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NOTICE OF MEETING

LOCAL COUNTRYSIDE ACCESS FORUM

03 OCTOBER 2006

TO: ALL MEMBERS OF THE LOCAL COUNTRYSIDE ACCESS FORUM

You are requested to attend a meeting of the above Commission on **03 October 2006 at 7.00 pm** in the Council Chamber, Fourth Floor, Easthampstead House, Bracknell, to transact the business set out in the attached agenda.

Alison Sanders
Director of Corporate Services

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THE LOCAL COUNTRYSIDE ACCESS FORUM
03 October 2006 (7.00 pm)
Council Chamber, Fourth Floor, Easthampstead House, Bracknell.

AGENDA

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To approve as a correct record the minutes of the meeting of the Forum held on 4 April 2006	
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Welcome to any new members	
5. SOUTH EAST LOCAL ACCESS FORUMS NEWSLETTER	
Newsletter to be tabled	
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a) The Cut Riverside Path b) Priory Fields bridleway c) Wildmoor Heath boardwalk – Sandhurst FP24	
7. THAMES BASIN HEATHS SPECIAL PROTECTION AREA (SPA)	
Update presentation from James Dymond	
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Discussion of agenda for 1 November regional meeting: •Rural Speed Limits •Motorised vehicle policies •Cross-border issues	
11. INFORMATION AND UPDATES	
a) Forthcoming LAF Regulations, Guidance and Members Handbook b) Watersplash Lane ford c) New waymarks and signs d) Green Flag Awards	

12. **ANY OTHER BUSINESS**

The future of the LCAF – ideas, projects etc.

13. **PUBLIC QUESTION TIME (*MAXIMUM 10 MINUTES*)**

14. **DATE OF NEXT MEETING**

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Agenda Item 3

BRACKNELL FOREST LOCAL COUNTRYSIDE ACCESS FORUM
4 APRIL 2006
(7.00 pm – 8.35 pm)

Present: David Bertie, Celia Blay, Chris Gardner, Mike Gates, Councillor
Iain McCracken, Richard Mosses, Diana Pidgeon,
Derick Stickler and Stuart Tarrant

In attendance: James Dymond, Projects Officer, BFBC
Helen Tranter, Head of Culture & Visual Environment, BFBC
Gill Alker, Thames Valley Energy

Observer: Hugh Fitzwilliams, Rights of Way Ranger, BFBC

Apologies for absence were received from:
Councillor Mrs Anne Haydon, Mark Osman, Peter Radband, Caroline
Tomalin and James Warne (FWAG)

72. Welcome (Item 1)

Diana Pidgeon welcomed all members of the Forum to the meeting and also Gill Alker of Thames Valley Energy. The Forum was advised that Heather White, Planning and Projects Manager, had left Bracknell Forest Borough Council. The Forum wished to record its thanks to Heather for all of the support provided and good wishes for the future.

73. Minutes (Item 2)

The minutes of the previous meeting of the Forum held on 27 September 2005 were approved as a correct record.

74. Forum Membership (Item 4)

The Forum welcomed Richard Mosses of the South East Berkshire Ramblers Association as a new member, representing countryside users.

75. Gill Alker, Thames Valley Energy (Item 6)

Gill Alker of Thames Valley Energy attended to discuss short rotation coppicing and energy crops, some of the concerns surrounding these issues and the potential for generating energy crops in the locality.

Of the main widely acknowledged concerns raised around energy crops, the Forum was advised:

- Energy crops are carbon neutral because the burning of these materials releases only the carbon already taken out of the atmosphere when the trees were growing. The only long term emissions generated would be that used in the processing of the wood, to fuel chipping machines and haulage.

These emissions could be minimised by using bio-ethanol or bio-diesel and using local crops to fuel local boilers.

- In terms of biodiversity, the Game Conservancy Trust was funded to carry out a five year investigation of the effects of energy crops on local flora and fauna. It found that compared to arable crops, energy crops encouraged greater numbers and varieties of birdlife, with levels of migrant birds similar to those found in hedgerows, apart from the numbers of skylarks and lapwings, which were lower. Overall, energy crops encouraged higher numbers of insects and invertebrates, small mammals, butterflies and species of plant, than arable land.
- The affect on the landscape had also been an issue and the Forum was advised that any proposed new energy crop planting was assessed by the Forestry Commission for landscape impact and also widely consulted upon. There were available many guidelines to help make energy crops more sympathetic to the local landscape and even at maximum demand for energy crops, it was estimated that the land area needed would not be excessive, though the increase on existing energy crop provision to meet the targets set, would be substantial. Current planting of 250 hectares would need increasing to 4,000 hectares within the next 2 – 3 years.

