

## Minutes of the Hampshire Countryside Access Forum meeting, 15 March 2016

### Present

#### Members

Graham Flatt (Chair)  
Nigel Wolstenholme (Vice-Chair)  
Rachel Moroney (Vice-Chair)  
Mark Ludlow  
Val Rawlings  
Sue Montila  
Paul Knipe  
Alan Marlow  
Alan Taylor  
Aileen Wood  
Cllr Rob Humby  
Robin Edwards  
Sue Coles  
Gail Johnson  
Lindsey Marshall

#### Officers attending all or part of meeting

Petronella Nattrass (HCC)  
Jonathan Woods (HCC)  
Rohan Seeliger-Morley (HCC)  
James Emmett (HCC)  
Elliott Rowe (HCC)  
Abby Sullivan (HCC)

#### Observers

Brenda King  
Roger Mullenger (Chair, SDLAF)  
Kieran Foster (Vice-Chair, SCLAF, CTC  
Offroad representative)  
Peter Scott (NFAF)

## 1 Apologies

- 1.1 Apologies were received from members Cllr Jacqui Rayment, Isaac Walker and Lyell Fairlie

## 2 Minutes of last meeting and matters arising

- 2.1 The minutes of the meeting of 15 December 2015 were accepted as a true record.
- 2.2 Discussion of how to develop the forum's role regarding Voluntary Initiatives has been postponed to the June 2016 meeting.
- 2.3 A Coastal Access sub-group has been established and will hold its first meeting at the end of today's HCAF meeting.
- 2.4 Other matters arising are addressed under items 3, 4, 5, 8 and 9.

## 3 Forum Officer's report

### 3.1 *Future meeting dates*

The next meeting date is confirmed as 21<sup>st</sup> rather than 14<sup>th</sup> June. Alternative meeting venues were discussed. The benefit of using HCC offices is cost and the ease of access for those using public transport, however car parking remains an

issue and Petronella was asked to look at alternating Winchester with other venues, together with the availability of HCC loan bicycles.

### 3.2 **Small Grants Scheme**

The total spend on SGS is down from last year, and the budget is also slightly reduced.

The Panel met for an additional, fourth funding round on 9 February to consider 12 applications for a total of approximately £19,400. One was rejected, one deferred and the remainder were approved. The application for funds to resurface The Grinch (South Downs Way) was approved in principal, with the SGS deciding that this was local damage on a local network, and as such may be eligible.

This leaves an under-spend for this financial year of approx. £5,000. It is hoped that the appointment of the three Community Engagement Rangers will lead to greater participation in the scheme in the next financial year.

Further changes to the scheme are being considered, as there are currently not enough applications meeting the required standard. The Forum is aware of groups that are gathering reports of issues, but which are unable to apply for funds to implement improvements to address those issues. A mechanism might be found by which they could apply on the condition that they have the landowner's agreement. It was felt in addition that the scheme could be more widely promoted, eg. through the Chronicle newspaper series. There is also a possibility of stockpiling gates etc, so that groups could apply for these directly rather than for the funds to put them in place. A press release may be made if and when eligibility for the scheme is widened.

Funding for 2016/17 is the same as for the previous year. It was suggested that 4 meeting dates should be set at an early stage to ensure that the Panel are all able to attend.

**ACTION: PN to arrange four dates for panel to meet during 2016-17.**

3.3 **Travel claims** – members were asked to see Petronella at lunchtime or after the meeting, or to email her to obtain travel claim forms.

3.4 **Hampshire County Council update** – covered under agenda item 6.

3.5 **Countryside Access Plan** – printed copies had been sent to all Forum members before Christmas, but please let Petronella know if you have not received a copy.

3.6 **Shipwrights Way** – All but the last section at Bordon were opened in Spring 2014, and the final section is now being prepared for opening in Autumn 2016. This section runs alongside Longmoor Training Camp, and will be available to users (including the 22,500 future residents of the Bordon Ecotown) at all times. Sue Coles expressed disappointment on behalf of the cycling groups, who feel that the long held aspiration for a cycle route alongside the A325 has now been lost. It was noted, however, that the new bridleway will be available to all, whereas a cycle route alongside the A325 would be noisy and unappealing to recreational users.

3.7 **LAF report** – Petronella can provide copies of the LAF annual report, and this will also be available to download from HUDDLE.



## 4 Project/sub-group updates

### 4.1 *Providing Access to Hampshire's Heritage (PATHH)*

- *Legal advice:* The Forum had all received copies of a paper setting out HCC's legal team's advice on liabilities in respect of publication of the PATHH data.
- *Website:* The PATHH website needs updating but HCAF does not have access to it to make changes. A new website is being produced, which could provide a link or signpost to any information deposited with the Record Office (HRO).
- *Depositing documents with Hampshire Records Office (HRO):* Funding was granted for the investigation to be done on the understanding that the research results would be deposited with HRO. The project was carried out within the remit of HCAF, a copy of which was included with the funding application. Although some newer members of the Forum were not confident that they understood how the work of PATHH fitted into the constitution, it was noted that when PATHH was set up, this was under the auspices of HCAF, which was acting within its remit, and great care was taken to ensure that the constitution was followed correctly.
- It was considered by the Forum that it would be best to deposit the information directly with HRO, and confirm that they are happy to take the information.

**DECISION: The Forum agreed to deposit the information from the PATHH project with Hampshire Record Office (subject to HRO being prepared to accept the data).**

### 4.2 *Access on MOD land*

The MOD liaison group has still to find a meeting date when an effective quorum could meet. Sue Coles requested that members of the group be given a choice of dates where possible.

