**MID AND WEST BERKSHIRE**

**LOCAL ACCESS FORUM**

**Minutes of Meeting of the Forum**

**Held at Shaw House**,

Newbury

Wednesday 17May 2017, 2 - 5pm

**Present:** Janice Bridger, Jan Heard, Sallie Jennings (West Berks Council), Nicola Greenwood, Chris Marriage, Margaret Pawson, Simon Pike, Angus Ross, Graham Smith, Tony Vickers

**In Attendance**: Elaine Cox (West Berks Council), Rebecca Walkley (Wokingham Council), Emma Smith (Secretary)

**Apologies for absence:** Helena Barker, Anthony Chadley, Gustav Clark, Colin Patient, Roger Penfold, Patrick Todd, Sally Wallington, Natalie Lucas (Reading Council).

**SITE VISIT**

Sallie Jennings (West Berks Council) led a walk to see byway Bucklebury 39/2, near Hopgoods Green, Bucklebury Common, which currently has a Temporary Traffic Regulation Order in preparation for repair work. Forum members attending were Janice Bridger, Elaine Cox, Jan Heard, Chris Marriage, Simon Pike, Graham Smith, Tony Vickers. Members of the public attending were Chris Blomfield (Trail Riders’ Fellowship), Simon Futter, (Trail Riders’ Fellowship), Clive Collins (longstanding local resident and carriage driver), Janet Gordon (longstanding local resident and horse rider). Mike Scholl, resident of the Slade, sent his apologies.

**1: WELCOMES**

The Forum welcomed, as observers to the meeting, Chris Blomfield (Trail Riders’ Fellowship), Ray Clayton (Pang Valley Ramblers), Simon Futter (Trail Riders’ Fellowship), Jed Ramsay (Hungerford Common) and Clare Rowley (Wokingham Borough).

**2: WALKING FOR HEALTH PRESENTATION**

The Forum heard, with regret, that Zoe Campbell, who had been due to speak about Walking for Health, was sadly unable to attend. It was agreed that her talk should be rescheduled.

 **3: ELECTION OF CHAIR AND VICE CHAIR**

JB indicated that, after 3 years in post, both she and JH (Vice Chair) were ready to stand down, though they were willing to continue for another year if no one stepped forward to take their place. At the time of the meeting, no nominations had been received, and so both JB and JH agreed to carry on in their roles for the time being. CM commented on the excellent job that they were doing for the Forum.

**4: DECLARATION OF INTERESTS**

No interests were declared regarding the items on the agenda.

**5: PUBLIC PARTICIPATION - QUESTIONS FROM THE PUBLIC**

No questions had been submitted in advance of the meeting. No questions were submitted on the day.

**6: MINUTES FROM JANUARY 2017 MEETING, ACTIONS AND MATTERS ARISING**

With apologies, members were advised of the particular reasons for the late distribution of papers for the meeting including the minutes of the January meeting. They were assured that there would be no further delays in the production and circulation of minutes.

There was a brief discussion of the minutes, outlined below. However, as members had not had long to read and absorb the details, they were invited to email any further comments to the secretary over the course of the next two weeks, after which time the minutes would be accepted and filed as a true record of the meeting.

**Matters arising (not on current agenda):**

Item 2: Declaration of interests

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| **ACTION: A register of interests still to be compiled from the information sent in by members** | **ES** |

Item 3: Berkshire Local Nature Partnership:

The Forum was advised that Ellie Ellwood would be leaving the BLNP as of the 10th June, and an emergency meeting of the executive committee was scheduled. All agreed that it was important to keep our link with the Partnership. GC would continue as the LAF contact.

Item 7: Amended Minerals Policy:

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| **ACTION: The amended policy dated 18th Jan 2017 was to be filed for reference** | **ES** |

Item 10 : ROWIP Reviews:

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| **ACTION: To send LAF members links to Wokingham’s ‘statement of priorities’ for the forthcoming year** | **RW** |

Item 14: Neighbourhood Plans:

Laurence Heath to make a presentation on the access aspects of the Arbofield & Barkham Neighourhood Plan at the September meeting.

EC reported that there were about 5 neighbourhood plans at various stages of preparation in West Berks.

