a substitute in his place, as his Deputy Cabinet Member.

2 Declarations of Interest

There were none.

3 Minutes / Matters Arising

RESOLVED: That the minutes of the meeting held on 19th July 2023 be agreed as a correct record, pending the addition of apologies not recorded from Karen Haining (representing walkers, cyclists, and horse riders).

4 Definitive Map Modification Order Priorities

The LAF received a presentation from Claire Hudson (Definitive Map and Highway Searches Team Leader) and Helen Francis (Senior Definitive Map Officer) which gave an overview of the work undertaken by the Highways and Technical Service (HTS), which was comprised of two separate teams, the ROW Ops who oversaw maintenance and enforcement tasks, and the Definitive Map and Highway Searches Team (DM&HS) who were responsible for the legal aspects of Rights of Way and strategic work. A copy of the slides would be appended to the minutes of the meeting. The following key points were raised:

The Definitive Map and Highway Searches Team was comprised of seven full time

posts and two part time posts. These were as follows:

- 1x Team Leader
- 3x Definitive Map Officers (inc. 1 Snr)
- 2x Strategic Access Officers (inc. 1 Snr)
- 1x Team Assistant
- 2x Highway Searches Officers (both part time)

One of the definitive map positions was vacant, and a recruitment process was underway. Seven applications had been received for the post as of the date of the meeting. It was hoped that the position would be filled by the end of the year.

The equivalent of 3.6 full time officers were allocated to definitive map work, which demanded the most officer resource within the DM&HS team. Other officers prioritised highway searches, property searches, highway searches and strategic access.

The key activities of the Service included:

- **definitive map modification orders (DMMOs):** claims to make changes to legal records based on historic and user evidence. It was explained that each investigation required a significant amount of officer time and could take months or years to conclude.
- **public path orders (PPOs):** applications seeking to change the existing network in the interests of the landowner and/or the public. They ran alongside DMMOs (being of equal priority within the service) and could take less time to complete.
- **village green applications (TVGs):** applications to register village greens, often on private land. These could be complex, lengthy, and expensive, and often resulted in non-statutory public inquiries.
- **commons applications:** applications to deregister part of the common lands under certain circumstances.

Other responsibilities included dealing with landowner statements, temporary traffic regulation orders, public right of way enquiries, anomalies, and working on major projects like East West Rail (EWR) and HS2.

The DM&HS team had been working on the hand back of Twyford Footpath 2, and Little Horwood Footpath 20 following EWR works ensuring that they were not a cost to the council.

Two TVGs, (Stoke Hammond and Shootacre Lane), have been concluded and were going to inquiry next year.

The DM&HS team was facing several challenges, including a high workload, several difficult and contentious cases, financial pressures due to budget constraints and expensive village green applications. Future pressures were also expected from the implementation of the Deregulation Act and the 'Lost Ways' extension to 2031. Further rights of way closures were expected owing to an anticipated influx of applications from the National Grid.

Despite the challenges, the DM&HS team remained in control of the workload, shifting the distribution of officer hours across different activities in accordance with the pressures being experienced in different areas.

An overview of the DMMO process was shown to the LAF as follows:

- **Stage 1:** application received, checked, recorded and acknowledged.
- **Stage 2:** application investigated.
- **Stage 3:** report written.
- **Stage 4:** decision made.
- **Stage 5:** if the application is accepted the Order is made and advertised.
- **Stage 6:** objections are received.
- **Stage 7:** the Planning Inspectorate [PINS] process the Order and make a determination.

It was explained that stages 1-4 could take between nine months and two years, with stages 5-7 taking between one and a half to two and a half years. DMMOs therefore took between eighteen months to over four and a half years to be completed.

Currently, the DM&HS team had ten active DMMO applications, two of which had been prioritised due to a threat of development. There were twenty-seven user evidence applications and nineteen documentary evidence applications waiting to be investigated.

The process for processing PPOs varies between DMMOs and was often considerably shorter, taking six to twelve months, depending on the responses received from formal consultations and the need to speak to different user groups. There had been a reduction in the number of PPOs received by the DM&HS team. Of the seventeen active applications, twelve were related to development or bringing improvements to the network. There were also twelve applications awaiting works.

In the last nine months the DM&HS team had undertaken two public inquiries for village greens and were preparing for another inquiry in January 2024.

