



## **NOTICE OF MEETING**

**Local Countryside Access Forum**

**Tuesday 30 September 2014, 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

Sharon Holt

Mr Richard Mosses

Councillor John Porter

Mr Peter Radband

Mrs Jenny Yung

**ALISON SANDERS**  
Director of Corporate Services

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- 3 Use the stairs not the lifts.
- 4 Do not re-enter the building until told to do so.

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**Local Countryside Access Forum  
Tuesday 30 September 2014, 7.00 pm  
Function Room, Fifth Floor, Easthampstead House, Town Square, Bracknell**

**AGENDA**

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<a href="http://www.bracknell-forest.gov.uk/registerofdepositofstatements">http://www.bracknell-forest.gov.uk/registerofdepositofstatements</a>	
<b>11. Reports from Members round the table</b>	
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(Maximum 10 Minutes)	

**13. Date of Next Meeting**

Tuesday 3 March 2015, 7pm, Function Room, 5th Floor,  
Easthampstead House, Town Square, Bracknell

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# Agenda Item 3



## LOCAL COUNTRYSIDE ACCESS FORUM 4 MARCH 2014 7.00 - 9.03 PM

### **Present:**

#### **Members:**

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

#### **In attendance:**

Graham Pockett, Parks & Countryside Development Officer  
Amanda Roden, Democratic Services Officer  
Robert Solomon, Ranger (Countryside & ROW)  
Rose Wicks, Parks & Countryside Projects Officer

#### **Apologies for absence were received from:**

Councillor Michael Brossard  
John Deakin  
Sharon Holt  
Mr Innes McEwen  
Mr Peter Radband  
Richard Walton, Head of Parks & Countryside

### **13. Welcome**

### **14. Minutes of Last Meeting and Matters Arising**

The minutes of the meeting held on 1 October 2013 were agreed as a correct record.

#### Matters Arising

Path improvements would be undertaken once the weather had improved and one of the main projects parallel to the Blackwater river was due to be undertaken this summer.

The Code of Conduct leaflets for dog walkers had been well distributed and another print run would be undertaken before the Paws in the Park event this summer. The leaflet was also available on the Borough Council's website. It was queried whether Rangers could be more proactive with dog walkers at The Look Out but it was clarified that this was the responsibility of the Crown Estate. Rose could liaise with the Crown Estate to ascertain as to whether the dog walker leaflet had been circulated at the User Group Forum.

**(Action: Rose Wicks)**

To encourage attendance at LCAF meetings and advance notice of apologies (where possible), reminders would be sent to Forum Members approximately two to four weeks before each meeting.

## 15. **Membership and Recruitment**

Forum Members welcomed Hugh Fitzwilliams as a new member on the Forum.

Recruitment posters had been sent to Town and Parish Councils, libraries, and Parks and Countryside Rangers for inclusion on their notice boards, and the information was also available on the Borough Council's website:

<http://www.bracknell-forest.gov.uk/localcountrysideaccessforumlcaf>

Further suggestions included promoting membership in local groups interested in countryside matters, for example, conservation volunteers.

## 16. **National and Regional LCAF Work**

The National LAF Conference was due to take place in Durham. It was noted that attendance at national conferences could be affected by the distance needed to travel to the conference and as such there were would be no representative from the Bracknell Forest LAF this year. The costs of national conferences were also thought to be prohibitive and free venues were being sought for the next national LAF conference in 2015.

The South East Regional LAF Conference was due to be held on Tuesday 20 May 2014 and proved useful to attend in previous years. There were bi-annual officers meetings for LAFs and Bracknell Forest had submitted a written summary of the Borough Council's work for the latest meeting, which had coincided with the previous LCAF meeting on 1 October 2013.

Contact information for all Local Access Forums in England can be found on the Natural England website and specifically in the south east via the following web link:  
<http://www.naturalengland.org.uk/ourwork/access/laf/selaf.aspx>.

