

**LOCAL COUNTRYSIDE ACCESS FORUM
31 JANUARY 2023
7.00 - 8.57 PM**



Present:

Members:

Colin Bird (Chair)
Richard Mosses (Vice-Chair)
Councillor Michael Brossard
Richard Elsbury
Councillor Alvin Finch
Hugh Fitzwilliams
Sue McDaid
Geoff Paxton
Jenny Yung

In attendance:

Graham Pockett, Parks & Countryside Development Manager
Robert Solomon, SANG and Rights of Way Officer
Rose Wicks, Data & Communications Officer

Observers:

Richard Everett, Chief Forester, The Crown Estate
Purveen Hira, Binfield Parish Council

Apologies for absence were received from:

Nicholas Ballard

245. Welcome

The chair welcomed the forum to the meeting. Purveen Hira was welcomed as an observer in her role as Amenity Officer for Binfield Parish Council. Richard Everett, representing The Crown Estate, was also welcomed as an observer.

246. Minutes of Last Meeting and Matters Arising

The minutes of the meeting held on 11 October 2022 were approved as a correct record.

Minute 239 had been unintentionally omitted from the agenda reports pack and the full minutes would be redistributed to the forum.

A summary of progress on the action points from the meeting was included in Appendix 1 of the agenda reports pack.

247. PRow Improvements/Issues

A summary of LCAF proposals for new / modified Public Rights of Way (PRow) and access routes was provided in Appendix 2 of the agenda reports pack. Hugh

Fitzwilliams highlighted that proposal number 15 (Bridleway route to link Warfield development area to Hazelwood Lane and Warfield BR26) was confusing. The comment section stated that 'There is not a horse route west of West End Lane on the Greenway through Woodhurst Park either into Forest Road or Sopwith Rd.' Hugh suggested that the reference to Sopwith Rd should be removed as that was in the opposite direction. Colin Bird agreed to review and amend the wording. **(Action: Colin Bird)**

Mosses path

Graham Pockett explained that it had been proposed to dedicate Mosses path adjacent to Binfield Football Club as a PRoW on the definitive map. The land was owned by Bracknell Forest Council (BFC) but leased to the football club. This proposal had been explored as a condition following consultation with Binfield Parish Council to delete a stranded bridleway, Binfield BR23A, from the definitive map; it was felt that dedicating Mosses path as a PRoW would balance the loss of the bridleway.

The treasurer of the Football Club had raised no objections in principle as long as there was no work for them in terms of increased maintenance. This could be settled in the agreement; furthermore, Binfield Environment Group already did a lot of routine maintenance in this area

The track was well used by horse riders. The forum discussed that, if it was dedicated as a footpath, it could not be used by horses unless permissive access was agreed by the landowner. It was not necessarily suitable to become a formally dedicated bridleway due to concerns about the width of the path and the surface which did not provide suitable access all year-round. It was suggested that it could be a footpath and have Bracknell Forest Council provide a green sign permitting use by equestrians, and that consideration would be needed as to whether to permit cyclists as well.

LCAF supported the proposal.

Winkfield FPs 13 and 19

BFC had made a diversion order, but this could not be confirmed until all the paths were in a convenient condition for public use as footpaths. One section had not been landscaped at all and was impassable due to flooding.

Colin expressed his disappointment at the landowner's lack of respect for the PRoW. This had required Bracknell Forest Council, particularly Graham, to invest a lot of time in trying to resolve the issue.

LCAF discussed the following options:

- Members suggested how publicity via social media had been helpful in other situations to rally public support and interest; for example, Bracknell News and Facebook groups such as "We Love Sandhurst". Rose Wicks agreed to liaise with the BFC comms team for their advice on this matter. **(Action: Rose Wicks)**
- Query if local could be approached on this issue. This would come only if stronger enforcement action was unsuccessful. **(Action: Councillor Brossard)**
- BFC could use stronger enforcement action. Graham agreed to send an official letter to the landowners regarding the destruction of the surface and giving notice to make good within a fixed period of time. **(Action: Graham Pockett)**

Geoff Paxton shared that Winkfield Parish Council was arranging a spring footpath walk which would usually be attended by 15-20 residents. Geoff suggested that the

route could include this area and would make this proposal to the parish council.
(Action: Geoff Paxton)

Binfield FP9

Rob Solomon explained that major vegetation maintenance work had been done along Binfield FP9. This was done every three years. Rob confirmed that the path linked to the other side of Binfield and he had seen people using it.

248. **RoWIP2 Mid-term Review**

Rose Wicks provided a brief overview of RoWIPs, to those new to the forum, and provided an update on the mid-term review conducted of the Bracknell Forest Rights of Way Improvement Plan (RoWIP2).

A summary of review findings was provided in Appendix 3 of the agenda reports pack. Rose highlighted that a key finding from the review was how many improvements were delivered over the past five years bearing in mind the pressures of Covid, budgetary restrictions, and staffing shortages. This progress was made possible by a lot of partnership work.