In the past six months, the DM&HS team had processed thirty-six applications for

temporary traffic regulation orders, these were either emergency closures or planned closures to allow works to take place.

Attention was drawn to the Statement of Priorities (SoP), which served as the DM&HS team's default position on applications and helped them to manage their workload in a fair and efficient way. The document had been written in 2020 and now needed to be updated. The LAF was approached for comment in relation to the SoP.

Under the existing SoP, DMMOs were processed chronologically, but certain applications were prioritised under specific circumstances such as submitted evidence in support being partially or wholly user evidence, if there was a threat of development, or if it was efficient to process multiple applications at the same time due to shared evidence. It was suggested that in a revised version, at least one historical evidence-based application per year would be brought forward alongside the user evidence ones, to prevent historical evidence applications from continually falling behind.

User evidence-based applications were often prioritised because witnesses may be elderly, may move from the area, or may get ill. Documentary evidence, on the other hand, was always there to refer to. This is consistent with the SoPs used by other authorities.

The following was confirmed after LAF member questions:

- If a DMMO application was a documentary one with some user evidence, it would be moved into the user evidence list priority pile.
- Threats of development were identified through planning consultations, and sometimes by the applicants if they were aware. The DM&HS team has a direct link with the planning authority.
- Buckinghamshire council seeks payment for both HS2 and East-West Rail work where council officers are directly involved in those projects. However, there was difficulty when it comes to work that isn't directly involved with the projects. It was also possible for the team to charge for PPOs and planning-related Town & Country Planning Act 1990 [TCPA] applications to divert, but not for DMMOs or TVGs due as these are a statutory responsibility. As HS2 work continued to increase, the DM&HS team would consider the need to source extra help from within the council.

Concerns were raised regarding the decision taken by the Secretary of State for Environment, Food and Rural Affairs [Defra] not to adopt the recommendations listed in 'Stepping Forward', a report by the Stakeholder Working Group on Unrecorded Rights of Way for Natural England, which proposed a set of measures to improve the complex recording process for public access routes on the definitive map, including the exemption of unrecorded historic paths. It was explained that the refusal to adopt the proposals could see many pre-1949 public rights of way erased,

should they not be listed by the 2031 deadline.

An attempt to lobby against this decision was expected to be forthcoming, which if unsuccessful, could see an overwhelming influx of DMMO applications to register unrecorded historic paths to local authorities. The LAF was encouraged to read the report 'Stepping Forward' and consider making a joint statement back to the Secretary of State for Environment, Food and Rural Affairs.

The LAF was informed that the DM&HS team had not been given guidance on the incoming Deregulation Act, although several working groups were assessing the potential implications on resources, and an update would be provided at a future LAF meetings once these became clear.

Claire and Helen thanked members for their discussion and thoughts on their ongoing work, and agreed to write a revised Statement of Priorities, which would be brought to the March 2024 LAF for further comment and approval at a future meeting.

5 ROWIP Year 1 Review

Jonathan Clark (Senior Strategic Access Officer) gave an overview of the Rights of Way Improvement Plan (ROWIP) report, which had largely been largely completed in 2021. The ROWIP spanned from 2020 to 2030, and Jonathan apologized for the delay in presenting the first year's report to the LAF.

The report was structured around six chapters of the ROWIP plan:

1. Mapping the network: Involves the Definitive Map team.
2. Maintenance team: led by Joanne Taylor (Highways & Technical Services Team Leader).
3. Evolving network and improvements: the planning work done by the Strategic Access Officers.
4. Knowing where to go: management of promoted routes, national trails, and sensitive sites.
5. Access for everyone: Promotes healthy communities, disabled access to the countryside, and encourages underrepresented groups to feel welcome.
6. Effective delivery: Discusses how the rights of way improvement plan is delivered, the partnerships, managing the Local Access Forum, pre-application comments for developers, working with parish councils, and website presentation.

Feedback was sought from the LAF on the presentation, structure, and substance of the report, and whether more statistics should be included, though graphs and tables would be difficult to include due to website accessibility. It was noted that the Highways & Technical Services Team Leader's Maintenance report for the year was missing but could be found in minutes of the LAF from 2021. It was hoped that the year 2 to 4 report would be presented to the LAF in November 2024.