If LAF members were interested in attending further LAF meetings in neighbouring authorities and counties, the details of these meetings could be found on the websites of the authorities (examples below):

- Hampshire LAF: <http://www3.hants.gov.uk/hcaf>
- Surrey LAF: <http://www.surreycc.gov.uk/environment-housing-and-planning/countryside/explore-surreys-countryside/visit-the-countryside/footpaths-byways-and-bridleways/surrey-countryside-access-forum>
- Mid & West Berkshire LAF:  
<http://www.westberks.gov.uk/index.aspx?articleid=8904>
- Royal Borough of Windsor & Maidenhead (RBWM) LAF:  
[http://www.rbwm.gov.uk/web/prow\\_local\\_access\\_forum.htm](http://www.rbwm.gov.uk/web/prow_local_access_forum.htm)
- Slough LAF: <http://www.slough.gov.uk/parking-travel-and-roads/slough-local-access-forum.aspx>
- Wiltshire LAF: <http://www.wiltshirelaf.org.uk/>

Huddle is an interactive Forum for LAFs. In discussions on Huddle you can learn from and share with other LAF colleagues on topics ranging from 'Unsurfaced Roads' to 'Wind Farms'; from 'Health Agenda' to 'Public Consultations'. LAFs use Huddle to upload local information and to keep in touch on relevant issues; a diary of events

can also be found on Huddle, although this was reliant on LAFs to upload details, such as meetings. Natural England were regular contributors to Huddle.

Hugh, Michael and Rob expressed an interest in learning more about Huddle. Rose would investigate the possibility of licences and in-house training for LAF members.

(Action: Rose Wicks)

#### 17. **Ramblers 'Paths in Crisis' Report**

The Ramblers Association had sent a Freedom of Information request to all Local Authorities in England regarding information on Rights of Way budgets and the work they were doing.

Statistics provided back, with Bracknell Forest Council (BFC) comparison:

- 100,000 unresolved (reported) path problems. At BFC, there was only one at the time of the report.
- 30% of councils had cut their path budgets, following on from three years of severe cuts. At BFC, there had been a small cut to revenue budget between 12/13 and 13/14. There was money available for capital projects from Section 106 developer contributions.
- Local Authorities had been losing experienced staff from the rights of way teams. At BFC, there had been no cuts to rights of way staff.
- There was a backlog of over 4,000 paths waiting to be protected as Rights of Way. At BFC, in relation to Definitive Map Modification Order applications:- 0 awaiting determination; 3 made in 11/12 and 2 in 12/13; 5 determined in 11/12 and 2 in 12/13.

Paths in Crisis Report:

[http://www.ramblers.org.uk/~media/Files/Campaign%20with%20us/PATHS\\_IN\\_CRI SIS.pdf](http://www.ramblers.org.uk/~media/Files/Campaign%20with%20us/PATHS_IN_CRI SIS.pdf)

#### 18. **LCAF Annual Report**

The 2013 Annual Report was being produced and a draft version would be available for Forum Members' feedback. This report was produced internally and was separate from the Annual Review Form submitted to Natural England. It was suggested that these reports should include that the Borough Council was supporting Public Rights of Way (PROW) when nationally PROW were under pressure. Rose would circulate the draft 2013 Annual Report by e-mail to members.

(Action: Rose Wicks)

The Annual Review Form, for period Apr 13 – Mar 14, was due to be submitted to Natural England by end of June 2014.

#### 19. **Site Visits**

Forum Members considered the following site visits:

- The Crown Estate; visit to see new bike trails would be postponed until the autumn.

- Jennett's Park; creation of new footpaths. It was suggested that this site visit be combined with a visit to Tarman's Copse, Garden's Copse and Wykery Copse, the latter being a SSSI woodland with managed access.
- South Hill Park; new waymarked trails. This site visit was of interest to members and it was suggested that it be combined with conservation restoration of sites and / or tied in with Heritage Open Days. Rose would investigate the possibility of this further.

(Action: Rose Wicks)

- Popes Manor / Meadow. Rose to investigate.

(Action: Rose Wicks)

- Jealott's Hill Farm; Forum members invited by Innes McEwan (at previous meetings) to visit the farm. The aim was for this visit to be arranged at the next meeting of the Forum.
- Broadmoor/ Foresters Way; possible affect of new hospital access road to the PROW network. This visit would need to be investigated before being undertaken to decide which route to take.