Item 15: Wokingham Local Transport Consultation:

JH, CP and NG had been invited to work on a response on behalf of the Forum. The plan is expected to be finalised in 2019, and there is still time to comment. JH offered to liaise with NG

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| **ACTION: To work on a response which will be passed to RW** | **JH, CP, NG** |

Item 16: Cross-Boundary Liaison

As no one had come forward to take over as the link person for the Oxfordshire LAF, CM indicated that he would be willing to continue.

Item 18: West Berks Commons:

MP had forwarded the terms of reference for Wokefield Common advisory committee.

Item 19: Traffic Regulation Order on Hogwood Lane, Wokingham.

RW reported that the closing date for comments had passed.

Only walkers, cyclists, horse riders and disabled buggies were to be permitted access: horse and cart and other vehicular use was to be prohibited.

**7: LAF MEMBER RECRUITMENT**

Three new members (GC, RP & SP) had been recruited this year.

CM had pursued a number of leads, through his contacts with Newbury and District Agricultural Society. This had generated some interest, with Jed Ramsay attending this meeting as an observer, and Mark Hall still in the frame as a possible member. CM stated that he would continue to attempt to promote Forum membership wherever possible. SJ suggested that the carriage driver who had attended the morning’s site visit would be a useful addition. TV suggested that Reading University, as substantial landowners and with some expertise on land management, should also be approached but it was noted that they had been approached previously.

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| **ACTION: To make contact with Mark Hall about Forum membership****To contact Reading University about representation on the Forum.**  | **AR** |
| **ACTION: To speak with carriage driver from site visit with a view to his joining the Forum.**  | **MP** |

**8: REVIEW OF PROGRESS ON CONTROL OF VEHICULAR DAMAGE OF PROW & COMMONS IN WEST BERKS (BUCKLEBURY)**

SJ and EC showed a map of the area and informed the LAF of past and present work to tackle the damage caused by vehicles. Despite a number of initiatives, including signs, cameras, barriers and even police involvement, there were still significant issues connected with four wheel drive vehicles driving illegally, as well as causing damage to the routes which they could legally use. Three routes had had to be closed for safety reasons, including Bucklebury 39/2 (near Hopgood’s Green),49/7(south of Sadgrove Farm), and Holly Lane (Bucklebury 11/1 and 11/2). Photographs of the damage caused were distributed.

The Bucklebury Common Advisory Committee had already identified the routes (marked yellow on the map) that it felt would benefit from closure during the winter months with a seasonal TRO. SJ explained, however, that seasonal TROs require public consultation and advertisement, and that careful consideration would have to be given as to whether all motorised vehicles should be included.

CM asked whether the proposed routes would be closed automatically, or whether a survey would be carried out before a final decision was made. SJ confirmed that detailed surveys would indeed be necessary, probably well in advance of October to allow time for the TROs to be put in place. Some of the routes would need physical barriers to prevent vehicular access. The local police service had said that they were happy to monitor the routes and enforce as necessary.

TV, who had recently assessed the Common for the Ramblers, queried the inclusion of Bucklebury 67/5 as a potential candidate for a seasonal TRO. This path crossed open heathland and had seemed to him to be in good condition. JH commented that the concept of seasonal TROs was one that might usefully be applied to The Coombes in Arborfield which had experienced similar problems.

A distinction was made between motor vehicles and carriage drivers. It was not proposed that carriage drivers should be excluded from these routes. Clive Collins, a local carriage driver, pointed out that he exercised voluntary restraint, avoiding routes during the winter in order to preserve them for the summer months. EC also explained that the term ‘motorised’ did not here refer to motorised wheelchairs, which would not be prohibited.

**9: RAILWAY LEVEL CROSSINGS**

The Forum discussed GS’s update, with a view to agreeing the Forum’s position on potential closures and deciding the nature and timing of their action. It was agreed to support the Ramblers’ position statement (Appendix 4). Also, to monitor the proposed closures in East Anglia and to wait until our local paths appear threatened with closure before taking action such as lobbying MPs. GS mentioned that a detailed report was available online under ‘Fairfield’ Crossing, if members wished to find out more. JB suggested that it would be sensible to do what the paper proposed, as it was a concern to non-motorised users that Network Rail was diverting the public from their own crossings onto roads, with a potentially greater risk to their safety. MP suggested that they were simply ‘moving the risk’ from their land onto public roads. EC added that both she and RW regularly attended a regional ROW Managers meeting, and that this issue was a constant cause of concern to other authorities.

