

LOCAL COUNTRYSIDE ACCESS FORUM
10 March 2004
(7.00 pm)

Present: Diana Pidgeon (Chairman)
Taharah Azam
David Bertie
Celia Blay
Robert Bonnie
Michael Dyer
Chris Gardner
Michael Hutson
Mark Osman
Peter Radband
Derek Stickler
Stuart Tarrant (Vice Chairman)
Simon Weeks

In attendance: Helen Tranter, Head of Countryside, Open Space and Heritage
James Dymond, Countryside Research Assistant

Observer: Morris Dowding

Apologies for absence were received from:
Councillor Iain McCracken
Councillor Anne Haydon
Caroline Tomalin

21. Minutes

The minutes of the previous meeting of the Forum held on 7 October 2003, were approved as a correct record.

22. Matters Arising (Item 4)

Blackwater Valley Footpath (Minute 19)

Officers had clarified the situation regarding the use of Blackwater Valley Footpath by horses. It had been established that such uses were unauthorised. It was suggested that the horse gate should be removed and a radar-key gate could be fitted to enable access for people in wheelchairs.

23. Rights of Way Improvement Plan (Item 5)

The Forum received a note on the background and timetable for the preparation of the Rights of Way Improvement Plan.

Following the discussion at the previous meeting a number of comments had been received on the proposals. The project was currently at the 'information gathering' stage. Members of the Forum were invited to submit any further information or

comments to officers. Once all contributions had been received they would be considered by the next meeting of the Forum.

24. **DEFRA Consultation on the use of Mechanically Propelled Vehicles on Rights of Way (Item 6)**

The Forum considered a consultation document which set out proposals for regulating the use of mechanically propelled vehicles (MPVs) on rights of way. This had been circulated to members of the Forum previously for comment. Mike Dyer had submitted a commentary which raised a number of discussion points on each of the proposals.

As a general point it was felt that the consultation document was unclear in its language and in places contradictory.

The Forum discussed the proposals and Mike Dyer's comments on each. The following key points were noted:

Proposal 1 (Use of Existing Enforcement Powers)

There was general support for reinforcing the use of police powers and other means to tackle illegal and anti-social use of rights of way by MPVs.

It was agreed to invite the police to send an appropriate representative to speak at the next meeting of the Forum and, potentially, as observers at future meetings.

Proposal 2 (Revision of Making the Best of Byways)

It was noted that the revised 'Making the Best of Byways' document would involve publication of the results of research on the use of byways open to all traffic. It was considered that this information should have been published to enable informed consideration of the current MPV proposals. In the absence of the research responses to the consultation would be based on assumptions rather than knowledge about the extent of problems with MPVs.

Proposal 3 (Restricted Byway Rights)

This proposal required clarification as it was difficult to discern the drafter's intention.

Proposal 4 (One Year Cut-Off Date for Unrecorded Rights of Way for Vehicles to be recorded as Restricted Byways)

It was suggested that the one-year deadline was unreasonable, given that many local authorities had struggled to review the status of RUPPS since being required to do so 34 years ago and many had yet to complete this duty. For instance, officers at Monmouthshire had admitted that it would take 160 years to complete their review at the current rate. A one-year cut-off would, therefore, be likely to overload the application system.

Proposal 5 (Application Process for Definitive Map Modification Orders)

It was hoped that the register of applications for definitive map modification orders would be consistent nationally and that the period for submission of claims would

not commence until the format of the register had been agreed.

Proposal 6 (Recognition of easements conferring a private right of way for vehicles for the benefit of an owner/occupier)

The Forum discussed whether this proposal had any potential impact on land values.

Proposal 7 (Potential bringing forward of 2026 cut-off date for recording byways open to all traffic)

There was some concern that DEFRA was working on the assumption that roads “currently used” would not be caught by the proposed one-year cut-off date. It was suggested that the only way to remove uncertainty would be to implement the “Discovering Lost Ways” project.

The Forum thanked Mike Dyer for his comments. It was agreed that any other comments from Forum members would be submitted to James Dymond as soon as possible in order for a response to be completed and circulated by email for final comments in the week beginning 15 March 2004.

25. Trespassers and Occupiers’ Liabilities (Item 7)

Stuart Tarrant had requested an opportunity to express the landowners’ point of view in respect of trespass and occupiers liabilities. James Dymond had prepared a helpful note summarising what the users of rights of way could and could not do and the rights and liabilities of land owners in the event of trespass occurring.

It was felt that there was a need for more education and information about the meaning of open access, trespass and the ‘right to roam’. There was also a shortage of advice and assistance for land owners on how to deal with serious trespass issues, such as traveller incursions. It was noted that Wokingham District Council had a policy of assisting land owners in the event of traveller incursion and it was hoped that Bracknell Forest Borough Council would follow this up. The Forum discussed experiences of traveller incursions, destruction of wildlife and rural crime and their effect on the enjoyment of countryside access.

It was agreed that the police representative could be invited to talk on these issues at the next meeting.

In conclusion Stuart Tarrant requested officers to include clear advice on trespass in future public information literature.

26. Devil’s Highway Traffic Regulation Order Review (Item 8)

At its previous meeting the Forum had discussed the five year review of the Traffic Regulation Order on the Devil’s Highway at Crowthorne RUPP (12). It was confirmed that following the review and the consideration of the consultation responses it had been agreed that the TRO would remain in force.

27. **Public Question Time (Item 11)**

A member of the public requested consideration of a safe walking route from the southern end of Spinning Wheel Lane (RUPP 22) to the western end of Hill Farm Lane (RUPP 21). This connection involved a sharp corner with no verge. Officers undertook to consider this matter.

28. **Any Other Business (Item 10)**

Swinley Woods

Taharah Azam advised that the entrance into Swinley Woods on Swinley Road was very difficult for disabled access. The kissing-gate was inaccessible for wheelchair users. The Crown Estate representative undertook to look into this matter.

Spinning Wheel Lane

Celia Blay requested that the entrance gate to Spinning Wheel Lane (RUPP 22) should not be locked, as the side access was somewhat sloping and dangerous.

Rights of Way Map

Copies of the map of Rights of Way in Bracknell Forest were tabled for members of the Forum. Copies would also be provided to Parish Councils.

Butter Hill Site Education Day

The Crown Estate had held an Education Day on 29 February at the Butter Hill Site on the Devil's Highway. This had been a successful event and a number of motorcyclists had been intercepted and had not returned.

29. **Date of Next Meeting (Item 12)**

It was agreed that a date would be sought in early October and Members of the Forum would be notified in due course.

CHAIRMAN