(Action: Graham Pockett)

## 20. Reports from Officers

**Graham Pockett** reported that there had been two Freedom of Information (FOI) requests for PROW statistics in the past year, one of them was the one from The Ramblers Association. The source of the other FOI request was not known, but it included other highway authority information, not just rights of way. BFC had a monitoring mechanism for enquiries relating to PROW which was useful for responding to FOI requests. Exchange of information and benchmarking was being undertaken with Wokingham Borough Council. Some of the headline comparisons with other local authorities were reported to the meeting. The cost of rights of way per kilometre were comparable across similar unitary authorities, but the cost of PROW per resident annually was lower in Bracknell Forest than other nearby unitary authorities.

Improvements had been undertaken on Longhill Park steps (permitted path), Bracknell Footpath 5 (Section 106 funded), and joint work with Hampshire County Council on Rights of Way at Shepherd Meadows on the Hampshire side.

Temporary Traffic Regulation Orders (TTROs) had been issued for Sandhurst Byway 16 (water mains replacement by South East Water), Devil's Highway (emergency tree works and reinstatement of the restricted byway), and Longshot Lane (trial bore holes and tree works). A TTRO would be needed at Nine Mile Ride for South East Water to conduct further work in relation to the pipeline through Swinley.

The matter regarding bollards on Sandhurst Byway 16, which was also a private road, was discussed. These bollards restricted vehicles from travelling between Wellington Road to Yorktown Road (or in reverse). These would have likely been in place for a long time and were used to stop the private road from being used as a 'through route'; it would therefore prove very difficult to justify asking for them to be removed.

Adverse weather conditions had caused an increased number of faults to be reported on PROW including fallen trees, potholes and flooding. Options were being explored about how to mitigate flooding on the footpath which ran down the side of Edgbarrow school (Crowthorne Footpath 4) and conducting a basic repair of potholes on Hawthorne Lane.

Hugh Fitzwilliams asked that further clarification be made with Environmental Services in relation to BFCs responsibility to clear fly-tipped rubbish on private roads where PROWs were running over the top of them.

**(Action: Graham Pockett)**

Eight ponies had been left illegally to graze in a field in Peacock Lane opposite Jennett's Park at the end of January 2014. A wire fence had been erected across a PROW (Binfield Footpath 16) without permission to stop the ponies from escaping onto the A329M and causing a danger to themselves and motorists. The land was the responsibility of the consortium building the Jennett's Park development. They had instructed bailiffs to secure removal of the ponies. BFC who had responsibility in relation to ensuring the PROW obstruction was removed, had erected advisory notices to warn dog walkers and ramblers of the situation.

Footpath 15 had been made narrower by the developer and a three metre width was needed for this path, which was a combination cycle and footpath. A formal notice under section 143 of the highways Act 1980 had been served. Works to restore the path width had been agreed but were yet to be implemented by the developer.

In relation to Suitable Alternative Natural Greenspaces (SANGs), works planned included Englemere Pond (propose to install further waymarkers), Longhill Park (interpretation project, signs etc), Horseshoe Lake (ditch repair work, replacing the sluice gate), and Shepherd Meadows (path work on the southern side of the river in the summer). SPA wardening had been agreed with Natural England and all Thames Basin Heaths authorities with a plan to increase resource over time to four full-time and ten seasonal wardens covering the whole Thames Basin Heaths area, and there would be awareness raising amongst visitors.

South East Water had submitted a revised planning application for the pipeline through Swinley; the haulage routes had changed but the pipeline routes remained the same. BFC was objecting to this planning application as the planned haulage routes came very close to Caesar's Camp (Scheduled Monument) with large trucks using the forest track regularly.

**Rose Wicks** mentioned that BFC were one of only 13% of authorities who had completed a review of their Rights of Way Improvement Plan (ROWIP). The majority (48%) of authorities had carried out a 'limited' consultation on ROWIP. 'Funding' and 'Brief Guidance' were the most popular ways in which authorities would like support with their ROWIP reviews. ROWIP for the borough was integrated with Local Transport Plan 3. Most respondents (83%) considered ROWIPs a success, mostly due to the raised profile of rights of way.

Work was being undertaken with the Forestry Commission to produce interpretation panels at key access points to the Crowthorne Woods site, such as, Devil's Highway and Muzzy's roundabout.

The interpretation and information would highlight the sensitive nature of the site and promote key messages consistent with the Strategic Access Management and Monitoring Project co-ordinated by Natural England.

The information provided would clearly state that the SPA was a protected habitat and was an internationally important breeding ground for birds. Visitors would be asked to take care to minimise potential disturbance (particularly by dogs). In addition, the interpretation would include key information specific to the location, for example, Wet Mires and forestry operations.

