

Oxfordshire Countryside Access Forum

Second meeting of 2017/18
Meeting Room 3, County Hall, New Road, Oxford
Wednesday 1st November 2017
10am – 12.30pm

AGENDA 2017 (2)

	Item	<i>Coffee available from 9.45am</i>
10.00	1	Welcome by the Chair
	2	Apologies for absence and declarations of interest - to declare any personal or prejudicial interests
	3	Confirm the minutes of 24 May 2017 (2017/1)
	4	Matters arising from minutes
10.10	5	Managing vehicles on the public rights of way network
10.45	6	Definitive Map related work priority
11.15	7	Space for discussion about the restructure of access functions as part of wider 'Communities' Directorate
12.00	8	Landowner s31(6) Highways Act Deposits and Statements – information item
12.05	9	Space for questions from members of public/observers
12.20	10	Any other matters. Confirm date, time and location of future meetings 2017 year: 7 Feb 2018; 2018 year - 16 May 2018 - all Wednesdays 9.45 for 10am location probably County Hall or Speedwell House

n.b. all times are indicative only

Oxfordshire Countryside Access Forum is a Local Access Forum – a statutory independent advisory body, established and administered by Oxfordshire County Council to assist with improving access to Oxfordshire's countryside under s94 of the Countryside and Rights of Way Act 2000.

Contact any member via the OCAF Secretariat: Oxfordshire County Council, Countryside Area, 3rd Floor Speedwell House, Speedwell Street, Oxford OX1 1NE Tel 01865 810226, email: paul.harris@oxfordshire.gov.uk or visit

www.oxfordshire.gov.uk/ocaf

OXFORDSHIRE COUNTRYSIDE ACCESS FORUM

MINUTES OF THE FIRST MEETING OF 2017/18
Wednesday 24 May 2017 County Hall, Oxford

2017 (1)

Attending:

Members and their interest areas:

Stuart McGinness, Chair (SMG) - User - Off-road cycling and leading youth cycle training

Troth Wells, Vice-chair (TW) - User - Equestrian access

Dave Cavanagh (DC) - User - Walking and practical voluntary action on paths

Gordon Garraway (GG) - Other - Green space protection and recreational trails

John Griffin (JG) - User - Cycling, walking and protected areas

Andrew Hawkins (AH) - Landmanaging - woodland owner and ecologist

Matthew Judson (MJ) - User - 4x4 use and leading youth outdoor hiking training

Oxfordshire County Council Officers attending to support OCAF

Hugh Potter (HP) - OCC Countryside and Records Group Manager

James Blockley (JB) - OCC Countryside Access Team Leader

Paul Harris (PH) - OCAF Secretary/OCC Access Strategy & Development Officer

1. Annual election/re-election of Chair and Vice

HP opened the meeting by inviting proposals for Chair and Vice-chair. Stuart McGinness was proposed by JG, seconded by GG and elected to Chair. Troth Wells was proposed by DC, seconded by SMG and elected to Vice-chair.

2. Welcome

SMG thanked members for his election and welcomed members and officers to the meeting.

3. Apologies

Apologies had been received from Anne Luttmann-Johnson, Harry St John, Philip Chamberlain, Sarah Martin, Nigel Fisher and regular Mid and West Berkshire LAF observer Chris Marriage. PH added that since the local elections both Rodney Rose and David Nimmo-Smith had lost their seats and he would inform the group when an elected member had been nominated to attend OCAF. No declarations of interest were made.

4. Confirm Minutes of 22 February 2017 (2016/3)

Signed as a correct record with three minor typos on pages 2, 3 and 4.

5. Matters Arising

PH confirmed that there were no actions from the last meeting.

2016(3)(6) Science Vale Cycle Network. PH informed the group that he had opening discussions with landowners and had got a reasonable level of positive feedback. He needed to hear back from one landowner before more detailed negotiations and works planning could begin. There were also internal discussions about project delivery capacity linked to the other funds available for Milton, Ardley and Upper Heyford. TW raised the issue of additional incinerator capacity at Ardley and asked if there was a plan to ask for a Pegasus crossing. PH responded that the current developer funding monies obtained for this development had not included a crossing but agreed to see if this could be included as the project progressed. For the community route in Science Vale JG asked about ongoing maintenance. PH confirmed that the funds wouldn't pay for this but by ensuring a fit for purpose specification it was hoped to resolve some current issues and ensure a long life facility. GG and AH raised the issue of shared use conflicts. PH said that this route was going to be designed as a community link rather than a black top fast commuting route so the opportunity for

speeding would be limited by design and he expected some community acceptability discussions as part of project development. DC asked what the expected timescale was. PH responded that he hoped initial ground works could begin this autumn but it depended on how negotiations progressed.