The review was not just a backward look over the past five years but was also a forward look of the priorities for the next five years.

The review was approved by the [Executive Member](#) and Director on 20 January 2023, with the period of call in now passed

The next steps were to convert the document into a new accessible PDF in a leaflet-style which would also be made available online. Also, some publicity was to be conducted to raise awareness of the accessibility improvements made to PRowWs in the last five years and to promote LCAF. It was agreed to consider including an article in the summer edition of Town and Country (BFC newspaper) if the usual space was allocated to Parks and Countryside **(Actions: Rose Wicks)**.

Colin thanked Rose and others from the council who had contributed to this review.

249. **Definitive Map Consolidation**

Rose explained that a review of the definitive map was required this year as it was ten years since the last consolidation. This process would involve including the changes which had been made and confirmed via modification orders since January 2013 including path diversions, creations, and closures. The high priority PRowW issues which had been identified were included in Appendix 4 of the agenda reports pack. Some of these would be run through in the meeting to consult members on how to take the actions forward.

As part of this review work, changes were identified for 68% of PRowWs that were visited. These were mostly minor changes such as changing the road names or where pubs were no longer there. For those changes which did not involve a change of status (such as changing footpaths to bridleways), a modification order was not needed to change the definitive statement.

Rose had been preparing a report to go to the Executive Director to approve the process for consolidating all changes made by modification orders, and amendments and corrections not requiring a modification order. Graham added that the modification orders for the high priority changes would have to be published and at that point there would be a period of public consultation before changes came into

effect. There was no process to consult on minor changes as they were factual changes. Rose proposed that all the changes that had been made could be added as an Appendix to future agendas.

Colin highlighted that the south-east end of Crowthorne BR14 did not follow the route on the definitive map. Rose agreed to update her records to investigate this.

(Action: Rose Wicks)

Binfield FP2

Richard Mosses explained that unofficial fencing had been installed, diverting the path around the field to the east (Bottle Lane). This followed a horse putting its foot through the bridge meaning that the bridge had to be replaced and the fence was installed to prevent horses getting to the bridge. Rose explained that the proposed action was to contact the landowner to apply for a diversion order. LCAF supported the proposal but highlighted that it would need to be made clear to the landowner that they were still responsible to retain the width of the path by maintaining the hedge, and that it would be inspected regularly. Rose added that a clause could be added to the modification order if required.

Binfield FP11

Graham explained that the footpath had been partly absorbed into the tarmac on the Amen Corner North development. The road was part of the adoptable highway from 11 Attlee Way to opposite flats 9 to 33 Ellwood Fields. The original intention was to divert the footpath to the woodland buffer zone, but a complication was that part of the land had to be returned to the original landowner without any additional legal incumbrances. A PRoW running across that land would be considered a legal incumbrance, which had stalled efforts to divert the path. Considering these points, it was highly unlikely a footpath diversion would go ahead and the legal line of the footpath would continue along the original route. There would still be a physical path to provide access, but it would not be a designated PRoW. The development had not been transferred to BFC yet.

Richard Mosses noted that the pathway was not well-maintained. Graham explained that developers had a responsibility to maintain and would follow this matter up with them. **(Action: Graham Pockett).**

Colin suggested that LCAF could make a site visit later in the year. Rob added that the northern section of Binfield FP11 had some waterlogging issues which Rob was currently investigating along with the drainage engineer and working with Binfield Parish Council to resolve. **(Action: Rob Solomon).**

Binfield FP14

Graham shared that the section which went along the borough boundary was inaccessible. This was also feedback received via Richard Mosses. FP14 and 15 were within the Amen Corner South development and parts of the footpaths were due to be diverted in some places and incorporated in the layout elsewhere. The proposed Public Open Space (POS) included a FP14 diversion. The POS was physically in Wokingham but was part of the Bracknell development so would be transferred to BFC to maintain. The path would still be under the jurisdiction of Wokingham so there could be an agreement between the two authorities as to how to manage the maintenance.

Regarding FP37 at the other end of the development, Wokingham Borough Council had requested that it be surfaced by the developers as wear and tear would increase. The developers wanted to surface another path running parallel in the open space, linking it back into the footpath rather than surfacing both paths. Therefore, Wokingham had objected to the current proposals.

A diversion would not be automatically approved by planning application. However, if planning permission made the diversion necessary in order to enact the application, there was a mechanism under the Town and Country Planning Act 1990 to create a diversion, working in a parallel way to the process under the Highways Act 1980. A Temporary Traffic Regulation Order could be made for up to 6 months to close the right of way or to make a temporary path so that there was still a way through for pedestrians.

Colin asked for LCAF to be kept informed about anything happening on that site. Colin suggested that BFC could liaise with Wokingham Borough Council about how to improve the whole area and Colin would be happy to participate in those conversations.