The Forum was advised that there were currently incentives available for farmers to plant energy crops as the use of biomass with coal was being promoted by the government. From 2009 – 2016 all coal powered power stations would be required to burn a proportion of biomass to obtain their “green certificate”. Ideally this would be sourced from a 50 mile radius of the power station, as whilst biomass could be imported, this would negate many of the benefits of local provision. The long term vision was of decentralised power production which used locally produced crops.

The Forum was shown examples of current best practice in the region, which included:

- Buckinghamshire County Council had an 80 kilowatt boiler which used 50-60 tonnes of woodchip per annum to provide energy for a residential education centre
- A primary school in Buckinghamshire in the Diocese of Oxford used a 60kw boiler burning 30 tonnes of woodchip per annum to heat the school
- A horticultural nursery in Wexham had a 600kw boiler, burning 300 tonnes of woodchip per annum
- A farmer in Yorkshire used a 100kw boiler using 60 tonnes of woodchip per annum to provide heat for offices and business units

The Forum was advised that willow was the recommended energy crop to grow. In terms of the economics for farmers considering planting energy crops, there was currently a grant available of £1,000 per hectare planted and it was believed that the income was comparable to that from arable crops.

The Forum discussed the boiler proposed as part of the Bracknell Forest Town Centre Regeneration. It was anticipated that if this part of the project did go ahead, which was uncertain, 13,000 tonnes of woodchip would be needed per annum, which would equate to approximately 1,000 hectares of energy crops. This would provide heat and electrical energy for the town centre with negligible emissions and could use the Councils bio-products, if processed correctly.

The Forum thanked Gill for a very interesting and informative presentation.

76. **Rights of Way Improvement Plan (ROWIP) (Item 7)**

The Forum was advised that the ROWIP was now completed and copies were distributed to those at the meeting. Bracknell Forest, having published its ROWIP, was well ahead of many authorities and the recently published Local Transport Plan now also included information about the ROWIP. The Forum was advised that it now needed to consider the proposed actions listed in the “Action Plan” in Section 9 of the ROWIP and decide which to undertake once the current projects were completed. Suggestions made included:

- Raising the profile of “The Cut” and making efforts to improve it further. It was put forward that the Windsor and Maidenhead Quiet Lanes Project could link to this with minimal cost and disruption. It was agreed that James and David Bertie would visit the area in question to see how this could be progressed.

(Action: James Dymond/David Bertie)

- James also agreed to provide a more detailed area map and to see whether the Quiet Lanes Project was included in the Windsor and Maidenhead ROWIP.

(Action: James Dymond)

77. **LCAF Annual Report 2005 (Item 8)**

The Forum noted this report.

78. **LCAF Guidance Workshop (Item 9)**

The Forum noted the notes from the Workshop and await the information pack for LCAFs to be published by the Countryside Agency.

79. **National Countryside Access Forum (NCAF) (Item 10)**

The Forum was advised that in terms of the national access picture, basic access provisions had now generally been identified and implemented. Now, access to coastal areas and inland waterways was being considered, as well as whether large public landowners, such as the National Trust and Crown Estate and even local authorities would volunteer dedicated access to their land. Additionally, Ordinance Survey maps were being updated as they were reissued to show all access land and access points, so overall it was a positive and improving picture.

80. **Information and Updates (Item 11)**

- Syngenta Bridleway – the Forum was advised that the new bridleway was now officially in place. The Forum queried whether Syngenta planned to plant trees along the new fencing and it was agreed that James would investigate this.

(Action: James Dymond)

It agreed that it was also necessary to arrange a visit to the new bridleway one evening (6.30 pm start) before the end of May.

(Action: James Dymond/Mark Osman)

- Devils Highway underpass – the Forum was advised that this had been cleared in February 2006 because it had been flooding every winter and there had originally been a drain situated there. One to two feet of sand had been cleared and there was now no mud or flooding. This would need future monitoring and cleaning as necessary.
- Watersplash Lane – the Forum was advised that a method statement had been sent in to the Environment Agency who have given consent for the work. Notice has been issued and work would start in May for approximately one month.

