

Oxfordshire Countryside Access Forum

First meeting of 2018/19
Ground Floor Meeting Room 2a-c,
Speedwell House, Speedwell Street Oxford OX1 1NE
Wednesday 16th May 2018
10am – 12.30pm

AGENDA

2018(1)

	Item	<i>Coffee available from 9.45am</i>
10.00	1	Annual election/re-election of Chair and Vice-chair – OCC Officer to facilitate and then hand over to Chair
	2	Welcome by the Chair
	3	Apologies for absence and declarations of interest - to declare any personal or prejudicial interests
	4	Confirm the minutes of 1 st November 2017 (2017/2)
	5	Matters arising from minutes
10.30	6	Demonstration of the new CAMSWeb system by Adam McQueen
10.40	7	Update about Definitive Map related issues by Tom Scholes, Group Manager Asset Data & Systems
11.00	8	Space for discussion following on from the Oxfordshire Rights of Way Monitoring Group 6 th April
11.20	9	British Standard 5709:2018 An update from Tom Bindoff
11.30	10	Space for questions from members of public/observers or AOB
11.45	11	Any other matters. Confirm date, time and location of future meetings Proposed fixed dates - 3 rd Wednesday in May and November and optional 3 rd Wednesday in February. (21 Nov 2018, (27 Feb 2019), 15 th May 2019 All 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:

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OXFORDSHIRE COUNTRYSIDE ACCESS FORUM

MINUTES OF THE SECOND MEETING OF 2017/18
1 November 2017 County Hall, Oxford

2017 (2)

Attending

Members and their interest areas:

Cllr Yvonne Constance OBE (YC) – Oxfordshire County Council Cabinet Member for Environment

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

Troth Wells, OCAF 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

Andrew Hawkins (AH) - Landmanaging – Woodland owner and ecologist

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

Anne Luttmann-Johnson (ALJ) – User – Wheelchair access to the countryside

Sarah Martin (SM) – User – Walking and botany, permissive access

Harry St John (HSJ) – Landmanaging – Land agent and district councillor

Observers:

Alan Futter (AF) – Chilterns Society and South Chilterns Path Maintenance Volunteers

Chris Marriage (CM) – Mid and West Berkshire LAF observer

Charles Wrench (CW) – British Horse Society

Ilse Lambert and Nick Berry (TRF) – Oxfordshire Trail Riders Fellowship

Rachel and Tony Livingstone (RTL) – Lost ways/DMMOs and equestrian users

Oxfordshire County Council (OCC) Officers attending to support OCAF:

Hugh Potter (HP) - Group Manager, Area Operations Hub

Tom Scholes (TS) - Group Manager, Asset Data & Systems

James Blockley (JB) - Principal Officer, Trees & Countryside

Lisa Gray-Wright (LGW) - Interim Senior Rights of Way Officer

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

1. Welcome and introductions

As SMG was still recovering from recent illness TW chaired the meeting and welcomed Councillor Constance, members, staff and observers to OCAF. All present briefly introduced themselves.

2. Apologies

Apologies had been received from John Griffin and Philip Chamberlain

3. Confirm Minutes of 24 May 2017 (2017/1)

Signed as a correct record

4. Matters Arising

2017(1)(5) *Matters Arising – Science Vale*. PH confirmed that he had received a planning application for increase in capacity at Ardley Energy Recovery Facility and had requested contribution towards a Pegasus or Pegasus type crossing for the Ardley Road.

5. Managing Vehicles

Troth Wells introduced the item saying it had been discussed a number of times previously with arguments for and against the need for it. OCAF members had, on balance, felt it was a good idea to develop a draft proposed policy and then pass to the county council for consideration.

PH outlined his role as Secretary was to draft the proposed policy based on members' instructions and discussions at meetings and to use a number of local authorities' versions. He added that it would be for the county council to receive OCAF's advice and then decide on the course of action with regards to adopting the policy as supplied or modifying OCAF's version or other options.