6. Restructure of the OCC Communities Directorate

Hugh Potter said that the Environment and Economy Directorate had become the Communities Directorate and this change and subsequent stages are part of making Oxfordshire County Council (OCC) less remote and driving the debate to be able to meet the needs of local people. The focus was on building partnerships and working more effectively through the OCC corporate priorities of 'Thriving Communities, Thriving People and Thriving Economy'. The first phase of the highways restructure included countryside access functions. The structure has been created but not the detail about delivery of functions. HP stressed that the way that the Countryside Access Team works with local communities, landmanagers and user groups is a good example of local accountability and that key posts still had to be recruited to over the coming months, including the principal officer covering Countryside Access.

James Blockley outlined the new structure for Countryside Access with a principal officer leading and coordinating access, tree management and National Trail functions from a central hub with field officers based in each of the area stewardship centres. Definitive Map & Commons, Access Strategy and database systems management officers were being moved across to different team areas. The intention was that there would be closer integration with highways functions and more local accountability as well as more effective and efficient use of resources.

SMG stated that he was unhappy with closer integration with highways as in his experience highways do not listen to the public and so it was better to keep what we have. HP said that the team and individuals had worked hard to communicate the value of functional relationships as a team including definitive map functions and the structure was now firm. The sub-structures and functions still needed some work but the teams would ensure that the new arrangements worked. The unitary debate was still open and if implemented would mean more change is likely. SMG repeated his point that he didn't feel that highways were interested in anything that wasn't roads related. JB replied that the intention of having field officers in areas is to increase integration and understanding of different issues and perspectives which is anticipated to mean that issues on the rights of way network were likely to be able to be escalated within area highway teams more easily.

DC asked for an explanation of the split of the teams. HP explained that the new area stewardship teams were to be split north and south, with a 'hub' stewardship team for cross-county or non-geographic functions. The area teams would have a much wider remit than roads maintenance and they would now include bridges and structures, drainage, tree management, rights of way etc. JG said that a selling point of unitary councils is that there is greater efficiency and people know where to go. He expressed his concern that the restructure is taking place internally without service users being involved and knowing who to contact about particular issues and although existing team members would probably carry on maintaining the same way of working it was more of an issue for when new staff members came into the new structure. JB said that they needed to include all the elements of a job's role going forward and that OCAF etc would continue to be supported. PH clarified to GG that the new team leader role replaces the old group manager positions, and the new principal officers replace the old team leader roles. DC asked if field officers are going to do more jobs as part of the new structure. JB said this wasn't clear for the future but the new roles were the same as the old ones. JB undertook to keep the group updated as more detail emerged.

The Chair thanked HP and JB for their update.

7. Oxfordshire policy for the management of motorised vehicles on Public Rights of Way

Troth Wells introduced her paper and said that this came up in local area rights of way meetings about a particular byway in Letcombe Bassett where use by off-roaders had damaged routes – but that this issue has widespread relevance. Her first step was to look for OCC policy as guidance but there wasn't one and although there were positives and negatives of having a policy it was good for the public to be able to see how an authority addresses the issue. PH outlined how the council processes work for developing and getting policies through to adoption. He suggested that OCAF could answer the questions posed in the agenda item as part of this process. He also advised that

there was nothing to prevent OCAF producing its own draft policy and then putting this to OCC with a recommendation to take it forward to adoption and it would then be up to OCC to decide on how to act on this advice. In terms of the questions in the paper, members felt that a policy gives transparency and shows the thinking behind TRO processes and improve them by for example making sure information about the reasons for the closure are included in any signage. Members were also of the view that there is a need for procedures as well as enforcement and cooperation, as the TRO by itself will not resolve surface damage. DC said that the use of TRO also raises a breach of it to a criminal act. MJ added that any policy and process document needs to be easy to find.

AH stated that the approach of having a policy seems sensible and proposed using the Hampshire model. DC agreed that there should be a policy but was concerned that an authority could hide behind this and was not sure if a detailed or a short policy was best. JB expressed his view that clarity and consistency were important but there were disadvantages in being too detailed and including procedures. He added that other areas of work were not covered by policies but this could be actioned in order to help public understanding, as could the development of internal procedures. SMG said that he liked parts of the Hampshire one and agreed that there was a need to have a policy. TW welcomed the agreement around the need for a policy and also the strain of pressures of work on the team but felt that if this was developed it will help. TW suggested that a mix of Surrey with Somerset's bullet points would work best, possibly with an appendix explaining the basics of TROs. MJ said that there needed to be a policy of sufficient detail so that officers don't have to be unnecessarily engaged to find out the detail as this could use up their time so appendices may be useful.

HP said that in his experience it would be good to have a policy but a pragmatic approach had been applied up until now, and this included control measures and limitations. JB added that it was important to have user group and community involvement and any policy would need to reference and be read alongside the team's Priority Caseload Approach.

AH questioned policy development capacity as if the current approach was working there shouldn't be pressure on officers to develop policy. SMG proposed that OCAF develops a document and leave it up to OCC to decide. TW agreed with this and said that this gave OCAF a clear advisory role

Action 1: The Secretary to work with Chair to develop a managing vehicular use of rights of way draft policy.