Exert from the Habitats Regulation Assessment report:

In relation to the Parks and Open Spaces Quality Improvements Programme, project facilitation was in place and Phase 1 projects were underway. At Westmorland Park, paths had been upgraded to improve circulation and better link the park. Improvements planned included new wildflower meadow areas, ornamental planting and new interpretation and site signs.

At Snapnails Park, wooden footbridges had been installed, paths links would be created and restoration of the stream embankments would be undertaken. At Turnberry, a multi user path had been completed by Bracknell Town Council, and expenditure had been approved for Edmunds Green/ Lane and Blackmore Pond projects.

Phase 2 projects included Bracknell Town Council projects at Mill Park (Wildridings and Central), Calfridus Way Recreation Ground (Harmans Water), and a Binfield Parish Council project at Binfield Cricket Club. Other projects were in the pipeline and proposals were being received via the project assessment pro forma. These would be assessed against core criteria.

## 21. **Reports from Members round the table**

**Richard Mosses** mentioned that there was a used car garage at Maidens Green where Winkfield Footpath 11 crossed the forecourt and there should be access through this area. It was often impossible to squeeze between the cars.

Richard Mosses also reported that at the Jocks Lane Woodland Event the Bracknell Natural History Society had been asked by Landscape Services about the locations of orchids in roadside verges, and he thought this information would be recorded within the Council. Rose Wicks mentioned that the council's Biodiversity Officer would hold this information.

## 22. **Date of Next Meeting**

Tuesday 30 September 2014, 7pm, Function Room, 5<sup>th</sup> Floor, Easthampstead House, Town Square, Bracknell.

# Agenda Item 5

## LAF National Conference, 2014

Natural England with support from 8 funded Regional Coordinators organised 2 national LAF conference's in 2014 - Bristol 'on 4 Feb and the Durham on 7 Mar.

LAFs were asked to nominate a representative to attend the conference (in addition to members running workshops).

Three quarters of LAFs were represented with 111 delegates in total attending both conferences.

NE invited LAF members to suggest the topics of most interest to them. This led to a programme with a range of speakers and workshop facilitators from the LAFs, Defra, NE and from other organisations with an interest in public access.

### **Presentations and workshops included:**

DEFRA	Update from Defra on the Deregulation Bill and how this is likely to impact on the recording of PRoW ( <i>see overleaf for more detail</i> ).
Big Lottery Fund and Heritage Lottery Fund	Briefings from two of the main lottery funding bodies, providing information on how LAFs can access lottery grants
Network Rail	Rail crossings
Ramblers Association	Paths in Crisis Report
The Country Landowners Association	Access and Land Managers
The National Farmers Union	Unrecorded RoW & Farmland
Natural England	Local Enterprise Partnerships and Local Nature Partnerships
New Forest LAF	Access for All
Leicestershire CC	LAF Effectiveness (case study of effectiveness of LAF promotion)
New Forest LAF	Access for All (Improving Access in the New Forest)
Natural England & Dorset Dogs	Dogs ('Doggy Do Code' and other initiatives to champion responsible dog ownership)

Further information about these specific presentations and workshops can be found on Huddle <http://defra.huddle.net>

## Draft Deregulation Bill

The Natural Environment White Paper 2011 commits the Government to consulting “on simplifying and streamlining the processes for recording and making changes to public rights of way, based on proposals made by Natural England’s Working Group on unrecorded rights of way”.

Need for Reform It has become evident that the 2026 cut-off date proposal did not take account of the following obstacles.

Process is slow and litigious - Not enough time before 2026  
Discovering Lost Ways did not deliver

