

## **NOTICE OF MEETING**

**Local Countryside Access Forum  
Tuesday 3 March 2015, 7.00 pm  
Function Room, Fifth Floor, Easthampstead House, Town Square,  
Bracknell**

### **To: Local Countryside Access Forum**

Mr Michael Abbott (Chairman)  
Councillor Michael Brossard  
John Deakin  
Hugh Fitzwilliams  
Mr Richard Mosses  
Councillor John Porter  
Mr Peter Radband  
Mrs Jenny Yung

ALISON SANDERS  
Director of Corporate Services

### **EMERGENCY EVACUATION INSTRUCTIONS**

- 1 If you hear the alarm, leave the building immediately.
- 2 Follow the green signs.
- 3 Use the stairs not the lifts.
- 4 Do not re-enter the building until told to do so.

If you require further information, please contact: Amanda Roden  
Telephone: 01344 352253  
Email: [amanda.rodan@bracknell-forest.gov.uk](mailto:amanda.rodan@bracknell-forest.gov.uk)  
Published: 20 February 2015



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Tuesday 3 March 2015, 7.00 pm  
Function Room, Fifth Floor, Easthampstead House, Town  
Square, Bracknell**

**AGENDA**

Page No

1. **Welcome**
2. **Apologies**
3. **Minutes of Last Meeting and Matters Arising**
4. **Membership and Recruitment**
5. **National and Regional LAF Work**
  - Regional LAF Chairs Meeting
  - Regional LAF Officers update
  - Bracknell Forest Partnership event
  - South East LAF Annual Conference
  - Attendance at Bracknell Forest Partnership Event
6. **Huddle**
  - Westminster Briefing – Protecting our PROW
  - Consultation
7. **Access Improvement Works**
  - PROW maintenance
  - S106 funded projects – quality improvement works to parks and open spaces
  - SANGs improvements
8. **LCAF Annual Report**
9. **Site Visits**

Site visit to Rooks Wood in Wokingham  
Please bring ideas for future visits.
10. **Reports from Officers**
11. **Reports from Members round the table**
12. **Public Question Time**

(Maximum 10 Minutes)
13. **Date of Next Meeting**

Tuesday 6 October 2015, 7pm, Function Room, 5th Floor,  
Easthampstead House, Town Square, Bracknell

## LAF CHAIR MEETING – 5<sup>th</sup> February 2015

### ATTENDANCE

Local Access Forum	Name
Bracknell Forest LCAF	Mike Abbott [MA] Rose Wicks (BFC support officer) [RW]
Bucks LAF	Jonathan Clark (Secretary) [JC]
Mid & West Berks LAF	Janice Bridger (Chair) [JB]
RBWM LAF	Peter Thorn (Chair) [PT] Andrew Fletcher (Secretary) [AF]
Slough LAF	David Munkley (Chair) [DM] Jacqui Wheeler (Secretary) [JW]

### ACTIONS ARISING FROM THE MEETING

Item	Action / Issue	Action Owner	Outcome
1	Produce a map of cross boundary paths and known issues	AF/JC/JW/RW	
2	Joint site visits to be held with neighbouring forums to discuss genuine cross-boundary issues	ALL	A list of cross-boundary issues to be developed once maps have been produced.
3	Uniform standards to be adopted across neighbouring authorities to that users have a seamless experience	ALL	Investigate options to obtain consistency amongst authorities with regard to signage and waymarking.
4	Distribute map of Ditton Park gardens	PT	
5	Ask West Berks Ramblers how they manage waymarking	JB	Complete
6	Distribute details of the NHT survey	AF	Complete
7	Share cross-boundary issues based on path surveys	ALL	RW to distribute survey data from Bracknell
8	Develop list of paths that change status across boundaries	ALL	List to be developed once maps have been completed
9	Distribute links to the Countryside Stewardship schemes	JB	Complete

### KNOWN JOINT ISSUES / BOUNDARY ISSUES

1. Ditton Park – RBWM/Slough
2. Slough arm of Canal – Bucks/Slough

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## R Cuthbert

I'm a RoW practitioner myself so my apologies if some of my words come very much from that perspective; but I'm aware that we all do need to have an open mind to the needs of users and landowners alike.