Binfield BR23A – stopping up order

Graham explained that the 2006 edition of the RoWIP (prior to the 2017-2027 plan) highlighted Binfield BR23A as an anomaly as it was a short dead-end bridleway cut-off by the M4. Therefore, the proposal was to make a stopping up order and establishing a new public footpath (Mosses path).

Bracknell FP7

Rose explained that Bracknell FP7 crossed Downshire Way, where it emerged from Frog Lane. There was likely to have been a historic connection to Old Bracknell Road. BFC officers had proposed doing a modification order to reduce the length of the footpath before it crossed the busy Downshire Way, where there was currently no formal access provided. There were no objections from the LCAF.

Sandhurst FP5

Rose explained that Sandhurst FP5 cut through the middle of a property, so a modification order was required to correct it to follow the line of the adopted footway. The line also needed to follow the steps and the path shown on the OS base-map. The resident affected would be consulted on this matter.

250. **Site Visit to Buckler's Forest**

The Forum made the following comments regarding the recent site visit to Buckler's Forest:

- It was useful to see such a well-designed SANG and the ways it had been integrated into the community;
- It seemed to be a useful facility for the community;
- It was a good idea to hold the visit on a Sunday to enable more members to attend;
- It would be good to visit again to see all the transformation;
- The space had been well-designed and was wheelchair accessible;
- It was lovely to see so many dog-walkers around the site;
- The banking surface from the old TRL site had been retained and it was good to see the origins of the facility being enhanced;
- It was pleasing to see that resurfacing was being addressed in a planning application which had been submitted; and
- The site was clearly very popular and well-used; however, there may be carparking issues, and people had already been seen parking on double-yellow lines.

Colin was thanked for organising the visit. LCAF also expressed its thanks to Joe, the ranger who had facilitated the visit.

251. **PROW and Local Developments**

Graham shared that the Planning inspectors' local plan examination letter had rejected the proposed garden village at Jealott's Hill because there were not sufficient exceptional circumstances to justify construction of so many houses in the Green Belt. Therefore, some modifications to the plan were required as the implications of the proposed development had been factored into the plans. For example, some new bridleways would have been created and funded by the development, so those works would not take place in that context. Colin added that the development might also have helped improve the surfaces. Colin suggested that it may be worth having a longer-term plan to stop the gradual deterioration of the surfaces, particularly the Hawthorndale Lane bridleway.

Hugh asked whether anything had happened regarding the Moss End Farm SANG as the previous minutes noted that 3 years' planning approval was due to expire on 14 November 2022. Agents and planners had been working on discharging key conditions so that work could commence to avoid the need for a new application.' Graham replied that he believed that enough had happened to stop it expiring. Graham agreed he would ask the planning officer and add a post-meeting note to the minutes. **(Action: Graham Pockett)**

252. **Claimed Rights of Way**

Graham explained that a potential modification order had been proposed by the British Horse Society Access and Bridleways Officer regarding Sandhurst FP12 and FINC FP 20, requesting upgrading the public footpath to a bridleway based on 20 years of unchallenged use. There were multiple landowners involved so it would not be an easy application.

Hugh shared that it always used to be a private bridleway; the people who ran the stables had landowner permission to use the path for horse riding. Hugh felt there was no reason why that use should not continue. However, Colin commented that there were parts of the path where the surface was unsuitable, and that significant work would be needed to make it safe. Furthermore, there was a fundamental question as to the appropriateness of using 20 years usage in this context as it was a clearly labelled public footpath which did not permit horse use without landowner permission. It may have been more appropriate to make an application based on it being historically misidentified.

253. **Suitable Alternative Natural Greenspaces**

Graham shared that a Frost Folly 2 site inspection meeting was held on 18 January. The plan was to link to Frost Folly 1 to create a big circuit, and it would also connect to the next SANG on the east side. It was getting nearer being completed and opened, at which point the council would take on responsibility.

Hugh suggested that, when it is opened, it would be sensible to make a feature of the old plague pit as it had historic significance as a burial ground. Colin added that access to the south at Osborne Lane had been requested so that residents did not need to use a car to get there.

254. **Administration**

The forum noted the following:

File sharing could be improved for records that were being maintained between BFC and LCAF **(Action: Rose Wicks and Colin Bird);**

- It was still a high priority action from RoWIP2 to actively encourage disabled member representation;
- Some agenda items for the Annual Report 2022 had already been shared by members and Rose was due to start drafting the report shortly. Once completed, the first draft would be circulated to members for feedback; (**Action: Rose Wicks**)
- There were two new deposits of statement to add to the website. Rose explained that a deposit of statement is a statement to protect a person's land preventing new PRowS being claimed over it; and
- Changes were to be made to the website to clarify the difference between path orders and modification orders.

255. **Any Other Business**

Richard Everett explained that there were no fundamental changes planned or public issues regarding the Crown Estate within Bracknell Forest. The only issue had been users of electric bikes causing a nuisance.

256. **Public Question Time**

There were no comments or questions.

257. **Date of Next Meeting**

The date of the next meeting would be Tuesday 6 June 2023 at 7pm.

CHAIRMAN