<b>Proposals that require primary legislation (draft clauses in the Deregulation Bill) and in some cases secondary legislation too.</b>	
Introduce a preliminary sift for applications to record rights of way, so that local authorities will be relieved of the burden of dealing with poor or spurious applications. (3)	Benefit to local authorities and landowners – by reducing the administrative burden and the cost of rebutting poor or spurious applications.
Provide that local authorities (rather than applicants) approach landowners, but only where claims pass the preliminary sift. (5)	Benefit to landowners and local authorities – by reducing the number of applications that result in costly dispute procedures.
Enable the local authority to negotiate an alternative route with the landowner before recording the way. (6 & 7)	Benefit to landowners and local authorities – by alleviating the impact of ‘discovered’ ways & reducing the number of applications that result in costly dispute procedures.
Provide for landowners to apply for gates on byways. (32)	Benefit to landowners and local authorities – by reducing the number of applications that are disputed and end up at public inquiry
Provide for recourse to a local magistrate’s court rather than the Secretary of State where a local authority has failed to carry out a preliminary sift or deal with an application that has passed the sift. (17 & 18)	Benefit to users and landowners – by providing an appeal mechanism that is likely to get results.
Ensure that any given case can go before the Secretary of State only once, rather than several times, which can often be the case at present. (12)	Benefit to all stakeholders – by reducing the burden of the administrative process.
Reduce the requirement for advertising rights of way orders in newspapers (10)	Benefit to landowners and local authorities – by reducing the cost of the administrative process, which is passed on to the landowner where an order is for the landowner’s benefit
Provide that the courts quash only the Secretary of State’s decision, where that is found to be at fault, so that the order-making process does not have to start all over again from scratch. (16)	Benefit to all stakeholders – by reducing the burden of the administrative process

Enable volunteers to transfer applications, so that work does not have to start over again where an applicant can no longer pursue it. (20)	Benefit to users and local authorities – eliminating the risk that work already undertaken will have to be repeated.
Correct flaws in existing legislation that provides for a statutory 'right to apply' for the extinguishment or diversion of an existing right of way.	Benefit to landowners - by making it easier for landowners to get authorities to respond positively to requests for alterations to an existing right of way.
<b>Proposals that require secondary legislation only</b>	
Implementation of the 2026 cut-off provisions. (1)	Benefit to landowners and local authorities – by increasing certainty about what rights of way exist and ending the claims process for historical rights of way.
Preserve routes identified on the list of streets/local street gazetteer as publicly maintainable, or as private streets carrying public rights (25)	In the public interest – by preserving valuable existing public access, particularly where it is maintained at public expense.

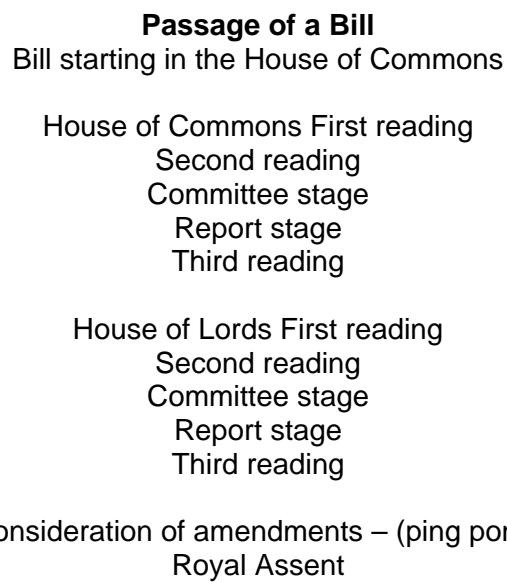
## 5 Minister's proposals

- Extension of the powers of local authorities to authorise structures (ie gates) under section 147 of the Highways Act 1980
- A presumption to divert public rights of way out of private gardens and farmyards
- Introduce double jeopardy principle
- More stringent quality requirements for evidence of long usage
- Time limit on claims of long usage

## Pre-legislative scrutiny

Carried out by a Joint Committee from July to December 2013 to clarify the purpose of the bill to Parliament and to assess the impact of the bill on outside groups.

The Joint Committee report was published on 19 December and the Government response to the Joint Committee published on 30 January.



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# South East Local Access Forum Conference

Tuesday 20th May 2014

*George Fox Room, Friends House, 173 Euston Road, London NW1 2BJ*

## PROGRAMME

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10.30 *Arrival and coffee*

10.55 **Welcome from the Chairman**

Graham Butler SURREY COUNTRYSIDE ACCESS FORUM

11.00 **Sharing routes with horse riders**

Mark Weston BRITISH HORSE SOCIETY

11.25 **Walkers with dogs: new approaches to better management**

Steve Jenkinson ACCESS ADVISOR, KENNEL CLUB

12.05 **LAFs and the planning process**

Roger Buisson VICE-CHAIRMAN CAMBRIDGESHIRE LAF

12.30 *Lunch*

1.15 **Working towards 2026: restoring lost bridleways**

Dr Phil Wadey BRITISH HORSE SOCIETY

1.40 **New Forest Access for All:**

**three initiatives undertaken to improve access for those with disabilities**

Alastair Duncan NEW FOREST NATIONAL PARK LAF

2.05 *Coffee break*

2.25 **Network Rail crossing closure/diversion programme**

Kristian Alexander and Chris Williams NETWORK RAIL

2.50 **Natural England update**

Kevin Haugh NATURAL ENGLAND

Presentations from SELAF  
can be found on Huddle.