TW invited general comments. DC referred to his points in the papers and questioned the lack of any indication of timescale and asked if a policy was worthwhile without any commitment. YC stated that if a policy is agreed she will see it progressed, and, similar to the requirement for DMMO consultations, ways would be found to fund this and any adopted policy would be enacted immediately. JB suggested there were two issues about timescales – one to develop the policy and another for the process of enacting the policy on a case by case basis and this aspect would be tied into the rights of way issue management way of working called the 'priority caseload approach' where factors affecting public safety are the key influence on timescales. TW questioned if that meant processes could be open ended. JB confirmed this could be the case but it linked back to the scheduling or different priority issues. DC asked where a rutted or wrecked route would feature in the priority approach and JB replied that all cases were looked at individually but a similar issue at Letcombe Regis requiring remedial surface repairs was undertaken as a priority two and in this case ruts were 2-3 feet deep. MJ pointed out that these would not have been caused by recreational 4x4s and were most likely agricultural vehicles and JB acknowledged this point. LGW highlighted a potential third timescale which that necessary for the legal mechanisms to process applications to upgrade or downgrade rights of way to be concluded.

GG stated his support for the priority caseload approach but questioned the need for a county council policy on managing vehicles when the relevant issues would be included using the priority approach and the existing ways of working. He recalled the damage to the Ridgeway National Trail and the delays on bans and action from all interested parties. The introduction of Restricted Byway classification helped the most but this took national legislation. HP stated that in the broader context it was good to have a statement of intent as it ensures consistency and crystallises the agreed approach. He added that Oxfordshire contains a fairly small byway network and a staged approach has always been taken to what is needed on the ground. He said that in principle this draft proposed policy seemed a good way forward but the county council was not going to immediately ban vehicles as it would usually undertake repairs and take a considered approach. Firmer measures would always be available but he stressed the value of caution and consistency. TW added that the public and groups had come to expect transparency from the council.

DC questioned when and if the council sought repairs from private use that was over and above normal use, such as when serious damage had been done by agricultural and forestry vehicles and if any examples could be provided. JB offered to supply some examples when he had had the opportunity to research this further. He added that enforcement action was a last resort and there was no policy about this. SM gave the example of a landowner in her village who took a year to reinstate a route after approaches from all parts of the community. HP clarified that it was in cases of extraordinary damage such as from forestry operations where remedial action was normally able to be sought. Regular agricultural operations often had some impact but it was difficult to build a case when precise evidence of vehicles and type of use could not be obtained.

TW thanked members for their contributions and invited consideration of the draft policies as well as comments by the Trail Riders Fellowship.

Managing vehicles policy

PH highlighted the TRF's emailed point that motorised users (MPV – mechanically propelled vehicle) would be discriminated against in points four and seven of the policy. YC said that as non-motorised users (NMUs) are the main victims it was very important that their interests were identified and protected. MJ said that all users should be included and one set of users should not be picked on, especially when some byways had very little use. GG agreed that a policy should not differentiate. DC said that he agreed with the focus on NMUs and SM added that bicycle users were negatively affected by vehicle use. TRF reminded the group that Oxfordshire has 48 miles of byway out of 2,600 miles of rights of way which was around 1.8% and less than the national average of c2%. YC disputed the value of using proportions when what was needed was a policy that protects vulnerable users who were being overwhelmed. HP added that the statement on point seven reflects

current approach to safeguard users and would by default make the route suitable for other uses, including MPVs.

MJ stated that he was uncomfortable with point four and people needed to be aware that byways could lawfully be used by MPVs. YC repeated her point that it was the use by MPVs that was conflicting with NMU interests which were being overwhelmed by misuse which was why policy wording needed to be retained. TRF members said that their organisation promoted responsible use and took a considered approach. TW acknowledged this point but said the experience of users was that it is those who are not members of organisations who cause most of the problems and it was down to the organisations to self-police and encourage responsible behaviour in the wider trail-riding community. HP identified the lack of the word 'public' on point four as authorities could not usually restrict lawful private use of byways and other rights of way. YC also queried the use of 'unlawful', 'illegal' and 'antisocial' wording within a policy and suggested that the policy needs altering. PH responded that as and when any policy went forward for adoption he was sure that council's legal services would ensure correct legal terms are used.

Outcome - Management of vehicles policy

Point 4 – agreed to keep the wording as it was important to recognise which groups were being impacted by misuse of the route

Point 5 – expected OCC to clarify unlawful/illegal/antisocial wording if and when it adopts policy

Point 6 – agreed to keep existing wording

Point 7 – agreed to keep existing wording as it was not excluding any user group and any repair measures would benefit all users anyway

Use of traffic regulation order policy

The group agreed with TRF's point 7 about using 'public rights of way' instead of 'paths' terminology and TW suggested that there should also be a weblink to guidance about how to apply for, and to access further information about temporary orders for utility and other works. For policy point 2d the question of trespass arose and HSJ clarified that the antisocial aspect could include using the PRow to commit acts of trespass or criminal acts on private land.