TV suggested that it would be wise, following the election, for the LAF to write to local MPs, alerting them to this issue whilst still awaiting the outcome of the discussions in East Anglia. This would have the added advantage of raising public awareness in advance of any petitions that might become necessary should similar problems arise in Mid and West Berks.

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| **ACTION: To draft a letter to bring to next LAF meeting, expressing concern and making the argument for public safety at level crossings.** | **TV** |

**10: EXTINGUISHMENT OF HIGHWAY AND BRIDLEWAY AT BUCKHAM HILL TO CHADDLEWORTH IN W BERKS**

JB explained the background and proposed action: to send a letter to West Berkshire officers based on the draft supplied. A landowner had applied to extinguish a section of road and bridleway that was no longer needed when a road was straightened. The LAF had contacted West Berkshire Council with a proposal which had appeared to fit well with the ROWIP, requesting the landowner to provide a behind the hedge path to link up the unused route to a minor road. The Forum had then been surprised to read an order in the newspaper for the extinguishment of the path, and JB/GS were disappointed not to have been invited to join the discussions and make the LAF’s case.

CM commented that, although the amount of land in question was small, it was important to clearly state the Forum’s views to the council, as a similar situation might arise where there was a greater opportunity for creating and linking routes. JB commented that this kind of liaison was vital in order to seize opportunities to improve the rights of way network.

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| **ACTION: To write a short letter expressing disappointment at the lack of response and dialogue from West Berks Council in respect of this route. Draft letter to be send around members for comment, with suggested time frame.** | **JB** |
| **ACTION: To send out letter on behalf of the Forum, and file.**  | **ES** |

**11: AUDITING THE LIST OF STREETS**

JB updated the Forum on developments since the last meeting. Both RP and JB had pursued this independently, and both had received replies from W Berks Council, stating that they did not remove paths from the List of Streets except through a formal process. Wokingham BC had given a similar response. No response had yet been received from Reading, and RP was in the process of chasing that up. JB proposed that the council responses should be kept together and that the Forum’s action could now be closed.

SP commented on a relevant and interesting response to a Freedom of Information Act request from another council area. The information had been copied some time ago from the council’s definitive map onto a paper map held by the OS surveyor, then subsequently transferred onto the OS database, with the paper maps then being destroyed. As a result, there was no possibility of tracing or updating that information on the map.TV, who had worked at the OS at the time when they were digitising, commented that the white roads marked on OS maps give no indication of private or public access, but merely record their existence on the ground.

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| **ACTION: to file the responses for future reference** | **ES** |

**12: ACCESS & FUTURE FARM SUBSIDIES AFTER BREXIT**

The Forum had worked together by email to draw up a position statement, which it had then distributed to other individuals and groups involved with access. The proposal was to review and modify the content of the statement, which aimed to make the point that access should be considered in future farm subsidies.

 A further point to discuss was how far this should now be shared and promoted for discussion with, for example, local MPs. JB expressed great surprise that this issue was not being pushed harder across a range of interested groups. EC had raised the question with a contact at Natural England but had not yet received a response. JB had heard from NE that they had not yet finalised their position on future farm subsidies. JB confirmed that she had forwarded her paper as an agenda item for the national LAF conference which she would be attending on the 21st June. TV and EC stressed the importance of taking this issue forward as a matter of urgency, promoting and lobbying for the rights of the public at an early stage in the negotiations.

CM raised a possible amendment to JB’s paper suggesting subsidies for private areas of land which could be made available for recreational motorised vehicle use. The Forum considered that similar subsidies could be provided for equestrian rides on farmers’ land, again easing pressure on the rights of way network. MP had been in discussion with DEFRA about access as part of the post-Brexit agenda and, despite their early interest in the subject, she felt that the issue was now being sidelined.

SP commented that the government ministries were overwhelmed and understaffed, and appeared unable to take the issue forward at present. He suggested that the Forum might, instead, look for a better response from select committees or all party parliamentary groups.