81. Valley Gardens (Item 12)

The Forum was advised that the Crown Estate was proposing to put in fencing and charge of entrance to approximately 220 acres of Windsor Great Park known as the Valley Gardens. The proposals included more visitor centres, elevated walkways, children's playgrounds and a land train. Also involved, however, was the removal of a central car park, which was felt to raise substantial access issues. Local communities were unhappy with the proposals and had raised a petition and website opposing the changes. The Forum was minded not to become involved with this issue as the land in question was not in Bracknell Forest and it was also not open access land, but permitted access.

82. Any Other Business (Item 13)

- The Forum was advised that the list of members had been updated.
- There was discussion of the effects of Special Protection Areas locally.
- The creation of a new bridleway from Winkfield Way to the boundary with the Royal Berkshire Polo Club was suggested as a possible future project for the Forum. It was agreed that this be put on the Action Plan and investigated further. **(Action James Dymond)**
- Date of next meeting – Tuesday 3 October 2006.

CHAIRMAN

Bracknell Forest Local Countryside Access Forum

Member and Interest List

Chair:

- **Mrs Diana Pidgeon OBE** is a former Countryside Steering Group member and has been the footpath officer and representative for Sandhurst Town Council since 1985 and is a Blackwater Valley 'water walker'. She is an RSPB and National Trust member and represents countryside users.

Vice-Chair:

- **Mr Stuart Tarrant** is the chairman of the Winkfield Rights of Way Association and farms 120 acres within the Borough. He is a member of the National Farmers Union (NFU), Country Land and Business Association (CLA), Royal Agricultural Society (RASE), Council for the Protection of Rural England (CPRE), Royal Society for the Protection of Birds (RSPB), Woodland Trust and Berkshire, Buckinghamshire and Oxfordshire Wildlife Trust (BBOWT). He represents landowners.
- **Mr David Bertie** is chairman of the Berkshire Committee of the CLA and sits in the Bracknell Forest Countryside and Leisure Committee. He represents a landowning interest on the Local Access Forum.
- **Mrs Celia Blay** is a member of the Windsor and Maidenhead liaison group and the British Driving Society. She predominantly represents countryside users as a carriage driver.
- **Mr Chris Gardner** is a veterinary surgeon with interests in voluntary conservation work, walking in the countryside and falconry. He represents users and landowners.
- **Mr Mike Gates** is a founder member of the Nuptown Area Preservation Society and sits on the Warfield Parish Council planning committee. He has lived in rural Nuptown for over 20 years and represents countryside users and other interests on the forum.
- **Councillor Anne Haydon** is a local Borough Councillor. She is the Children's and Young People's Champion for the Council and part of the Access Advisory Panel. Councillor Haydon is also a landowner and horse breeder and a member of the NFU.
- **Councillor Iain McCracken** is the executive Member for Leisure Services. He is a former Countryside Management Steering Group member and is part of the Blackwater Valley Recreation and Countryside Management Service Steering group.
- **Mr Innes McEwen** has been Farm Manager at Syngenta Ltd since September 2006 and represents a landowning interest on the forum. Syngenta Ltd are NFU and FWAG members.
- **Mr Richard Mosses** represents countryside users on the forum and is an active member of the S E Berks Ramblers Association. He is also a member of the National Trust, Woodlands Trust and RSPB.

- **Mr Peter Radband** is a local teacher and the treasurer of the Berks on Bikes Mountain Bike Club and a member of the Hampshire and Berkshire Rover Owners Club. He represents countryside users on the forum.
- **Mr Derick Stickler** is the Chief Forester for the Crown Estate and joins the forum to represent a major landowner within the Borough.
- **Miss Caroline Tomalin** is a freelance journalist for Horse and Hound online and as a horse owner and rider and walker, represents countryside users.

*Last updates 13-09-06
James Dymond*

Natural Environment and Rural Communities Act 2006 (NERC)

The NERC Act received Royal Assent on 30th March 2006. The act will help to achieve a rich and diverse natural environment and thriving rural communities and implement key elements of the government's rural strategy, published in 2004.

Key Elements of the Act

- The creation of a new body, 'Natural England', to enhance biodiversity and landscape with promoting access and recreation under the responsibility of one organisation, aiming to be of benefit to people through a more integrated approach. By 29 September 2006 Natural England will comprise all of English Nature (EN), the landscape, access and recreation elements of the Countryside Agency (CA), and the environmental land management functions of the Rural Development Service (RDS).
- Establish formally a 'Commission for Rural Communities', a strong national rural advisor, advocate and watchdog charged with ensuring that Government policies are making a real difference in tackling rural disadvantage.