8. Statement of Priorities for definitive map related activities

The Chair opened up the item by suggesting that the top priority for the definitive map areas shouldn't be keeping the map up to date – although it was important that Ordnance Survey maps were reasonably accurate. TW agreed with this and also suggested that the priorities for DMMOs should be swapped especially as we were now in 2017 and a message needed to be sent out. HP said that the team were keen to look at reviewing processes. The Deregulation Act still needed to come into force and impacts assessed but he wanted to make progress where possible. TW cited examples of people who have moved away before their application was processed and said that some authorities prioritised user evidence claims due to the risk of a loss of an applicant. DC expressed his view that chronological was fair but thought that increasing the priority of those applications with user evidence may be beneficial. It was also noted that there wasn't a Statement of Priorities (SoP) for Public Path Orders. HP gave an example of an applicant providing a sworn affidavit when they got too ill to attend a public inquiry but that had cost issues for them. PH reminded members that the 'cut-off date' for the definitive map applied only to applications based purely on historical documents.

PH asked members if they felt processes for modification orders should be looked at or should there be a whole-team review of definitive map related functions. Members shared their understanding that the team were managing pressures in the short term by identifying and focusing on the top priority issues across all DM functions, but felt that a complete review wasn't expected when staffing numbers were so reduced. Members appreciated the issues caused by reduced staff numbers and hope that they can all be replaced. AH wanted OCC to provide more money for the review and for

OCC to record the group's concerns. GG asked if Deregulation Act would streamline any processes. HP responded that there could be but aspects may also increase workloads. AH suggested that volunteers could help to investigate unrecorded ways etc. TW said that it was a matter of political will rather than a lack of resources as she understood that the vacant posts had not yet been cleared for recruitment. PH added that with such a backlog of DMMO applications it wasn't the research that was the challenge as much as the processing of the existing ones. He reminded OCAF members that the 2026 deadline affects only historical claims, not those based on User Evidence. TW offered to contact the new OCC Cabinet Member, Yvonne Constance directly in her OCAF and BHS capacities and that was agreed.

PH referred the group to the questions in the agenda paper. DC highlighted Surrey's approach that includes caveats and the ability to be flexible as well as the direct link to the aims of the Rights of Way Improvement Plan which he supported. HP said that it was an intention to be able to show the direct link to Oxfordshire's ROWIP as part of any review. SMG offered to contact Surrey LAF to understand how they saw their approach was working. TW said that the lack of resources was the biggest issue that meant much policy was hot air and some processes could be time limited. HP informed the group that there was an awareness of the resourcing and backlog issue which is why a focus was being put on the review of DMMO processes as some may consider Oxfordshire takes an excessively risk averse approach. There was a balance to be found and it was good to have stakeholders express their views to help inform reviews.

AH said that development related definitive map related issues had to be a priority to process given the potential effect on a housing or other scheme. SMG added that wholesale changes to rights of way through development sites needed to be controlled. GG pointed out that in the Vale a priority approach took place for discretionary functions for example for the Harwell Link Road bridleway diversion. JG said that it may be a difficult triaging process to identify public interest or benefit and the consequences if an application is not processed. This makes categorisation challenging as it needs a case by case approach. SMG said OCAF was happy to help OCC teams to improve outcomes as much as members could.

Action 2: Troth Wells to contact OCC Cabinet Member for Environment to press for recruitment to vacant Definitive Map Team officers

Action 3: Secretary to re-circulate statement of priorities and members to send their suggestions through before end September

Action 4: Chair to contact Surrey LAF about their views on how the statement of priorities works in practice

9. Access and 'Brexit' *[agenda item swapped to after the promoted route discussion]*

SMG introduced his note and explained his view that he felt there should be access to more types of land in addition to the public rights of way network in England and how public money for agriculture should enable this access. AH said that this could be asking rather a lot from landowners and that it wasn't practical in the UK. JG reminded the group that OCAF had been heavily involved in the Countryside and Rights of Way Act access to new areas of open country and felt that a more sensible objective should be to protect rights of way and find a way to replace the incentive farming for permissive access. PH explained that as well as access permissive payments it would be important to try and keep the 'good agricultural and environment' compliance condition for Basic payments and farm stewardship schemes as this had been very effective in protecting public rights of way, especially in relation to ploughing and cropping. AH pointed out that any increase in right to roam could harm biodiversity. SMG said that increased people pressure also increased pressure on access networks for recreation. AH identified the value of the excellent rights of way network especially in south Oxfordshire. TW offered to circulate the West Berks paper on Brexit and access and DC offered to send the Ramblers' paper too.

Action 5: Troth Wells and Dave Cavanagh to circulate Access and Brexit papers

10. OCC promoted routes

PH introduced the agenda item and encouraged members to consider the questions in the paper.