3.10 *Close*

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*Natural England Access Advisor:*

Kevin Haugh

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**Further information:**

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*Friends House:*

Sherill Francis 020 7663 1094

*Access information:*

The venue is accessible for wheelchairs and mobility scooters.

However, there is no on-site vehicle parking.

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## **Consultation on the implementation of CAP reform in England Summary of responses and government response December 2013**

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/267987/cap-reform-sum-resp-201312.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/267987/cap-reform-sum-resp-201312.pdf)

1.1 On 31 October 2013 the Government issued a consultation on the implementation of CAP reform in England. The consultation closed on 28 November 2013. In total 4,928 responses were received, which were mostly from campaigns by RSPB, Soil Association, Wildlife Trusts and Citizen Space (online). The classification of respondent was wide ranging (from businesses, to environmental organisations, from individuals to Local Authorities etc.)

10 stakeholder events also took place across England and were attended by the following LAFs:

- East Riding of Yorkshire and Kingston upon Hull Joint LAF
- The Lake District LAF
- Leicestershire LAF
- South Lincolnshire and Rutland LAF
- West Sussex LAF

**4.6** A number of respondents also argued that in some cases GAECs (*Good Agricultural and Environmental Condition - see explanation summary for cross compliance and how these relate to PROW below*) were covered in law and they did not need to be included in cross compliance as well. The National Farmers Union considered that the following GAECs should not be carried forward: control of weeds, felling of trees, tree preservation orders, scheduled monuments, **public rights of way** and Environmental Impact Assessment (EIA). A minority of respondents considered that GAECs should be scrapped in their entirety.

**4.9** Thirty (out of 372) responses commented on the current GAEC 13 (**Public Rights of Way**). Most of the responses favoured continuation and many comments highlighted that farmers must continue to ensure public rights of way are maintained, kept in good condition, and re-instated quickly. Additionally, the point was made that farmers must abide by the CROW Act 2000 and this should be inspected more rigorously. A number of organisations, such as the Cornwall, Hampshire, Sussex and Leicestershire Countryside Access Forums, and The Ramblers were in support of the public rights of way GAEC. There was also significant support for this from members of the public. The National Farmers Union and Country Land and Business Association considered that this should not be carried forward.

### **The Guide to Cross Compliance in England 2014**

Cross compliance rules apply to you if you receive direct payments under Common Agricultural Policy (CAP) support schemes or if you receive payments under certain Rural Development Programme for England (RDPE) schemes. We may reduce your payments if you do not meet these rules.

There are 3 aspects to cross compliance:

- specific European legal requirements, known as Statutory Management Requirements (SMRs). These relate to the areas of public, animal and plant health, environment and animal welfare;

- standards, based on a European legal framework, which require you to keep your land in **Good Agricultural and Environmental Condition (GAEC)**. These relate to soil erosion, soil organic matter and soil structure, a minimum level of maintenance to avoid the deterioration of habitats and protection and management of water; and
- an obligation to maintain a level of permanent pasture not included in the crop rotation for 5 years or more. This is not a cross compliance obligation for individual farmers, but may become one in future years (read the Permanent Pasture section for more information).

## **GAEC 8**

### **Public rights of way**

The aim of these rules is to keep public rights of way open and accessible because they are important landscape features.

#### A. You must not

1. disturb the surface of a public right of way<sup>1</sup> so that it becomes inconvenient to use;
2. wilfully obstruct free passage along a public right of way for example, by locking gates, growing crops, allowing overhanging vegetation, or blocking the route with electric or barbed wire fences.