The context for today is that unrecorded footpaths and bridleways created before 1949 cannot be recorded after the 1 January 2026 cut-off date. That date was written into section 53 of the CRoW Act in 2000, but that section is yet to be commenced. It will be commenced however if and when the Deregulation Bill is enacted and the quid pro quo, to keep all things RoW balanced and fair is an entire package of *largely* deregulatory proposals put forward by the SWG on RoW.

The SWG reported an agreed package of changes to the Minister, in their Stepping Forward Report and the Government has turned some of these into proposals in the Deregulation Bill, which is currently working its way through the House of Lords stages in parliament. The other proposals are planned to be addressed through secondary legislation and guidance.

The overall plan is to cut the time taken to record rights of way, to help ensure those routes set to be lost at the 2026 cut-off will be preserved and to give landowners and occupiers, if not complete 'certainty', then at least a better level of assurance about what rights exist and where, across their land.

Today is an interactive seminar where I hope you will all get a chance to ask any questions you may have and we can all discuss:

- Changes to the legal framework for **recording, diverting & extinguishing** public rights of way;
- How procedures will become more **streamlined, flexible & light touch**;
- **Balancing public & private interests**, the right to apply and working with landowners to avoid disagreements;
- **Making applications**; finding and recording the evidence
- **Partnership Working**; to be able to do more with less in the current local govt climate.

We have the opportunity to feedback from today to those govt colleagues guiding the Bill through, on the pitfalls to avoid from late amendments, along with the key issues to be included in the regulations and guidance, and as we are already over half way from the CRoW Act in 2000 to the cut-off date in 2026, the desire to get on with it while we still have some time. The worry is that we only have 3 months for this bill to achieve Royal Assent before all bets are off for the general election...!

Just over a year ago we met in a similar session to this arranged by Westminster Briefing and heard from landowning interests of their concerns, along with the RoW practitioners closest to this set of proposals and the OS. I'm pleased to be able to welcome back Mike Walker, William Upton and Michael Wood and we have Nick Lindsay this time from the OS, along with Phil Wadey and Sophie O'Sullivan to help set out the bigger picture.

Since that last seminar in Dec 2013 the Bill has progressed through parliament, past the 2<sup>nd</sup> reading, to Report Stage and we even have draft explanatory notes and a very early stab at draft guidance. All of which start to give the picture of what the govt is trying to achieve.

### **So what are the proposals so far?**

- A presumption to divert / ext. paths across gardens / farm yards, on which subject non-statutory guidance is already out.
- Secondary Leg. and Guidance hoped to be out all on the same day as the commencement of the Act, desired by April 2016.

**A new Sch 13A** replaces Sch 14, it describes

- A preliminary assessment of Apps. need to be done within 3 months (the BET).
- Applicant has to state why they believe the DMS should be modified? and App. not registered unless it passes and that Belief has to be 'reasonable'.
- There's to be a new culture of asking if landowner will consent to the MOD app / or consent to divert...
- Direction to determine will be via Magistrates Ct (not SoS) after 12 months, with guidance for relevant grounds for appeal.
- Notices on website (or other suitable digital media).
- Test will be the 'Balance of Probabilities'.

**Sch 14A** (replaces Sch 15).

- Publish Orders on LA website.
- Orders can be severed, so only part with relevant obj. has to go to SoS.
- Mod Consent Order can be Confirmed by LA, even if objections!

### **Regulations**

- Simplified process for 'obvious' admin errors.
- Cannot downgrade or remove a route on pre 1949 evidence.
- 12 month grace period after cut-off for LAs.
- Public RoW become private RoW for occupiers.