Following feedback, the following key points were made:

- A list of current map anomalies was kept, and it was estimated that there were around eighty.
- The responsibility of enforcement fell under the jurisdiction of the Area Officers within Highways & Technical Services Team. Most enforcement cases involved minor issues and were usually resolved without enforcement action and legal services. The number of formal enforcement notices ranged from between 0 and 5 per-year.
- The management matrix was the system used to manage maintenance issues based on their priority level. It was agreed to ask if figures related to the number of issues resolved against each priority level could be extracted and reported to the LAF.

ACTION: Team Leader Enforcement & Maintenance

The website showed a working copy of the definitive map, and any changes made were reflected on the website, usually within a week or even overnight. The definitive map had last been printed in 2006, and a new print remained a priority but had been delayed due to significant changes made regularly by ongoing projects like HS2 and East West Rail.

Changes to the Definitive Map were communicated to the Ordinance Survey as they happened, but there was no ability for the DM&HS Team to police how quickly these were update by the OS.

6 Rights of Way Group Update

Attention was drawn to the attached report, detailing current and upcoming DMMO work, divided into:

Section A: covering applications currently under active investigation.

Section B: covering applications that will begin investigations in the next twelve months.

Sections C & D: covering the remaining backlog of applications.

Members of the LAF were invited to ask any questions they had regarding specific applications. The following was discussed:

- There were ongoing complexities around south-west Aylesbury, including the HS2 plans, the south-west Aylesbury link road, and a major housing development allocated in the Local Plan [Aylesbury Garden Town AGT-2].
- The Little Missenden sinkhole had been repaired by Align, a HS2 contractor. They were expected to revisit the site in the spring of 2024 to add topsoil and seed it back to grass. The situation was currently stable, and there were no reports of other sinkholes or issues.

The Chiltern Society 'Donate a Gate' scheme had been relaunched and has to-date received between 14 donations equating to 21 gates. The price had risen from £250 to £500 per gate, which was encouraging considering the increased cost.

There had been another round of Local Transport Plan consultations, reiterating the LAF's comments from the July 2023 meeting concerning road safety for equestrians and the

sustainable transport element that the rights of way network provides.

The Google Street View GoPro project was ongoing. 'Filming' had taken place in Ivinghoe, Pitstone Hill, and most of Coombe Hill, with Whiteleaf planned next. The process from filming to uploading on Google took approximately two weeks, depending on the length of the route scanned and corresponding electronic file size.

DEFRA was reopening applications for their Access for All fund with a deadline of January 2024. The council was considering ideas for funding applications.

Joanne Taylor from the operations team had provided an updated within Appendix 2 of her team's performance figures between 1st April 2023 to 23rd October 2023. Two area rights of way assistants had been recruited and were providing more work for the Chiltern Society's volunteers. BVPI figures were also listed alongside a capital projects update, and a revenue projects update.

Following questions, it was confirmed that there would likely be another BVPI check this in the winter/spring of 2023/24.

It was also clarified by Councillor P Martin that the section of the Missenden Valley greenway from The Firecrest Pub [Dunsmore] to The Black Horse, Great Missenden had been delayed. It was expected to be completed and have an opening ceremony in spring 2024. He agreed to find out the exact status of the section from Wendover to the Firecrest Pub and report back to the LAF.

ACTION: Cllr Peter Martin

7 LAF Members' Report

Jonathan Clark gave an overview of the report, highlighting the following points:

- An update to the Buckinghamshire local walking, cycling, and infrastructure plan [LCWIP] was expected in 2024 with a more meaningful draft report available for comment at the March 2024 LAF meeting.
- The 50th anniversary of the Ridgeway was celebrated on the 29th of October 2023. The event was well-attended by LAF members and included speeches, photos, press coverage and thoughts for the next fifty years of the Ridgeway.
- Natural England's online information database, previously known as the Huddle, has been replaced by Sharepoint. Members would be registered on the directory unless they said otherwise.
- It was suggested that the LAF have a morning training session at the Centre for Outdoor Accessibility Training (COAT) in Aston Rowant, Oxfordshire, which included a display area of gaps, gates, and stiles. The Chairman agreed this would be good training for everyone.
- A Chiltern Society meeting was held where the new donate a gate organiser, area secretaries, and volunteers met some of the rights of way team. There was a request for more work from the path maintenance volunteers and a request for officer to consider giving them work normally given landowners, in order simply to get the work done quicker. There was also a request by the council for the PMVs to report online issues that were no longer a problem to clear the backlog on the

system.