Rights of Way Provisions set out in Part 6 of the NERC Act

Key rights of way provisions (in sections 66-71) were commenced on 2nd May 2006, although section 72 is yet to be implemented. A summary of each provision is as follows:

- **Section 66** restricts the creation of new public rights of way for mechanically propelled vehicles, unless they are created or constructed expressly for mechanically propelled vehicles.
- **Section 67** extinguishes unrecorded public rights for mechanically propelled vehicles on all highways not already shown on the Definitive Map and Statement as byways open to all traffic (BOAT), with the following exceptions:
 - Ways that have been lawfully used more by motor vehicles than other users in the 5 years prior to 2nd May 2006.
 - Ways that are recorded in the list of streets as maintainable at the public expense but are not recorded on the Definitive Map and Statement of public rights of way.
 - Ways that have been expressly created or constructed for motor vehicles.
 - Ways created by the construction of a road intended to be used by mechanically propelled vehicles.
 - Ways that had been in long use by mechanically propelled vehicles before 1930.
- **Section 68** deals with presumed dedication of restricted byways and use by pedal cycles, allowing such use to support a claim for a restricted byway.
- **Section 69** clarifies that an application for a Definitive Map Modification Order is, of itself, sufficient to bring a right of way into question for the purposes of section 31(2) of the Highways Act 1980.

- **Section 70** contains supplementary provisions.
- **Section 71** defines certain terms used in Part 6.
- **Section 72** gives National Park authorities the power to make traffic regulation orders on rights of way and carriageways with unsealed surfaces within National Park boundaries.

The aim is to stop the inappropriate motor vehicle use of byways by preventing claims for motor vehicle access on the basis of historical use by horse-drawn vehicles.

The NERC Act and Restricted Byways

Restricted Byways are a new category of highway which will help the Government to implement its policy on public vehicular rights of way by enabling ways with rights acquired by, or dedicated for, non-mechanically propelled vehicles to be recorded on the definitive map and statement as restricted byways.

Part 6 of the NERC Act as summarized previously has a provision in section 70 for restricted byways to be established and recorded on the definitive map and statement on the basis of either historic evidence or evidence of a qualifying period of use. This means that where a route carries historic vehicular rights, but rights for mechanically propelled vehicles are extinguished by section 67 of the NERC Act, it will be possible to record that route as a restricted byway. In this way the rights associated with these rights of way will better reflect their historic origins.

The NERC Act also provides a private right for people who need to access their land or property in cases where a public right of way for mechanically propelled vehicles has been extinguished by the Act. It also provides exemption from the offence under section 34 of the Road Traffic Act 1988 for persons with an interest in land who need to drive a mechanically propelled vehicle along a former RUPP in order to access that land as stated in Section 70 of the Act.

Further Information

<http://www.defra.gov.uk/ruraldelivery/bill/>

DEFRA Guidance:

www.defra.gov.uk/wildlife-countryside/pdfs/cl/nerc-act-p6-v2.pdf

Countryside and Rights of Way Act 2000 (CROW) Sections 47-51 & 102

The CROW Act 2000 (Commencement No.11 and Savings) Order 2006 was published on 19th April 2006 and set 2nd May 2006 as the commencement date for sections 47-51 and 102 of the CROW Act 2000:

- Section 47 introduced a new class of highway called '**restricted byway**', with all ways shown on local authorities' definitive maps as Roads Used as Public Paths (RUPPs) statutorily reclassified as restricted byways. The duty to reclassify RUPPs was also removed.
- Section 48 defines restricted byways rights as:
 - a right of way on foot;*
 - a right of way on horseback or leading a horse;*
 - a right of way for vehicles other than mechanically propelled vehicles such as pedal cycles and horse drawn vehicles.*
 - a highway over which the public have restricted byway rights, with or without the right to drive animals of any description along the highway, but no other rights of way.*
- Section 49 makes all Restricted Byways maintainable at the public expense.
- Section 50 grants private rights of passage for all kinds of traffic over a restricted byway for owners and occupiers of adjacent or adjoining properties, where it is necessary for the "reasonable enjoyment and occupation of the premises."
- (Section 102 repeals other Acts of Parliament to facilitate restricted byways coming into force.)