### **Transitional Provisions.**

- How to deal with backlogs? – applying retrospective provisions.

**PPOs** – Sch6 HA80 (& Sch2 refs).

- Notices can go on LA websites.
- Can disregard irrelevant objections and statutory guidance on what is 'relevant'.
- Can sever orders and just submit part with relevant objections to SoS. Or, if dropped, confirm rest of unobjected parts.
- JR quashes Decision (rather than Order).

**Right to Apply** (CROW 2000) ss121A, B and C.

1. s118ZA and s119ZA, landowners can apply for PPO.
2. On Agricultural land, scope extended to inc. forestry, horses and any land of a prescribed description.
3. LA can recover costs in full.
4. Applicant can appeal to SoS, under certain circumstances.
5. Balance of presumption against not substantially inconvenient ... Shifting weight to interests of applicant and expediency tests.

So, as I mentioned earlier, a largely if not entirely deregulatory feel and while some lobbies still have some concerns, either that not enough is being done or conversely too much is!, the very positive level of consultation done via the SWG and the level of agreement they reached is hopefully out weighing any negatives and staving-off any obtuse late amendments.

From my point of view, as LA resources diminish, the sooner we can get faster, more efficient and streamlined but balanced processes in place, the better for everyone concerned, while there are at least some LA officers still in post to implement them.

**R Cuthbert**  
**20<sup>th</sup> January 2015**

## Site Meeting notes

### Joint LAF site visit to Rooks Wood in Wokingham

21<sup>st</sup> October, 2014

**Present:** Andrew Fletcher (RBWM), Simon Bartlam (WBC), Julie Mason (Slough LAF), Michael Brossard (BF LCAF), Peter Radband (BF LCAF), Richard Mosses (BF LCAF), Jacqui Wheeler (SBC) Rose Wicks (BFC)

- Rooks Wood managed as a Suitable Alternative Natural Greenspace
- Wokingham don't have as many issues with irresponsible dog walking at Rooks Wood as they do at Dinton Pastures
- 'Litter' bins that can also be used for dog waste are provided at all main site access points
- The positioning of the bins from the access points is important to encourage people to use them (36-45 metres is optimal). Any further away and the dog walker is less likely to use the bin to dispose of the dog waste.
- Difficult to find the funds for enforcement and having the powers to carry out fixed penalty notices - they use volunteer dog enforcement officers
- Commercial dog walkers should be encouraged to pick up dog poo. With 5+ dogs on leads it is unrealistic to believe that they will carry multiple poo bags/ use them. Should they be licensed?
- Currently assessing the idea of licensing commercial dog walkers on their sites – could this be used to raise funds which can then be used for educating dog walkers re. responsible dog ownership etc?
- Wokingham held 3 days over the summer where staff (wearing fluorescent jackets) stood at the site entrance and handed out dog leaflets and poo bags to dog walkers
- The practice of spraying where dog mess has been left (using fluorescent paint) also draws dog walkers attention to it
- IPROW conference held last week - raised the point that signage, asking people to keep dogs on lead, isn't sufficient, as people generally want to let their dogs run free
- At Dinton Pastures they've used netting where it is not visually intrusive, so that vegetation can grow over it and form a natural barrier to dogs accessing wildlife sensitive areas
- Wokingham use signs on paddocks where cattle are grazing asking people (particularly dog walkers) to be extra careful. The sign at Rooks Wood makes reference to bulls when there aren't any - encourages people to be more cautious?
- The idea has been raised about using dog steps near areas of water. Encourage dogs to specific areas, helps protect wildlife in others and it also helps limit erosion of the mud banks
- Encourage dog owners to microchip their dogs (it will be a legal requirement in 2016 for all dogs to be micro chipped)

WBC – Wokingham Borough Council

RBWM – Royal Borough of Windsor and Maidenhead

BF LCAF – Bracknell Forest Local Countryside Access Forum

SBC – Slough Borough Council

BFC – Bracknell Forest Council

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