- A 'Widening the welcome' workshop was held by the Chilterns Conservation Board, which was well-received by LAF member and officer attending. The workshop focused on including more diverse communities across the walking network. An informative talk was given by Professor Ghurch Randhawa from the University of Bedfordshire, and a presentation was also made by the Chairman of the LAF on welcoming visitors to the National Trust's countryside sites in the Chilterns.
- An update on the East-West Rail was included for LAF Members. It was still unconfirmed whether there would be a rail passenger link south to Aylesbury, but an economic argument was being made, supported by Aylesbury MP, Rob Butler, who had asked questions in the House of Commons, and Buckingham MP, Greg Smith, through his role on the Transport Select Committee. Funding of £30,000 had been put forward to support the economic case for the link.

8 Dates & Venue of the Next Meeting

10am 6th March 2024 (Jubilee Room, The Gateway); 10am 10th July 2024 (Paralympic Room); and 10am 6th November 2024 (Paralympic Room).

Definitive Map & Highway Searches Team

- **DM&HS team** – 1x Team Leader, 3x DM Officers (inc. 1 Snr), 2x Strategic Access Officers (inc. 1 Snr), 1x Team Assistant, 2x Highway Searches Officers (both PT));
- **1 of the DM Officer posts is vacant** – recruitment process started
- Approximately **3.6 FTs Officers allocated to Definitive Map activities** (not including TL management support); breakdown of time on subsequent slide.

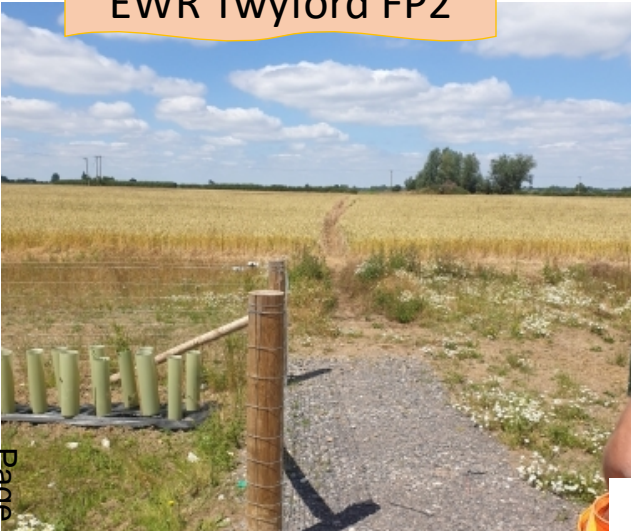
Definitive Map & Highway Searches

- Heavy caseload with long backlogs – not unusual in this service area and on a par with other Authorities
- **Definitive Map Modification Orders*** – claims to make changes to the legal records based on historical/user evidence
- **Public Path Orders*** – applications to change the existing network in the interests of the landowner/public; development
- **Village Green applications*** – register new VGs
- **Commons applications*** – deregister Common Land under certain circumstances
- **Other workstreams*** - Landowner statements, TTROs, responding to day-to-day PROW queries.
- Planning - Major development site & planning responses, major infrastructure schemes (HS2/EWR)
- Highway searches - highway extents, property searches

NB: Activities shown in bold with * are duties carried out by DM Officers and supported by TL.