In the explanation of terms section, TRF asked if electric vehicles would be included, and ALJ added that some types of mobility scooters and assistance devices could fall under this classification. PH suggested that the policy would not restrict electrically assisted bicycles which had pedals, or to class 2 or 3 invalid carriages, but would cover those types of electric vehicles included in the national definition of mechanically propelled vehicle. DC and ALJ suggested that the definitions needed expanding so that it was more easily understood by members of the public.

MJ highlighted the current lack of any traffic regulation order information in Oxfordshire's web pages compared to other authorities and said that this can cause problems both for planning activities and then cause problems on the paths. He had experience of people turning up to a byway having seen no restriction information on the website, only to find a restriction notice at the start of the route. Responsible users would not use the route if signage was present but others may carry on using it if the notice is not there and/or not maintained and such action cannot be prosecuted as the TRO is not enforceable without correct signage. HP offered to take that point away and act on it. MJ also enquired about the TRO background document and asked which local councillors would consider contentious issues. PH confirmed that it was county councillors, normally using delegated authority as cabinet member or a specific committee, that made the decision.

Outcome - Use of Traffic Regulation Orders policy

Point 2 band c – agreed to include public right of way as TROs can be placed on all classes of right of way

Explanation of terms - agreed to specify how electrically assisted bicycles and class 2 and 3 invalid carriages sit within the policy

TW summed up general agreement for the draft policies which will now go forward to OCC, and thanked all contributors to the agenda item.

Action 1: James Blockley to supply group with examples of cost recovery or repair work to address extraordinary use and damage at a future OCAF meeting

Action 2: Hugh Potter to look at how permanent and temporary TRO and other closure information is made available and how this could be improved and report back to a future OCAF meeting

6. Definitive Map related work priority

Tom Scholes introduced himself as the new team leader (group manager) for the Technical Intelligence area of work that included responsibility for the Definitive Map and Commons (DMC) Team. He was three months into the role with no prior experience of rights of way other than as a user. His previous roles and skillset included looking at systems and processes to improve outcomes and he was rapidly accumulating deeper rights of way knowledge to enable systems approach thinking to help the teams. He stated that the main issue in the DMC team was the DMMO backlog which was one of eight streams of work that the team undertakes. He was making it a priority to look at how to address this backlog and a four-pronged approach has been put together:

- 1) 'Leanification' – reviewing the DMMO end to end process trying to find gaps and inefficiencies in current ways of working. As a result of this ten actions had been identified
- 2) Priority approach – this needed more discussion about how a points-based system could work and how it can fairly be applied to existing backlog of applications
- 3) Team resources and capacity - the underlying issue is under-resourcing. The second phase of the restructure would take place over Christmas and run until April. TS had asked for more capacity as part of business planning but as some of the work is so skill-dependent it cannot just be backfilled by agency staff.
- 4) Digitisation - experimenting with digitising records to see if that helped searching and make the team more agile and responsive

He responded to TW's question about Deregulation saying that it had been made clear that no parliamentary time would be allocated to this until after 'Brexit'.

LGW gave an update about prioritisation, thanking members for their discussion and feedback from the last meeting. TW asked how many staff were currently in this team. LGW explained there were currently four to five full time equivalents (FTEs) with some agency workers and existing team members undertaking additional duties. She also explained the full statutory process required for DMMO work. Regarding applications by user evidence, she clarified that the concern over fees for affidavits could be a little misplaced as only a statutory declaration was necessary for which there was a nominal £5 fee. RTL stated that that any fee was a burden for older people and those volunteers trying to draw evidence together from a larger number of older people as well as travel costs to get to the solicitor as some people self-funded these. LGW acknowledged that point and also referred the group to the existence of guidance notes for PPOs which the Secretary had circulated to members.