You will not break these rules if you have lawful authority or excuse. This includes times when you need to disturb the surface of a footpath or bridleway across a field to plough the land or to bring it into agricultural use and it would be inconvenient and difficult to avoid disturbing the surface of the path. In this case there are rules for making good the surface, detailed below.

#### B. You must

1. maintain any stile, gate or similar structure across a footpath or bridleway in a condition that makes it safe and reasonably easy to use (this applies where maintenance is your responsibility);
2. make good the surface of a disturbed cross-field footpath or bridleway to not less than the minimum width<sup>2</sup> within 14 days of the first disturbance if you are sowing a crop, or within 24 hours in all other circumstances;
3. indicate the route of a reinstated cross-field footpath or bridleway to members of the public.

These cross compliance rules apply only to visible<sup>3</sup> public rights of way. This includes any rights of way which would be visible were it not for breaches of the Highways Act 1980.

Public rights of way may form part of the 1 metre or 2 metre 'protection zone' margins along hedges and watercourses. If so, the rules of that GAEC standard (GAEC 14) will apply as far as practical.

**DRAFT**  
**LCAFs Feedback to Consultation re. Dog Walking Advice**

**1. Have we chosen the right themes?**

- Train your dog well
- Leave no trace of dog poo
- Take stock of farm animals
- Get to know your surroundings
- Keep your dog happy and healthy

All themes seem appropriate, although the '*Get to know your surroundings*' theme could perhaps be set out a bit differently (see 'd') and there's scope to expand on information in relation to identification (see 'e').

**2. Have we got the messages right within the themes?**

Some feedback from forum members is that there's an opportunity to communicate important messages across in relation to a dog walkers legal obligations, which in some cases they may not be aware of e.g. identification (see point 2e), dog fouling etc. Other advice guides (including [Bracknell Forest Code of Conduct for Dog Walking](#)) try to achieve a balance between engaging dog walkers whilst getting some stronger messages across.

- a) A concern raised by certain LCAF members is that there's the potential for conflict between dog walkers and other users, which is covered only very briefly in the advice guide under '*Train your dog well*'

In this section, people could be signposted to organisations that run dog training schemes such as the Kennel Club and their Good Citizen Dog Training Scheme.

[www.thekennelclub.org.uk/training/good-citizen-dog-training-scheme](http://www.thekennelclub.org.uk/training/good-citizen-dog-training-scheme)

The point about needing to be mindful about ground nesting birds could be referenced under the theme '*Train your dog well*', under the sub-heading 'Lead' and then expanded on under '*Get to know your surroundings*'.

- b) '*Leave no trace of dog poo*' –

Dog fouling is a serious issue that needs proper attention.  
I would make it clear that people can use any **public** litter bin or your council bin at home, to avoid people depositing dog waste in their neighbours bins! There's also no reference to how people can report incidences of dog fouling. In the case of Bracknell Forest Borough, people can report dog fouling via a street cleansing form or they can complete a dog fouling witness statement form if they witness a person failing to pick up after their dog has fouled.

- c) '*Take stock of farm animals*' – Include information about the need to pay attention to signs advising about livestock, under '*Stop, Look and Listen...*'
- d) '*Get to know your surroundings*' – I understand the reasons for wanting to provide dog walkers with information about good places to walk their dogs, but I'm not sure this section works by being set out under the following sub-headings 'on the beach' 'in the woods' and 'out in the hills'.

Open access land is mentioned in relation to the '*Out in the hills*', but there are other types of open access land e.g. forests, heathland etc.

Should we be encouraging people to walk their dogs in areas where there might be ground nesting birds, that are sensitive to disturbance?

Bracknell Forest Council manages Suitable Alternative Natural Greenspaces (SANGs) to draw people (particularly dog walkers) away from ecologically important places such as the Thames Basin Heath Special Protection Area (SPA).

[www.bracknell-forest.gov.uk/suitablealternativenaturalgreenspaces](http://www.bracknell-forest.gov.uk/suitablealternativenaturalgreenspaces)

If we are going to reference areas such as heathland, perhaps more emphasis could be given to how ground nesting birds are **vulnerable** to disturbance and what the consequences are e.g. birds may be prevented from settling, or if already nesting they will fly away from their nests, neglecting their eggs or chicks. Is it worth pointing out that it is a **criminal offence** to disturb rare breeding birds, or would this detract from the friendly tone used in this leaflet?