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| **ACTION: To identify committees and parliamentary groups that the LAF can lobby on this issue.** | **SP** |
| **ACTION: to include payment for amenity use of land in the MWBLAF position statement** | **JB** |

The Forum agreed that the position statement should be sent to the five local MPs (including Theresa May).

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| **ACTION:** **RP would provide details of MPs to contact** | **RP**  |
| **ACTION: Members to be identified to contact and lobby their MPs with the statement.** |  **All** |

EC mentioned that the Maidenhead LAF was Theresa May’s local LAF and that one of their representatives might be able to make contact with her directly. JB offered to raise the issue at the Berks LAF chairs meeting which she was due to attend later in the week.

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| **ACTION: To discuss at Berks meeting and look for opportunities to lobby Theresa May directly.** | **JB** |

**13: OFCOM CONSULTATION ON THE ELECTRONIC COMMUNICATION CODE**

SP outlined the code, which gives telecoms operators rights to dig in order to install cables or green cabinets – The Digital Economy Act has now extended those rights to mobile operators to allow installation of masts, and OFCOM has put out a consultation on these rights, that the LAF can respond to. Under the Code, landowners are required to provide operators with information on public rights of way across their land. SP suggested that the LAF should make a response, mentioning other kinds of public access that landowners might need to make operators aware of.

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| **ACTION: LAF to send in agreed response, using LAF template and logos.** | **JB/SP/ES** |

**14: CRITERIA TO RESPOND TO PLANNING APPLICATIONS**

At JB’s suggestion, the Forum agreed that it would be a good idea to draft a position paper responding to planning papers which affect rights of way, in the same way that it has for Minerals and Gravel Extraction.

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| **ACTION: JB to draft a generic response for discussion and agreement within the Forum.** | **JB** |

**15: REPORT FROM THE LNP PROJECT**

GC had been involved with some work for the Local Nature Partnership at Streatley and would have fed back at the meeting, but unfortunately had had to send his apologies.

Deferred to next meeting.

**16: MOLE ROAD**

JH updated the Forum and there was further discussion as to why Wokingham Council had not yet accepted the land offered by Reading Football Club. This land would not need to be purchased – the ownership would simply be transferred. AR suggested that if no response was received from Wokingham authority, the LAF should write to the Chief Executive.

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| **ACTION: To draft letter to Wokingham BC and send out if necessary.** | **JH/ES** |

RW mentioned that reservations had been expressed that an equestrian crossing might not be an effective solution in that location, and that people might ignore it. JH responded that her research had identified other kinds of crossing that could be fitted at far less inconvenience and expense, provided that the land was first accepted by the council.

**17: SHINFIELD MINERAL EXTRACTION**

JH had, in fact, made her own submission in response to this planning application. She reported that the application had now been withdrawn by the developers, and was being re-thought. AR added that he understood the application had been delayed in order to tie in with the application for the Arborfield Relief Road. RW stated that the original application had offered permissive routes, whereas the Wokefield response was asking for definitive routes, and for two paths to be upgraded to bridleways, with the surface upgraded to Flexipave.

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| **ACTION: RW to send map to NG and JH, NG to add comments. JH to look at RW’s proposal and send in a letter of endorsement from the LAF, via the Secretary.** | **RW/NG/JH/ES** |

**18: STREATLEY FOOTPATH 21 – UPDATE ON PROGRESS**

EC sought advice from the Forum on a planning permission from ~ 2000 concerning the Swan Hotel in Streatley. As part of the permission, the hotel had a duty to provide two new rights of way. Although both routes had subsequently been legally created and shown on the current OS Explorer map, one had not been physically created. The route led across watermeadows and offered no practical potential as a footpath. The Forum discussed the advisability of attempting to create a pathway using boardwalks, and the likely expense of construction and maintenance. EC explained that the hotel was duty bound to create these routes under the Section 25 creation agreement. MP suggested that the land offered by the Swan was ‘worthless’ as a right of way, and should not have been accepted by the council as an acceptable condition of planning permission. RC advised that the specific route had been proposed as an alternative river access point, as walkers had been regularly crossing private land to reach the river. There had been no objections, though the tenant of the field, who kept horses there, had not been informed of the agreement. The wording of the agreement was considered to be ambiguous, and it remained unclear whether any money would be made available to construct the necessary structures at the site. The Forum felt that the ongoing costs of maintaining boardwalks would be considerable.