Definitive Map & Highway Searches

EWR Twyford FP2

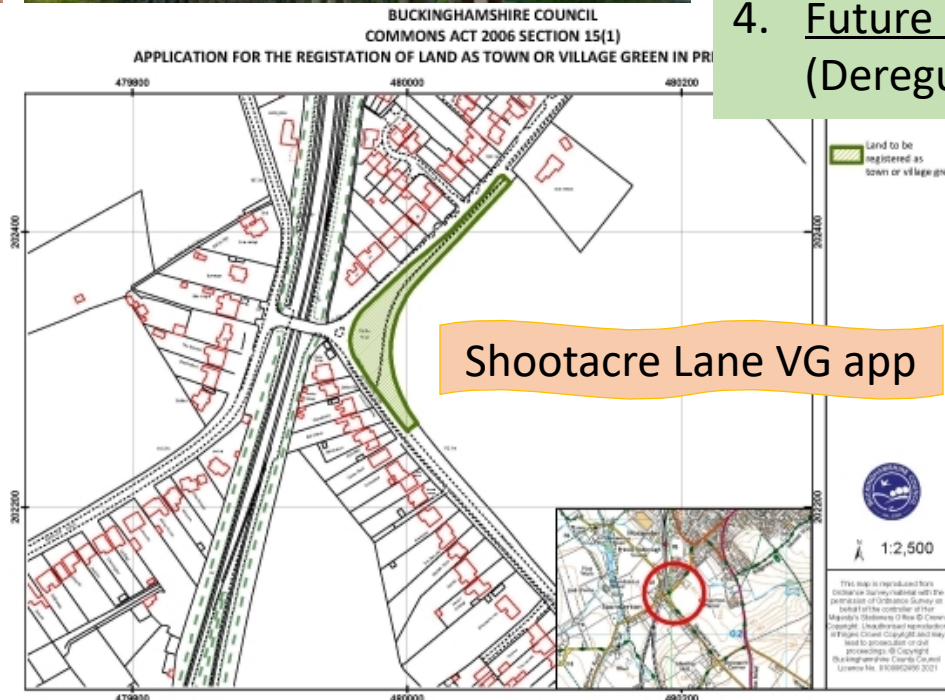


Stoke Hammond VG app



Challenges next 12 months & beyond

1. Workload – planning responses, case backlog, HS2/EWR (extremely challenging; close relations with Major Projects team – unified; hold to account; reduce risk)
2. Difficult cases – North Mill, Bledlow; Shootacre, P. Risborough VGs
3. Finances – balancing budget & workload
4. Future pressures – legislation changes (Deregulation Act, Lost Ways 2031)