DC said that he thought the priority should be the route on the ground and its signing which he thought were fundamental items of work. GG said that it came down to local groups promoting routes such as the Oxford Green Belt Way where volunteers replaced signs and monitored condition but were still stretched to keep it up to a reasonable standard. DC identified that the role of volunteers does replace some statutory functions to solve problems on promoted routes. JB replied that OCC was keen to have some level of volunteer ownership and involvement for promoted routes and the wider rights of way network that added value to what OCC was able to undertake. This might mean secondary clearance or mowing work by volunteers using hand tools after the first machinery cut by OCC or lower priority works including those batched together under the new Priority Caseload Approach. DC said he felt it was the responsibility of the promoting organisation to maintain routes in the long term. GG replied that this may be OK for minor works but not bridges or flooded areas and he hoped that OCC would be able to undertake these works and assign works on agreed promoted routes a higher priority.

11. TOE2 Improving access to Oxfordshire's Countryside – for information only

12. Oxfordshire Historic Landscapes Walks and associated project – for information only

13. Questions or any other business – none

14. Agree dates of next meeting

Meetings were agreed for 1 Nov 2017 and 7 Feb 2018 for the remainder of 17/18 and 16 May 2018 for the first meeting of 18/19. All Wednesdays 9.45 for 10am location probably County Hall or Speedwell House

The meeting closed at 12.40pm

Signed as a correct record

Troth Wells,

Vice-chair 1st November 2017

Oxfordshire Countryside Access Forum

Agenda item 5

Date: 1 November 2017
Title: OCAF's recommendation for a policy for the management of vehicles on public rights of way – and an accompanying policy on the use of Traffic Regulation Orders

Introduction

At the last OCAF meeting 24th May, Troth Wells prepared a discussion note about vehicle management and Traffic Regulation Orders which was accompanied by examples from other authorities and organisations. The action from that meeting was for the Secretary to work with Chair to develop a managing vehicular use of rights of way draft policy.

The purpose of taking this action forward is for OCAF to provide advice to Oxfordshire County Council (OCC) in the form of a draft policy, narrative – and then for the group to decide what recommendation goes forward to OCC .

In his email of 19th July, the Secretary included the draft policy which reflected the view of OCAF relating to the management of motor vehicles and the use of Traffic Regulation Orders. As instructed by OCAF this was to be based on a combination of other authority policies including Surrey, Somerset and Hampshire. At this stage the document is not an OCC officially sanctioned draft – it is the Secretary's draft put together in his role as OCAF Secretary supporting OCAF's consideration and advice making.

As part of being sent the draft proposed policy approach in July, Members were invited to consider the draft and propose any changes they felt could improve the draft. A small number of comments in support were sent through and these were supportive of the proposed policy as written. OCAF Member Dave Cavanagh asked some questions about the document and answers to these are included below for OCAF to consider.

Dave Cavanagh's questions and answers about the proposed recommended policy:

Overall - the policy would seem to be both desirable and reasonable. In a number of places it states that OCC will take action. However, there is no timescale within which the required action would be taken. The elephant in the room, I suspect, is that action would be subject to the availability of money, in the context of competing requirements and the relatively high cost, I believe, of putting in physical barriers or taking legal action. **Answer:** *Cost may or may not be a factor – but as this is a suggested policy being put forward by OCAF so it will be down to OCC to decide how to respond and manage this*

Management of Vehicles

Point 4 - The policy states that action “will be taken” but there is no mention of timescale . The 4x4 damage in the Letcombe area, for example, has been going on for years but OCC has not taken action – presumably on cost grounds? **Answer** - *It is up to OCAF to decide if they want to suggest a timescale, and then for OCC to assess if this is reasonable*

Point 4 - In what proportion of such cases has OCC taken such action in the past? *A - Full data not available but expected that 100% of TROs will be accompanied by physical prevention devices*

Point 5 - Would effective prevention measures also be applied, such that repair costs were not wasted by subsequent illegal use? What priority would such action have, given the cost, compared with all the other PRow issues that OCC spends money on? **Answer** - *Again, this is for OCAF to decide what is reasonable or to make a recommendation - and then for OCC to consider*

Point 6 - Have there been occasions when OCC has demanded that a landowner repair such damage. If so, on how many occasions e.g in the last 10 years? How successful have the demands been? **Answer** – *data not available but repair has been requested from and undertaken by utility companies, delivery firms and forestry operators*

Point 9 - What would be the time-frame for such an assessment [of current Byway condition]? **Answer:** *This has not been assessed but there are 48 miles of BOAT that would need surveying*

Traffic Regulation Orders

Point 2a - What would be a reasonable length of time to see if VR is effective? Should such a time not be written into the policy? Otherwise the VR could be open-ended i.e. infinitum. **Answer:** This would be up to OCAF to decide and recommend,

If someone drives a vehicle on a PRow when a TRO is in place, does that make it an illegal act? **Answer:** *Yes, unless they have lawful authority, and only if the signage is correct, in place and maintained. It is a police matter to prosecute/caution*

Point 2b - In the case of damage by 4x4s, would permanent TRO's be supported by physical barriers? Without them surely a TRO would be toothless? Should not the policy stipulate that physical barriers would be installed if a TRO was ignored? Again, there is no mention of a time-frame at the end of which the necessary action (barriers) would be installed **Answer:** *It is up to OCAF to decide wording of recommended policy and for OCC to decide if and how to adopt/amend*