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| **ACTION: To seek further clarification from West Berks legal team regarding the responsibilities of the Swan Hotel in this agreement.** | **EC** |

**21: THAMES PATH CYCLING CONSULTATION**

The Forum was asked to decide on its response to this statutory consultation. JB suggested that members should decide on any limitations to this order and make a representation expressing the Forum’s views.

JB had asked RP whether the Forum as a statutory body could legally make a formal objection to an order. If this was the case, and the Forum lodged an objection, then a member would need to represent those views at the resulting public enquiry. RP’s considered view was that the Forum had no power to make an objection in its own right, though members could, of course, object as individuals. The Forum was free, however, to give ‘very strong advice’ about an order, if members were collectively in agreement.

Reading Council had made three formal orders for sections of the Thames Path to be upgraded to a public footpath and cycle track. The Forum had responded positively to the informal consultation last year, though it had also expressed some reservations. The current formal consultation, however, was for a far longer route (6 kms rather than 800 m). JB had received lobbying from Pang Valley Ramblers who were concerned that the western section of the path was too narrow for shared use. EC mentioned that this application fitted with the cycling policy of the Thames Path Partnership, currently under development, to promote use of sections of the Thames Path for use by cyclists, subject to landowners’ permission and safety considerations such as path width.

CM stated that he supported the proposals for the Caversham to Reading bridge section of the path, and also for the eastern area, Reading Bridge to Kennet mouth. He suggested that no comment should be made on the western area between the Roebuck Hotel and Reading bridge, as objections had already been made and were likely to be discussed fully at public enquiry.

RC informed the Forum that an alternative tarmac route already exists for cyclists, from Tilehurst railway station, along the A329 Oxford Road to Norcot roundabout, along Portman Road to Cow Lane and from there to Richfield Avenue and Caversham Bridge.

JH added that she had cycled the route and had never been aware of a conflict between cyclists and walkers. She was not familiar with the narrow section that had been referred to.

TV proposed that, as an alternative cycling route was available, the orders should not be supported unless the full width specification was observed. JB advised that, though the Forum could not formally object, a strong representation should be submitted, expressing concern about the width of the western section and the potential for conflict between user groups. As an alternative route was available for cyclists, the Forum saw no need to upgrade this section of the national trail

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| **ACTION: To draft a response and circulate to members for comment.** | **JB** |

**19: ROWIP REVIEW – WEST BERKSHIRE**

EC introduced the four case programmes that comprise most of the work of the West Berks ROW team: the ROWIP, Enforcement, Maintenance and Public Path Orders. She asked for any comments from members to be forwarded to her (and copied to JB) within the next couple of weeks, so that they could be incorporated into the programme of proposed work for the year which would be passed to the team’s portfolio member at the end of June.

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| **ACTION: To pass questions or comments to EC within two weeks, copied to JB.** | **All** |

**20: NON ROWIP WORKING GROUPS**

**Development of New Access and Maintenance of Existing Access:**

This group covers West Berkshire, Reading and Wokingham. JB commented on the difficulty of keeping up with the amount of new access being created in the Wokingham area.

Work was ongoing to open up the Hermitage to Hampstead Norreys railway track as a public off-road path for walkers, horse riders and cyclists. It was hoped that this would be completed by the end of this year.

CM reported that in West Berks the Snelsmore link would soon be complete. EC added that the vegetation had been cleared before the start of the bird nesting season, though further understorey might already be needing to be cleared away. Public access could be promoted once signage and agreed corrals at road crossings had been put in place. There was discussion about whether the path would appear on OS maps.

Discussion moved to permissive paths. These are not shown on Definitive or OS maps, and the Forum heard that the OS has no obligation to map them, as permission can, of course, be rescinded. The Snelsmore link, which was on common land, was not a permissive path for walkers & horse riders as both had legal rights by virtue of the 1899 Commons Act.