The Restricted Byway Regulations

Detailed regulations are required to implement the restricted byway provision, to be made under section 52 of the Countryside and Rights of Way Act 2000 (restricted byways: power to amend existing legislation). The regulations necessary to implement the restricted byway provisions were also brought into force on the 2 May 2006. These regulations amend existing highways legislation, ensuring that restricted byways operate sensibly within the existing framework of relevant legislation.

The regulations also enable restricted byways to be created from scratch. This new power will help local authorities to improve their rights of way networks by enabling them to insert links between fragmented sections of rights of way and create circular routes. It will also help to reduce or avoid potential conflicts and provide safer routes.

Transitional Arrangements

It is required that any outstanding definitive map modification orders to reclassify RUPPs must be processed to a final determination, echoing section 48(9) of the CROW Act.

Any RUPP that is the subject of such an outstanding application or undetermined order will be treated as a restricted byway from 2nd May 2006, as stated in section 47 of the CROW Act. This is with the exception that where a RUPP has already been reclassified as a BOAT, bridleway or footpath before the date of commencement, reclassification is not affected and the way will not become a restricted byway.

Further Information

CROW Act 2000:

<http://www.opsi.gov.uk/acts/acts2000/20000037.htm>

NERC:

<http://www.defra.gov.uk/wildlife-countryside/cl/nerc06.htm>

National Audit Office: The Right of Access To Open Countryside Summary

Implementation

- Open access was introduced between September 2004 and October 2005, ahead of the target of December 2005.
- In 95% of the NAO's site visits, there was easy access to the land, and it was possible to walk across land without obstruction in more than 90% of cases.
- Obstacles which did exist appeared to pre-date the right to roam, and in most cases changes were already planned.
- People from inner cities and those on low incomes may have difficulties making use of this new right: 20 per cent of sites visited were accessible by bus or train.

Information

- Ordnance Survey's task of revising its maps in time was largely accomplished – all 69 walking maps covering the first four access areas were issued when the right came into effect.
- Leaflets about open access were available at most tourist information centres and 2/3 of staff could answer questions about open access.
- Most sites were clearly signposted, although 27 per cent had no signs and some outdated signs which the NAO found could cause confusion.
- Details of access land are available on the Countryside Access website, but the site can be difficult to navigate and the maps were difficult to read, although they have since been upgraded.
- The Countryside Agency's helpline has been advertised as a public helpline

Costs

- The Countryside Agency's initial estimate for implementing open access was £28m but it eventually spent £52.6m on the programme. This was due to:
 - The difficulties of estimating the cost of a one-off project;
 - A desire to avoid delays meant the Agency did not run a pilot scheme;
 - The Agency did not adequately assess the risks involved, and underestimated the amount of work needed to map access land.
- Total government expenditure on the project was £69m to the end of March.

Recommendations

- That the Countryside Agency reviews
 - The use of its open access website to ensure the information is easy to find;
 - Clarifies confusion over its helpline;
 - Targets tourist information centres in providing information about the new right.
- The Agency should also:
 - Encourage clear signs on where dogs are allowed;
 - Encourage authorities to consider promoting weekend bus services so that people on low incomes and from urban areas can exercise this new right;
 - And test work required for the ten-year review of access maps to develop accurate estimates of the likely cost.

Full report: <http://www.nao.org.uk/pn/05-06/05061046.htm>

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Hampshire Countryside Access Forum

Meeting of Central Southern England LAFs

Agenda

**Basin Room, Hampshire County Council Offices, The Castle, Winchester
10am-3pm; Lunch and refreshments will be provided**

1. Welcome (Sue Coles, Chair of Hampshire Countryside Access Forum)
2. Introduction to each LAF (all)

A representative of each LAF to speak for 3-5 minutes on the way LAF operates, strengths and weaknesses, and a good practice example of a project or policy that the LAF has contributed to and how.

3. Rural Speed Limits (all)

Discussion on the new DfT Circulate "Setting Local Speed Limits" (see pdf attached), with particular reference to Rural Speed Management. Is this an issue in your area? Has your appointing authority reacted to this guidance?

4. Comparison of Authorities' Policies on Managing Motorised Vehicle Users

Please bring along details of your authority's policies relating to motorised users. This could include priority given to maintenance of Byways and UCRs, policies for making TROs, interaction with vehicle user groups, etc.

5. Cross-border issues (all)

Open discussion on any cross-border issues.

6. The Way Forward (all)

Is there any need for this group to meet again, or to exchange news via email, etc?

7. AOB (all)

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