Some of the other information is a bit too specific and could raise expectations. For example – a lot of publically accessible woodland doesn't have facilities such as visitor centres and not all woodland is owned and managed by the Forestry Commission.

What about referencing sources of information about where makes good places to walk your dog?

[www.dogfriendlybritain.co.uk/directory.asp?Category=4](http://www.dogfriendlybritain.co.uk/directory.asp?Category=4)

[www.nationaltrust.org.uk/article-1356393897898/](http://www.nationaltrust.org.uk/article-1356393897898/)

[www.walkiees.co.uk/](http://www.walkiees.co.uk/)

- e) '*Keep your dog happy and healthy*' - I would suggest that the important information about identification is lost under this theme. A dog owner has a legal responsibility to ensure their dog is properly identified and all dogs should be microchipped to allow prompt return if lost (this will be a legal requirement in 2016). No reference is made to lost or found dogs. Perhaps it's important enough to warrant being included as a separate theme?

The need to worm dogs is mentioned, but what about vaccinating dogs against diseases including canine parvovirus and kennel cough? People

could be signposted to further advice from the RSPCA, The Dog's Trust or to their local vet.

Should dog walks (particularly professional dog walkers) be encouraged to take out insurance? An article in the [Daily Telegraph on 10 August](#) refers to a vicious attack on Maxine Frith's small dog by a mastiff being walked by a paid dog walker which led to a £1000 veterinary bill. Fortunately the Jack Russell/ poodle cross survived and Maxine was able to claim on the company who engaged the dog walker and recovered her vet costs as the company had insurance.

Slight changes to wording:

*'Get involved'*

*Dog walkers are often the first people to notice and report problems on a site or on a path. In some areas dog walkers have formed volunteer groups that help spread positive messages about dog walking and are eyes and ears on the ground, helping site managers and the local council deal with problems such as fallen trees across paths and vandalism.'*

**3. Do you agree with the principle of focusing on themes that can be developed either separately as individual campaigns or used together as a single advice publication?**

Combining the advice into a single publication would seem to make the most sense.

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STATUTORY INSTRUMENTS

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**2013 No. 1774**

**COMMONS, ENGLAND**

**HIGHWAYS, ENGLAND**

**The Commons (Registration of Town or Village Greens) and Dedicated Highways (Landowner Statements and Declarations) (England) Regulations 2013**

*Made* - - - - *14th July 2013*

*Laid before Parliament* *17th July 2013*

*Coming into force* - - *1st October 2013*

The Secretary of State, in exercise of the powers conferred by sections 15A(1), (3), (6), (7) and (9) and 15B(1), (4) and (5) of the Commons Act 2006(a) and sections 31(6A), (6C), (13) and (14) and 31A of the Highways Act 1980(b), makes the following Regulations:

**Citation, commencement, application and interpretation**

**1.—(1) These Regulations—**

- (a) may be cited as the Commons (Registration of Town or Village Greens) and Dedicated Highways (Landowner Statements and Declarations) (England) Regulations 2013;
- (b) come into force on 1st October 2013; and
- (c) apply in relation to England.

**(2) In these Regulations—**

“the 1980 Act” means the Highways Act 1980;

“the 2006 Act” means the Commons Act 2006;

“appropriate authority” means—

- (a) in relation to a map or statement deposited or declaration lodged under section 31(6) of the 1980 Act, an appropriate council; and
- (b) in relation to a statement and map deposited under section 15A of the 2006 Act, a commons registration authority.

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- (a) 2006 c. 26; section 61(1) defines the “appropriate national authority” as the Secretary of State in relation to England. Sections 15A and 15B were inserted into the Commons Act 2006 by section 15 of the Growth and Infrastructure Act 2013 (c. 27).
  - (b) 1980 c. 66. Section 31(6) was amended by Schedule 6 to the Countryside and Rights of Way Act 2000 (c. 37), paragraph 3 of Part 1. Section 31(6A), (6C), (13), and (14) was inserted by section 13 of the Growth and Infrastructure Act 2013 (c. 27). Section 31(7) was amended by Schedule 4 to the Local Government Act 1985 (c. 51), paragraph 7. Section 31A was inserted into the Highways Act 1980 by section 57 of and paragraph 4 of Part 1 of Schedule 6 to the Countryside and Rights of Way Act 2000 (c. 37).

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