LGW clarified that the priority for keeping the Definitive Map and Statement (DMS) up to date was less onerous and time demanding than in previous years or as may have been perceived as it mostly involved producing an annual Legal Event Order. There was now no need to produce a new printed definitive map as the electronic version was able to be kept up to date. She confirmed that the top priority for the team is DMMOs. Other than that the team were hoping to start work on a new priority system but there was a capacity issue to do the work on this as team members had to deal with cases referred to the Secretary of State (SoS).

TW expressed sympathy with the wider issues within the authority but asked YC what the chances were of getting resources allocated for this time-limited work, i.e. to have a push now ahead of the 2026 cut-off date for DMMOs based on historical evidence. YC responded that all budgets were constrained but the group should appreciate that the revised priority approach should help. LGW said that a consistent approach would be essential and this would probably be a points-based system with factors including planning, evidence types, limitations, links to the RoWIP, economic benefits etc – but this would need thinking through. TW questioned whether the team has enough resources to develop the priority system and apply it to the backlog. TS stated that it has to be a

priority but any new system other than first come first served needs careful assessment and may end up with a fairly complicated system.

RTL questioned whether the amount of thinking time necessary for this would be better spent tackling the backlog. LGW replied that there were few in the team and the more experienced staff were focused on the SoS work. TW asked what the skilled work in DMMO processing involved and LGW gave a brief summary. She stated that the average case took around 20 months to conclude. TS added that it was not just about staff capacity, it was about ways of working and how to increase skilled staff numbers. RTL raised the issue of Buckinghamshire taking a far shorter time to process DMMOs. RTL also asked about Buckinghamshire's offering advice and support on one DMMO which was apparently rejected by Oxfordshire. LGW explained that this was for a single case and without an agency agreement in place would have risked being an excessively expensive way to process a DMMO and she confirmed that the team was not adverse to receiving external advice and support.

At the request of TW regarding Oxfordshire's review of the Statement of Priorities for DMMOs PH gave the example of the Wiltshire DMMO classification. This had been included in their second RoWIP and the LAF had played a key role in developing the approach as well as a sub group volunteering to assess all current applications against the criteria to assist the authority. The outcome from this was the adopted recommendation that the council would interleave user evidence based claims with historical based claims to ensure that both types of application are progressed. PH said that this may or may not work for Oxfordshire but he wanted to highlight it as well as the possible important role that OCAF could take on.

RTL asked if skilled staff checked all the submitted historical evidence and if that was necessary. LGW and TS said that lower skilled staff could do this and this was an important first step in the lean review process to make sure of appropriate task/skill matching. AH said that it was vital not to reinvent the wheel and the council should adopt the approaches of others. LGW agreed and said that it was not only Oxfordshire with a large backlog as well as historical differences in what were or were not statutory duties at the time. HP said that DMMO processing had always been resource hungry and it really needed more resources.

TW concluded the item thanking members and observers for their contributions and especially Cllr Constance for her interest and commitment. It was agreed that a sub-group working group would be formed to help with the first step of setting priorities. RTL and AH later offered to help with the sifting of applications.

Action 3: The Secretary to work with TW and YC and staff to set up a DMMO working group meeting

7. Restructure of countryside access functions

TW opened the item by expressing understanding and sympathy for the amount of changes and impacts on the team recently and saying that OCAF fully appreciated the work of the teams. HP then referred to his paper to the October Monitoring Group and copies were circulated to attendees. This was mainly about the first phase of the restructure and he advised that the second phase was imminent. YC outlined the county position with the council now running on around £300 million less than five to six years ago. Fifty percent of spend was going on social care for two percent of the population and this proportion was increasing. The restructuring and refocus was going well and the creating of the new 'Communities' department structure was felt to be a good direction to take. She added that although the lack of resources is very real, working practice is now much better with more local working, more flexibility and better use of resources.

HP outlined the work of the team and how things were changing as part of the new approach. Field Officers were benefitting from the new area working model in terms of connection and communication with highways colleagues and there was ongoing discussion about how things were working in practice. HP said it was important and valuable to get feedback from user groups as involvement in countryside is an important part of the council's work. MJ said that he and 4x4 users had offered volunteer maintenance help but no one had taken up their offer. JB apologised and

offered to look into this but acknowledged that volunteer management was time consuming and volunteers were not a cost-free option. It needed officer time to support them and there was likely no field officer capacity. JB welcomed help from volunteers but since there is no capacity to work with individual volunteers, he suggested that interested people should contact the established groups and work with/through them. He said that he hoped the new hub field officer role might be able to take a volunteer coordinating role at some later date. He agreed to supply a contact list for volunteer groups.