Point 2c - Would such action (noting that it would probably be expensive) be supported by physical barriers to prevent a repeat of the damage? **Answer:** *It is up to OCAF to decide wording of recommended policy and for OCC to decide if and how to adopt/amend*

Point 2d - If TROs for these purposes were ignored, what action would then be taken? Should the policy be specific in this regard? And time-bound. **Answer:** *Up to OCAF to suggest actions/measures and any timescales*

Action for OCAF members

OCAF members are invited to discuss the proposed policy at the meeting and to decide and agree on the action that they wish to take including what amendments may be needed to address the questions. As a "s94 Body", Oxfordshire County Council is required to have regard to the advice of the LAF. There is no requirement for OCC to accept or implement the recommendations of the LAF and OCC will have to consider implications and how such an approach would need to be implemented.

OCAF's recommendation for a policy for the management of vehicles on public rights of way – and an accompanying policy on the use of Traffic Regulation Orders

DRAFT

Oxfordshire County Council Policy for management of vehicles on public rights of way

1. Oxfordshire County Council (OCC) recognises the security and land management concerns of landowners and occupiers in relation to unauthorised or illegal use of vehicles on public rights of way
2. OCC acknowledges the exercise of private rights of access for vehicles along some land carrying public rights of way in limited circumstances provided that they do not unreasonably interfere with the exercise of public rights of way
3. OCC acknowledges the rights of road legal motor vehicle users currently have to access Byways Open to All Traffic (BOAT). OCC does not encourage or discourage this activity.
4. OCC will take action to limit or prevent access by motor vehicles if this use is damaging to the route or local environment, or conflicts with the reasonable interests of walkers, riders, cyclists or carriage drivers.
5. OCC is opposed to the unlawful or antisocial use of motor vehicles on rights of way and will work with the Police and others to prevent such access and to take action against offenders and perpetrators. OCC will focus repair on any public right of way affected by illegal motor vehicle use to complement prevention measures.
6. OCC has a Policy on the use of Traffic Regulation Orders on rights of way.
7. OCC will focus repair and maintenance to meet non-motorised users needs on Byways Open to All Traffic and will endeavour to ensure that surface damage caused by private use of the route (eg. by agricultural or forestry vehicles) is avoided where possible and made good by those responsible. .
8. OCC will work to encourage mutual understanding by all countryside users and a better understanding of the network
9. OCC will undertake a countywide assessment of all Byways Open to All Traffic in Oxfordshire, plus routes known to have antisocial vehicle-related activity. This assessment should consider their current condition, spending on maintenance repair work within the last 10 years and evidence of vehicle related unlawful activity on or adjacent to the route and the problem(s) that is being caused.

Oxfordshire County Council policy on the use of Traffic Regulation Orders

- 1) The Road Traffic Regulation Act 1984 gives highways authorities the powers to impose Traffic Regulation Orders (TROs). TRO's may be permanent (all year round or for a defined part or parts of the year), experimental, or temporary. They may be used to control any type of traffic on any type of highway. The Act sets out the powers and describes the circumstances and criteria which have to be met.
- 2) Before closing or restricting a public right of way by means of a TRO, Oxfordshire County Council (OCC) will consider Government advice set out in "Making the Best of Byways" and explore the practicality of implementing other available options.
 - a) If it becomes evident that a path or byway is at risk of damage or is already suffering damage as a result of its use by a particular type or types of traffic, a system of Voluntary Restraint (VR) may be implemented to see whether or not the problems can be overcome without the imposition of a TRO. VR has no legal force and relies on users to act responsibly, but it has the advantage of allowing a more flexible approach to be taken. VR could, for example target particular types of users and/or specified times of the year when certain uses are expected or known to cause problems, and can be more reactive to changing circumstances such as unseasonal adverse weather and ground conditions.
 - b) OCC will not rule out the use of a temporary or permanent TRO to close a path or byway to specified types of users, where the safety of all other users is evidently at risk and there are sufficient grounds for the action, or if the extent of physical damage or the likelihood of it is so severe that a TRO is necessary to prevent the problem from continuing or occurring. Temporary TRO's are frequently necessary to allow statutory undertakers to carry out works that affect a public right of way.
 - c) Where the issue of concern is one of a path or byway that has become dangerous through the failure of a structure, the underlying or supporting ground or damage to the surface, the preferred option will be to carry out repairs to restore it to a safe condition compatible with its location, legal status and the use that can be expected to be made of it. This may include making improvements to the drainage. A temporary TRO may be necessary whilst the route is awaiting repair and for the duration of the work, including time for recovery or settlement before it is re-opened. It may not always be necessary to exclude all types of user and in these cases the least restrictive option possible will be imposed.
 - d) OCC will consider making TROs on any route that is subject to antisocial activity where vehicle use is a contributory factor e.g. flytipping, hare coursing etc. in order encourage/enable the police to take action as well as enabling the use of physical barriers to prevent harm.