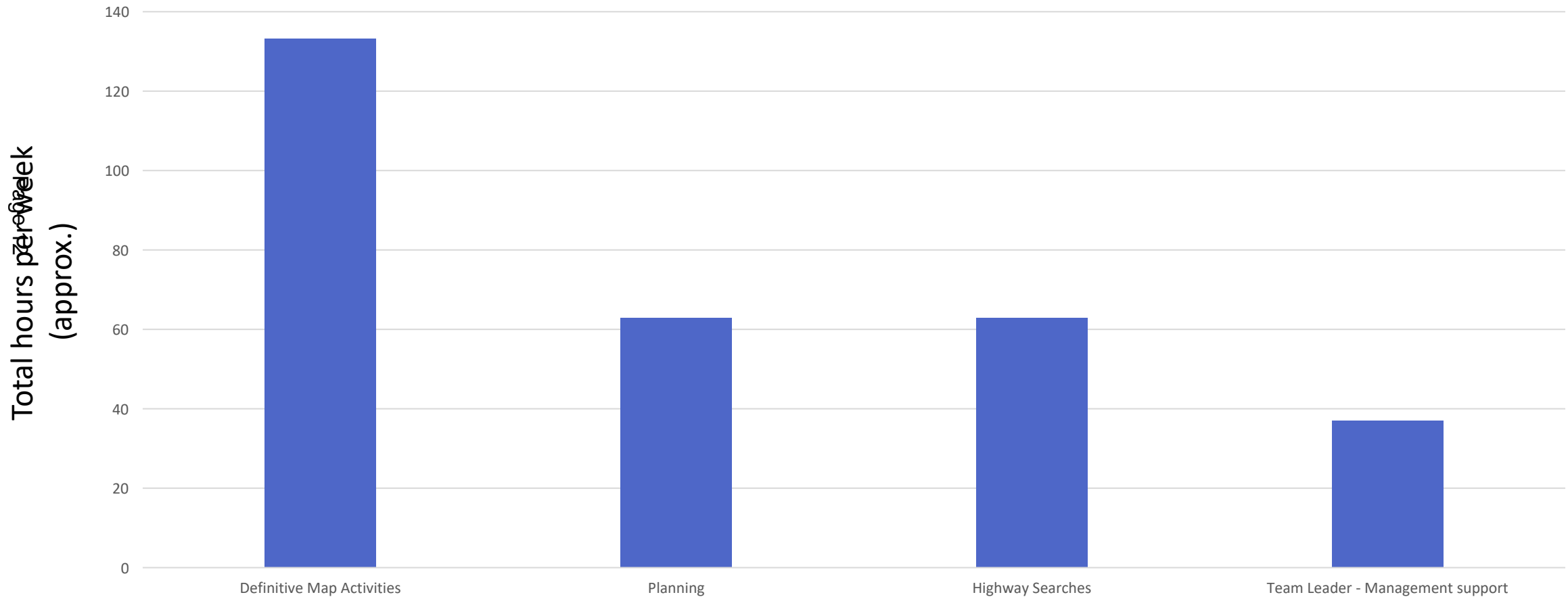
2023-24 plans

1. ROWIP Implementation & reviews
2. Local Access Forum
3. Improvement Project/s
4. Donate-A-Gate schemes
5. Village Green applications
6. DMMO Caseload
7. EWR Handbacks
8. HS2 mitigation

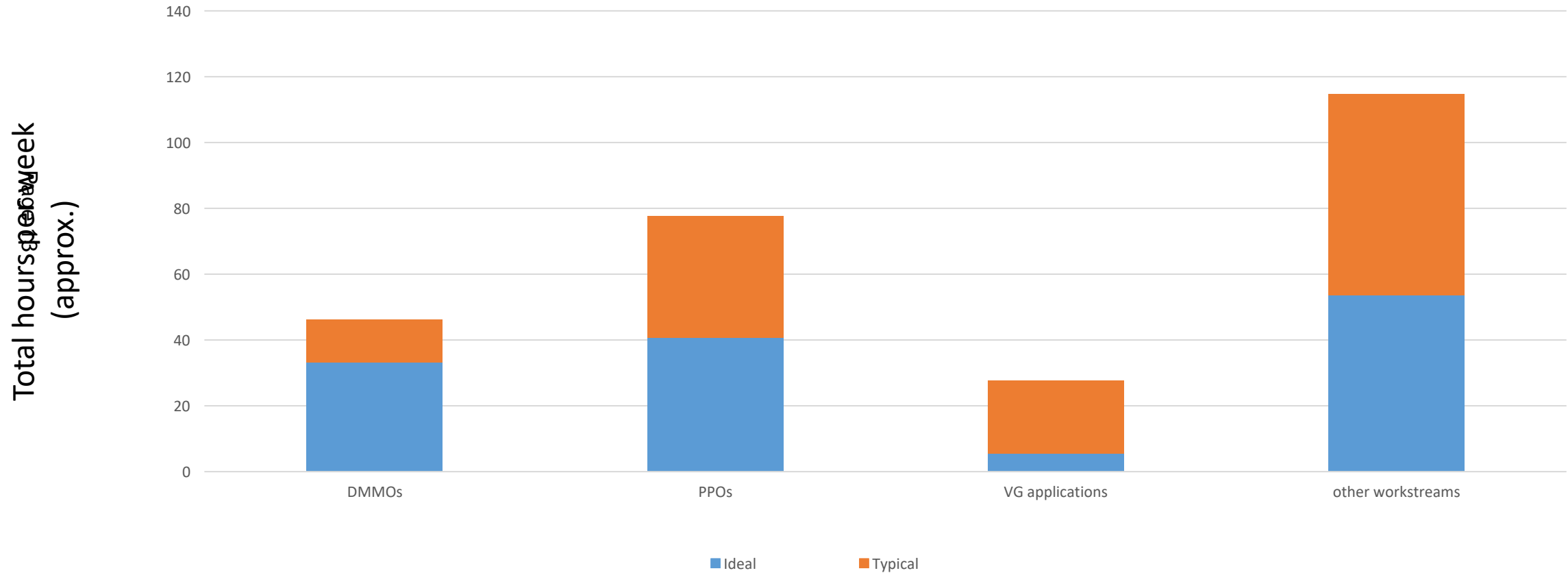
EWR Little Horwood FP20



Activities spread across the team



Definitive Map Activities



Timeline for dealing with applications for Definitive Map Modification Orders (DMMOs)

Stage 1 - Application received		Stage 2 - Investigation		Stage 3 - Investigation Report and sign off		Stage 4 - Decision	
a	Check application is duly made; list of documents, list of witnesses, certificates signed, notice served	a	Create plan and carry out informal consultation	a	Write investigation report	a	Delegated Officer Decision
b	Add to relevant database, register and website	b	Site visit	b	Report signed off by Legal Services	b	Determination Notice published
c	Consider whether notice needs to be served directly on the land, provide additional notice if required.	c	Interview landowner				
d	Acknowledge application	d	Interview witnesses				
		e	Check historical evidence				
Within 6 weeks of receipt		6 - 18 months from start of investigation		4 - 12 weeks		2 weeks	

NB: Approximate timescales

Timeline for dealing with applications cont.