Action 4: James Blockley to supply OCAF with contact list of volunteer groups

Alan Futter from the Chilterns Society expressed his group's concern about the restructure and said he had already written to Cllr Constance with a reply received from the service manager Paul Fermer. The concern of the group was mainly about a loss of expertise when the field officer was undertaking pothole inspections instead of being able to provide specialist input. He gave three examples:

- 1) When landowners sell woodland parcels often trees with direction arrows get felled making it hard to navigate. It needs the field officer's expertise to mark out the legal line of the route which then enables the work to be undertaken.
- 2) At Ipsden/Checkendon a set of steps were installed under OCC supervision around 10 years ago. These are now due for renewal and it needs OCC oversight to ensure works are correctly undertaken.
- 3) Over 250 gates have been installed over the last decade, mainly using external grant funding. The field officer helps with contacting landowners which cuts down the project preparation time. In the project at Whitchurch Hill 24 gates were installed more than doubling the use of the route and addressing existing problem structures on the network.

GG added that at the recent Monitoring Group meeting all were concerned that skilled field officers would have to go and look at potholes instead of rights of way issues. He asked how staff can be expected to balance rights of way and road issues when it was likely that road inspections would have to take over. GG also requested that the reports to the Monitoring Group on the caseload etc to include in future the number of jobs carried out on non-rights of way tasks so that the MG could assess the impact of this work. YC said that it was important to record work done on non-rights of way matters in order to monitor the situation. JB then outlined some of the concerns from team members about the restructure and the ongoing interpretation of the new approach. He concluded by saying that all team members remain passionate advocates of countryside access who considered their work in access to be more of a vocation. TW expressed her appreciation for the team and also acknowledged that the team or functions had not been contracted out.

AH questioned why skilled staff are being sent off to inspect potholes. YC responded that the restructure was partially complete and if pothole inspection overwhelmed field officers then that was not the purpose of the restructure. HP added that the restructure was only two months old and subject to continual review and it was hoped that any issues would be able to be modified. HSJ asked about numbers of staff for pothole inspection prior to the restructure. YC said that the restructure involved completely new practices such as using the 'Dragon Patcher' instead of staff marking up the road before a works gang attended, TS added that mechanisation efficiencies mean fewer people needed to be involved and processes were streamlined. More detailed measures of performance were being developed to be able to detect movement and then informing action.

TW acknowledged that the restructure was an internal matter for OCC but felt it was important that YC was able to hear user groups' perspectives. She expressed her good wishes to the team.

8. Landowner deposits

PH introduced the note that had been requested by DC. He advised members that the website had all the information about the processes [<https://www.oxfordshire.gov.uk/cms/content/protecting-against-future-claims>]. DC asked why landowners would make a deposit. LGW said that the process enabled landowners to make it clear to the world that they will not be dedicating anything over the next 20 years. She confirmed to DC that it does not affect previous rights and complements any on-ground signage. TW said that it may help open up land as the risk of claims for new rights of way is eliminated. LGW advised that the process has been around for years and some estates have

had protection in place since the process started. She confirmed to TRF that it didn't affect existing recorded rights of way and replied to CM that around sixty deposits were made each year – with all being available on the council website. She also clarified to TW that provided the second part of the deposit is made the land is protected even if it changes ownership. In response to GG she also confirmed that a landowner was free to expressly dedicate routes on their land and this deposit process does not stop that. HSJ said that it just stops the claim for new rights and owners state what is their land and what rights of way they acknowledge and no more.

9. Public questions – none

10. AOB and next meeting

TW suggested that the paper from the CLA about agricultural support (circulated to members already) should be an item for a future meeting. CM said that they wanted to look at this in West Berkshire's LAF. HSJ advised that he thought government will issue a state of nature report soon covering next 25 years and this was likely to have a bearing on any Agriculture Bill which would be a key influence on support mechanisms.

It was agreed that the meeting scheduled for 7th February was to be cancelled and replaced with the working group about DMMO prioritisation. Next OCAF meeting would be 16th May 2018 at Speedwell House for 10am.

YC thanked the group and expressed her appreciation of previous work and the help this had provided. It was good to have a draft policy and the essential engagement and involvement with volunteers.

Meeting ended 12.25pm