Explanation of terms

Motor Vehicles: Mechanically propelled vehicles, including cars, 4x4s, motorcycles, quadbikes, mini-motorbikes and mini motor scooters. This includes electric vehicles.

Public Rights of Way: Public footpaths, bridleways, restricted byways and byways open to all traffic ('BOAT's). BOATs are the only rights of way (often without a sealed surface) which the public have a legal right to use motor vehicles, although they are mainly used by walkers, riders, cyclists and carriage drivers.

Traffic Regulation Order: An order to restrict, prohibit, or regulate the use of roads (including rights of way) by traffic (which can include cyclists, horse riders and walkers as well as mechanically powered vehicles).

Private Rights of Access: Use of any land carrying a public right of way by farmers, landowners or those who hold private rights of access to property.

Definitive Map: The legal record of public rights of way. Oxfordshire County Council has a legal duty to keep this map under continuous review and to investigate applications to modify it.

DRAFT

Traffic Regulation Orders – background information

There are three types of Traffic Regulation Order (TRO):

1. Temporary
2. Experimental
3. Permanent

TROs can be used on any status of route including footpaths, bridleways and byways open to all traffic, as well as other highways. The criteria for which Traffic Regulation Orders may be made are very broad – taking in considerations such as enhancing the natural beauty of an area, affording better recreational opportunities or study of nature, to preserve the character of a route, to avoid danger, prevent damage, to facilitate passage, for preventing unsuitable use owing to the character of the road or adjoining property, for preserving and improving amenity.

The scope of a TRO includes powers covering restrictions on the type of user, extent of road affected, and the period during which the TRO is effective. An authority would be able to put restrictions on routes such as a total ban, seasonal ban, introduce one way systems, modify furniture or place whatever restrictions are felt reasonable and effective.

Temporary Orders may last up to 18 months and are generally used to allow for works, protect the public from danger, to conserve, or allow the public to better enjoy a route. Experimental Orders may also last up to 18 months, and may be made for any purpose to which permanent Orders can be made. The requirements for consultation on temporary and experimental Orders are somewhat different from permanent ones, and they can only be made for a maximum period of 18 months. They can be renewed.

Any barriers erected as part of the TRO need to be maintained by the Order-making authority and must bear in mind other users of the trails such as horse-riders and, where appropriate, the users with disabilities

Making a Permanent Traffic Regulation Order

A statutory procedure exists to produce a Permanent Traffic Regulation Order (TRO). Consultation with local councillors, parish councils, the emergency services, and other specialist groups must take place when appropriate. Local interest groups such as residents, traders and community groups may also be consulted.

A proposed TRO is advertised in the local press and notices are displayed on the roads that are affected. Copies of the notice may also be delivered to premises likely to be affected. The notice can be viewed at a nominated council office during working hours and for at least 21 days from the start of the notice period.

Objections to the notice must be made in writing to the address specified on the notice within the 21 day period. Contentious issues are then considered by local councillors. When considering the objections councillors may decide to:

- allow the TRO to proceed as advertised
- modify the TRO to take into account the objections
- or abandon the TRO

The order may be formally sealed once all standing objections have been considered. Modifications to the proposals resulting from objections could require further consultation. TROs and the legal process involved can take many months to complete and legal fees are quite large.

Oxfordshire Countryside Access Forum

Agenda item 6

Date: 1 November 2017
Title: Definitive Map related priorities

Introduction

Previous OCAF meetings have included the Definitive Map Statement of Priorities for Definitive Map Modification Orders and related definitive map tasks. Examples of ways of working and policies from a number of different authorities have been circulated over previous months.

Actions from the last OCAF meeting included contacting officers and OCC Cabinet Member for Environment, and contacting Surrey about their approach to prioritisation. All of these have been separately reported back to OCAF Members as well as encouraging comments to be made on the statement of priorities and ways of working.

Troth Wells' letter to OCC Cabinet Member (Appendix A) includes the recommendation that officers from Definitive Map and Countryside Access meet with Cllr Constance to discuss options for ways forward. She also suggested reviewing the statement of priorities for DMMOs and reviewing the relative priority for anomalies and she also highlighted equestrian users as a particularly vulnerable group affected by a disjointed public rights of way network. Cllr Constance did reply with some understanding and sympathy along with a challenge about how the county could make a difference to statutory processes. From this correspondence it is clear that OCAF has a role to provide advice to help OCC teams to the most effective way to use the existing resources, and to safeguard and hopefully enhance Oxfordshire's rights of way network.

Action for OCAF members

OCAF members may wish to consider the attached correspondence and make comments about how they feel the process works. It may be possible to receive an update from officers as to the progress of discussions and the status of any functional reviews. Members are also invited to consider what next steps they wish to take.

From: Troth Wells
Sent: 27 June 2017 16:46:10
To: Cllr Yvonne Constance
Subject: OCC Countryside/Definitive Map and Commons Team

Dear Yvonne Constance

OCC Countryside/Definitive Map and Commons Team

I am writing as Vice-Chair of the Oxfordshire Countryside Access Forum (OCAF) which is an OCC-designated Strategic Outside Body, and also in my role as County Chair, and Access and Bridleways Officer, of the British Horse Society in Oxfordshire. I recall that we have been in contact over bridleway issues in the Letcombe Regis area in the past.