If application accepted					
Stage 5 - Make an Order and advertise		Stage 6 - Objections received		Stage 7 - PINS determination	
a	Draft legal order, notice and advert	a	Acknowledge objections	a	Await timetable from PINS
b	Send instructions to legal	b	Try to get objections withdrawn	b	Instruct barriser, book suitable venue
c	Legal seek dispensation from PINS if required	c	If outstanding objections prepare papers and refer to the Planning Inspectorate (PINS)	c	Site visit with barrister
d	Order advertised and open to objections			d	Prepare Statement of Case
				e	Prepare Proof of evidence
				f	Appear as witness at inquiry
				g	If confirmed advertise confirmation and update records
3 - 4 months		2 - 4 months		1 - 2 years (dependant on PINS)	

Outstanding DMMO applications and approximate timescales

Active Applications	Prioritised and waiting to be investigated	User Evidence application and waiting to be investigated	Documentary Evidence and waiting to be investigated
10	2	27	19
	Once prioritised officer decision within 6 - 18 months	From date of application approximately 3 - 5 years before investigations start	From date of application approximately 5 - 10 years before investigations start

Currently dealing with just under 20% of outstanding applications, this is expected to rise to over 25% within 6 months

NB: Approximate timescales

Timeline for dealing with applications for Public Path Orders (PPOs)

Stage 1 - Initial enquiry		Stage 2 - Site Visit & Consultaion		Stage 3 - Decision / Making of Order	
a	Proposal received; DM Officer considers proposal and will pass to Area Officer if criteria met.	a	Site visit with applicant, Area Officer and DM Officer if required	a	Formal sign off regarding whether an Order is made or not
b	If feasabile, applicant advised to submit an application.	b	Area Officer to agree structures, widths and surface	b	If Order is to be made DM Officer will draft Order, site notice and advert. Checked by Senior DM Officer.
c	Application and deposit received.	c	Create plan and carry out informal consultation	c	Send to legal for sealing
				d	DM Officer to advertise in local newspaper, advertise on site, serve notice on prescribed organisations/people and invoice customer
		3 - 9 months of receipt of application		3 - 4 months	

NB: Approximate timescales

Timeline for dealing with applications cont.

Stage 4 - Objections/comments to Order		Stage 5 - Confirmation of unopposed Order	
a	Seek to overcome any objections received; site visit to discuss concerns.	a	Check route is open and available
b	If outstanding objections discuss with Senior DM Officer / Team Leader whether the Order and objections should be referred to PINS.	b	Instruct legal to confirm and seal Order
c	Refer to PINS if necessary - confirmation (Stage 5) is then dependant on Planning Inspectorate decision and can take 12 months +	c	DM Officer to advertise on site and local newspaper.
		d	Bring Order into effect if required separately to confirmation (mainly TCPA Orders)
		e	Invoice applicant for adverts
		f	Update relevant records, notify Ordnance Survey, achieve the Order
4 - 8 months / 12 months+ if referred to PINS		2 - 3 months	

Outstanding PPO applications

Total Applications	Waiting to be investigated	Active Applications		Awaiting works
		Under Investigation/Orders Made	To be sent to PINS / With PINS	
31	2	13	4	12

- 12 of the active applications are a result of development or improvements to network
- Applications can take 12 – 18 months+ to complete
- Time spent dealing with representations, errors made by developers
- If referred to PINS can take more than a year to be completed.

Other DM Activities

Applications for Village Green; 2 Public Inquiries in the last 9 months

In the past 6 months.....

- 38 Temporary Traffic Regulation Orders
- 21 Landowner Statements
- 558 Common and Village Green Searches
- Approximately 50 - 100 queries each week through mailbox

Statement of Priorities

DMMOs

Applications will be investigated in date of chronological Order of receipt subject to a suitably experienced Officer being available. The Council will however prioritise certain applications under 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

Statement of Priorities Continued

PPOs

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 Council will however prioritise certain applications under the following circumstances:

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