**Disabled Access:**

MP reported on her paper. In particular, she mentioned that she had been looking at the BBOWT website and had found no indication of which sites were suitable for disabled users. The disabled access working group had subsequently met with Simon Barnett of BBOWT, who had agreed to liaise with BBOWT’s website officer and report back. MP had started to use her tramper at BBOWT managed sites and commented briefly on accessibility at Thatcham and Wokefield Common. She intends to continue testing disabled access at various locations.

**Education and Communication:**

This is not currently an active sub group. Nothing to report.

**22: COMMUNICATION – PUBLICATION OF LAF PAPERS**

JB had been reminded that the Forum was not complying with the regulations in publicising its meetings, papers and minutes. John Walmsley (previous secretary) had offered his services for a ‘mini-project’ and members discussed the possibility of asking him to take on responsibility for publicising the work of the Forum on social media. All agreed that this would be an excellent idea.

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| **ACTION: JB to approach John Walmsley for help in promoting the work of the Forum** | **JB** |

**23: REVIEW OF FORUM WORKING GROUPS**

JB expressed concern that the New Access Group was not fully representing the large amount of new access that was being created in Wokingham. It was suggested that the working group heading items could be organised as standing agenda items, with each area contributing as appropriate. No consensus was reached on this.

**24: CROSS-BOUNDARY LIAISON**

GS: (Wiltshire): GS had nothing to add to his report. No questions were asked

HB: (Hampshire): Report received. No questions.CM: (Oxfordshire): CM reported that the Oxfordshire LAF had discussed village green registration, following 4 or 5 recent applications. This was an important issue as land registered as a village green remains publicly owned space forever, and members agreed that it would be important to set ongoing management arrangements firmly in place. TV commented that landowners and residents often have very strong objections to such applications.

**25: WEST BERKSHIRE COMMONS**

**Reports received on Bucklebury Common, Padworth Common, Snelsmore Common and the BBOWT Access Event held on Snelsmore Common on 5th April.**

JB was pleased to note that the LAF now had representatives on all of the commons committees managed by West Berks Council / BBOWT.

CM had received the Bucklebury Common draft Access Audit report. Comments were to be sought from members, with specific feedback required from individuals. CM would co-ordinate the LAF’s response.

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| **ACTION: To email report to Secretary for circulation to all. Comments to be returned to CM** | **CM/ ES/All** |
| **ACTION: JB to respond to CM from an equestrian perspective** | **JB** |
| **ACTION: MP to respond to CM from the point of view of disabled access and carriage driving** | **MP** |

**26: TO NOTE AND RECEIVE COMMENTS ON ITEMS DEALT WITH BY EMAIL SINCE LAST MEETING**

JB raised the issue of a consultation on Wokingham BC’s first Greenway. RW informed members that a consultation had gone out on the website about California Way, which had attracted over 100 responses, partly because it was being used as an alternative route to school. This had prompted local reaction because it was not the agreed safe route. Horse riders had also been vocal in their response, calling for another link to be created. Tensions were arising because many varied users wished to use the route.

**27: NATIONAL CONFERENCE – BIRMINGHAM**

JB explained that each LAF receives one invitation to the National Conference each year, and that one additional place per LAF might also become available. It was not yet clear whether funding would be available. It was agreed that AR would attend, with TV willing to go along if a second place became available. Members agreed that it would be an ideal opportunity to push the Brexit agenda.

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| **ACTION: JB to put forward AR as LAF representative, with TV to take a second place, if offered.** | **JB** |

**28: FUTURE WORK PROGRAMME / HORIZON SCANNING**

September 2017: Laurence Heath – to speak about Neighbourhood plans

February 2018: Sarah Wright – to speak about the Ridgeway

Forthcoming meetings:

27th Sept – Wokingham

21st February - Reading

**29: ANY OTHER BUSINESS**

Clare Rowley raised the issue of kissing gates at Arborfield Green Country Park, which she had found inaccessible as a wheelchair user. She added that it was not just the gate that had been impossible for disabled use, but the siting of it too as, being on a hill, her wheel chair would be in danger of rolling to roll back into the road and under a car.

 JH asked AR whether corrections to a new gate fitted in the SANG site in Arborfield (Hazebrook) had been completed.

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| **To check what work has been carried out to correct new gate in Arborfield** | **AR** |

Meeting closed at 5.05pm