At a recent OCAF meeting, as well as in the Rights of Way Monitoring Group, and also in BHS meetings, there have been concerns raised about the time it takes for Definitive Map Modification Order (DMMO) applications to be processed by the DMC Team. Some background to the current backlog has been given, namely that it used to be done by one person, in the 1990s, who became ill and in time the outstanding applications reached the 90+ mark they stand at today, taking 10-12 years to be processed. Since the 2026 cut-off date (see next para) for historical claims was introduced, more applications have come in, compounding the problems for all concerned.

The date came from the Countryside and Rights of Way Act 2000 which officially introduced the cut-off date for adding historic paths to definitive maps. This means paths (footpaths and bridleways) which existed before 1949 and which are not recorded on definitive maps by 31 December 2025 will be extinguished. For more information see this helpful summary from The Ramblers: <http://www.ramblers.org.uk/get-involved/campaign-with-us/dont-lose-your-way/historic-paths-and-definitive-maps-timeline.aspx>

Having an up to date Definitive Map and Statement (DMS) is important – i.e. to provide conclusive evidence that routes exist so they can be used for active travel, recreation and health benefits for residents and visitors; to provide clarity to users and landowners that routes and maps are correct in order to reduce conflict; and to improve the connectivity of routes so that vulnerable road users have alternatives to using hazardous roads. You may agree with us that all of this work contributes to the OCC corporate priority “strong and thriving community” and specifically to one of the priority outcomes that “Highways are adequately maintained”.

Currently however the Definitive Map and Commons (DMC) team are battling to keep abreast of the workload since its staffing level has been reduced by about 50 per cent due to people leaving and not being replaced.

I appreciate that there are no additional funds and indeed cuts are likely due to pressures of social care and roads maintenance. I also realise that there are continuing uncertainties arising from the Deregulation Act’s lack of implementation.

All in all, the bottom line is that the public is not being served at all well through this set of circumstances and there is increasing frustration that Oxfordshire takes so long to process DMMOs compared with many other authorities. Perhaps you could propose to the Director that DMC has increased flexibility within its team members and in the wider teams both to focus on the currently more important issues and possibly to work with other authorities to share best practice and resources?

One way forward could be for the team and other Countryside Staff to review its Statement of Priorities for DMMO applications, so that (for example) those historical claims which are

clear-cut could be dealt with swiftly, rather than waiting for the current 10-12 years to rise to the top of the pile.

The team could consider priorities in the light of applications which would help join up Oxfordshire's very fragmented Public Rights of Way (PRoW) network. An example could be claims that make for a more connected equestrian network to be high priority regardless of the DMMO application's evidence base. Equestrians, in particular, suffer from the lack of safe, off-road routes and connectivity of particular networks. And of course, their designated routes are also usable by pedestrians and cyclists, making their priority a 'win' for other user groups.

Another factor is that there are many what are called 'anomalies' – for example, where a bridleway suddenly becomes a footpath at a parish boundary. Again, dealing with these could help enhance the PRoW network connectivity. This work could be actioned across the DMC and Countryside Access team (CAT), I would have thought.

I think it would be helpful for the DMC and CA teams to meet with you as soon as convenient to discuss and flesh out some of the issues raised here. The sooner there is some action on this, the better, from the users' point of view. The professional advice of these teams would be very helpful in determining the most effective way to use the existing resources, and to safeguard and hopefully enhance Oxfordshire's rights of way network.

I know you are new to the role as Cabinet Member for Environment, and must have a ton of things to deal with in these difficult times. However I would appreciate your early attention to these issues so that I can report back to various people and organisations

With best wishes

Troth
Ms Troth Wells
Vice-Chair, Oxfordshire Countryside Access Forum
County Chair, and Access and Bridleways Officer, BHS Oxfordshire

On 28 Jun 2017, at 14:11, Cllr Yvonne Constance wrote:

Thank you for your email. I am very aware of the time it takes for a DMMO - I have been trying to get my parish Councils along the (Berkshire) Downs to apply for past 4 yearsthey are daunted by the estimated delay, and only one has been successful : in Sparsholt and it took 11 years - so long that the Parish Council had forgotten the application had been made!

I'll be glad to meet, but please first convince me that County can make a difference! If we process as fast as other counties, how much impact can we really make? I'm informed that it takes forever for Parliament to make time for these applications.

And I'm sorry, be prepared to meet only after 21st July because I am going to be away from 14th to 21st and have more than full diary until then

Yvonne C

Oxfordshire Countryside Access Forum

Agenda item 7

Date: 1 November 2017
Title: Discussion about restructure of Countryside Access functions
Discussion Lead: OCAF Chair

Introduction

An agenda item was requested to discuss the impact of the Countryside Access Team functions restructure as part of the wider 'phase one' Communities department changes at Oxfordshire County Council. Phase two of the restructure is expected to include Definitive Map and Commons Team as well as other access related roles.

Hugh Potter, Team Leader, Area Operations Hub provided a briefing note for Monitoring Group held on 13th October. This note was circulated to OCAF members.

This agenda item at OCAF is intended to offer the opportunity for further stakeholder feedback to follow on from Monitoring Group discussions. It is expected that there will be a short oral update from officers before the discussion that outlines the detail of current arrangements.

OCAF Action

Members are invited to discuss the item and it is anticipated that other interested parties will be attending to express their views. The aim of all OCAF agenda items is for member to achieve consensus and use this to provide balanced advice to s94 bodies.

All participants are reminded of the OCAF protocols in place as set out in the 'Public Participation Guidelines'

- Members of the public can speak during meetings normally provided that they have given 2 working days notice to the Secretariat. This provision may be relaxed at the discretion of the Chair. Speaking will normally be limited to 5 minutes on an item relating to the published agenda. The Chair may reduce this time limit because of the length of the agenda or the number of people wanting to speak.
- In addition an open Question and Answer session will be held at the end of each meeting, normally for fifteen minutes, where members of the public may ask direct questions on any subject related to the work of the Forum. The Chair may reduce or increase this time limit with regard to the number of people wanting to speak
- When speaking it is necessary to keep to the subject, avoid defamatory, offensive or abusive language, and keep to time
- The Chair's decision is final on all matters relating to public participation in Forum meetings

Oxfordshire Countryside Access Forum

Agenda item 8

Date: 1 November 2017
Title: Landowner deposits

Introduction

A member requested more information about landowner deposits. The following information is provided as a summary and more information can be found at this website, where a search facility can also be found. See attached question and answer sheet at Appendix A.

<https://www.oxfordshire.gov.uk/cms/content/protecting-against-future-claims>

Landowners may protect themselves against future claims for public rights of way and village greens. They or their agent can send Oxfordshire County Council (OCC) a map of their land with a statement describing any public rights of way which they acknowledge already exist on their land.

Then, they can send us a declaration stating that they have not dedicated any more ways to the public. They need to do this within 20 years for new deposits or 10 years for deposits made before 1 October 2013.

This can protect them from claims that might be made in the future to record more public rights of way over the land. (But it cannot protect them from any claims for rights of way that may have come into being before the Statement was submitted.)

They can also send us a map and statement which brings to an end any use of their land as a Village Green. In legal terms, that means any recreational use of the land "as of right" (without force, secrecy or permission).

There is charge for this service

Number of land parcels in application	From 1 April 2017
Up to two land parcels	£274
Three or four parcels	£299
Five to seven parcels	£336
More than seven parcels	£336 plus £73 for each additional land parcel

Action for OCAF members

OCAF members are invited to note this information

This Oxfordshire County Council guide is publicly available but has no legal force.

Landowner Deposits – Protecting against future claims

Frequently Asked Questions

Q: How do you define a land parcel?

A: We define a single land parcel as:

- all land which is directly adjacent **and**
- can be continuously outlined, to meet back on itself, **and**
- has no break in ownership title.

You can include land registered under different title numbers with the land registry in one parcel, so long as:

- it is under the same ownership **and**
- the titles are adjacent to each other.

Q: Who can apply?

A: Either the landowner or a person authorised by the landowner may apply on the landowner's behalf.

If the latter, you must state the name of the landowner and give the capacity in which you are applying, e.g. land agent.

The person who makes the application must sign and complete Part F (Statement of Truth) of the application form.

Q: Can I use a copy of the County Council's Definitive Map as the map to show the land boundaries for my application?

A: Yes. You may use a copy extract of the Definitive Map on which to show in colour the outline of the relevant land parcel boundary/ies. You can find it online at www.oxfordshire.gov.uk/definitivemap . The website also tells you where you can find paper copies.

The Definitive Map and Statement of Public Rights of Way, shows the legally recorded public rights of way in the County.

Q: Are Statements and/or Declarations linked with the land or the person who made the application?

A: They are attached to the land. The Statement and/or Declaration is valid until the expiry date associated with the deposit.

This Oxfordshire County Council guide is publicly available but has no legal force.

A new landowner (or their representative) does not need to send us a new application to continue protecting that land under the same deposit status.

We suggest new landowners (or their representative) check our register www.oxfordshire.gov.uk/landownerdeposits to make sure any deposits on the land are still valid and have not lapsed.

Q: Can I search for previous Statements and/or Declarations which have been deposited on a piece of land?

A: Yes. You can find them in our online register of landowner statements and declarations at www.oxfordshire.gov.uk/landownerdeposits (follow the link “Search Statements and Declarations”).

Q: Why do you put up site notices?

A: We have a legal duty to advertise these deposits both on site and online. The notices consist of the official notice and a copy of the map supplied with the deposit. They tell the public about your deposit but are not open for comment

We have to place the site notices at or near an obvious place of entry to, or on the boundary of, each parcel of land.

We will contact you before we put them up. We then collect them as soon as possible after the end of the 60 day legal advertising period.