### 4.3 *Multi-user routes*

The first meeting of the South Downs National Park (SDNP) project for route-sharing has taken place, and was attended by users, who were asked about any issues they had encountered. The SDNP are running a "Share the Path" campaign over Easter 2016 which uses a positive perspective rather than focusing on conflict between user groups. Members were invited to add their details to a contact list to which campaign info will be sent for wider publication.

The SDNP PhD project is currently out with universities seeking a student and feedback is expected in the next few months. The SDNP would happy to join forces with HCAF if no students are interested in the topic as a research project.

### 4.4 *Coastal Access*

The first meeting of Coastal Access sub-group is scheduled for immediately after the HCAF meeting.

## 5 LAF Consultations

Discussion focused on 'Making our needs known and influencing decision makers'. Alan Marlow had contacted Janet Davis at Ramblers Head Office for a view on the

need for a National LAF, and the response has been circulated. The Rights of Way Review Committee will require rejuvenation once the Deregulation Act comes into place, and would probably be the appropriate body to do the work envisaged for any National LAF.

The consultation was not raised during the SELAF conference. It was agreed that some form of response is preferable to none, and Forum agreed that Petronella put together a short response on the basis of the various comments received from Members.

**ACTION: Petronella Natrass to draft a response and circulate it for approval before sending it (by the end of March 2016).**

## **6 Hampshire CAP Implementation – future plans and Forum input (Jonathan Woods, Access Team Leader, HCC)**

Jonathan Woods introduced himself and presented an update including the following points:

- 17 bridges will be replaced by the end of the year, and contracts are being issued shortly. Most of these require sign-off from the Environment Agency. Forum members requested a copy of the list of bridges in the package, to be circulated by email.
- The Parish Lengthsman scheme often has one person covering a number of parishes – the target is to have no more than 5 parishes per person.
- Walking and Cycling Strategies should feed into the CAP (which is the Countryside Service's strategic framework) via national and regional funding opportunities. HCC's focus is multi-user, whilst Highways have some specific funding opportunities for walking and cycling.
- Looking ahead: we anticipate a few more years with the current organisational structure, but there is the likelihood of further change after 2018.
- The Countryside Service is currently investing in Country Parks, to make them as self-financing as possible. We also have ~80 Countryside Sites, and of course the Rights of Way network.
- The implications of the Deregulation Act are as yet unknown, and we are trying to prepare for this.
- The Planning Officer role currently being recruited will include changes to the Highway system
  - Where our routes are affected, and
  - How access will be extended
- HCAF wishes to be actively involved in implementation of the CAP.

## **7 Yateley Common at Blackbushe Airport (Kieran Foster, vice-Chair Surrey County LAF/CTC Offroad)**

Blackbushe aerodrome is owned outright, and is expected to remain an operational airfield for the foreseeable future. The CAA licence for the airfield simply states that the Right of Way (Yateley Bridleway 16) will be clearly marked.

Any decision to change to the RoW under the Town and Country Planning Act rests with the Planning Authority (Hart District Council). The Commons Registration

Authority (HCC) keeps the register but does not have a duty to enforce or protect common land. It is Natural England's role to enforce Open Access Land under the CROW Act.

The Hart District planning process does not as a matter of course consider Commons, Open Access Land or RoW. Hart District are currently awaiting a diversion order application from the developer in respect of the bridleway and they have made no other comment. The planning consent requires that the proposal for diversion must be submitted to Hart within 3 months of the decision date (November 2015). This deadline has now passed and the proposal has not yet been submitted.

The Forum asked about the history of the site, including planning consent granted in 1984. At this time a number of meetings were held, the outcome of which was a decision not to enforce the right of way, due to the length of time the obstruction had been in place and the complexity of the situation.

It was felt that HCAF would not be in a position to assist with unravelling the legal side of this matter, but might be able to look at the wider implications of the situation, and a sub-group might discuss the outcome of the Section 130(A) application. They also felt they should ask HCC to take a very close interest in the case.

The question has already been taken to HCC's Legal department, and the Access team are awaiting answers from legal on case law surrounding airport security, rights of way, access land and how they intersect. Once this legal advice has been received, HCAF will create a sub-group liaise with HCC, and would be happy for Mr Foster to join this sub-group.

**ACTION: sub-group to be convened once the Access Team have received advice from HCC legal team.**

## **8 Equestrian Needs – the Way Forward**

Gail Johnson and Sue Montila had met with Cllr Rob Humby, Emma Noyce, Jonathan Woods, Petronella Nattrass and Graham Wright (Transport Team Leader), and are looking at the possibility of developing some form of Guidance for planners, developers, highways, etc., to help them better understand the needs of equestrians. Cllr Humby commented that such guidance would be welcomed both by HCC and by the local planning authorities. Two districts have responded to early consultation so far.

It was recommended that support be sought initially from HCC Strategic Planning, then from the district councils/local planning authorities. Currently, most districts do not consider equestrian users as a matter of course. Any guidance would be advisory, rather than policy, and therefore not binding.

At the meeting Graham Wright had produced data on road accidents in Hampshire involving horses; there have been approximately 70 accidents in 15 years, although there is no geographical pattern. The BHS also records 'near misses', and it would be useful to combine this data. It is noted that when equestrian access to the wider network is restricted, this results in fewer riders choosing to use roads, and therefore both riders and their horses become less familiar with using roads and are

therefore less likely to use them – overall, this leads to less use of the bridleway network.

**DECISION: The Forum as a whole supports the development of a guidance document.**

## **9 Area Countryside Access team update**

Parishes are asked to provide a list of paths that are priority for vegetation cutting, and about a quarter of all parishes (and borough/town councils etc) respond.

The use of the phrase “resolved to our satisfaction” was queried, and James explained that this can mean that a job has been issued to a contractor, or that a landowner has been told they will need to do the work and has agreed that they will – it is not used solely when the work has been completed and checked by the team. Members felt that this might be misleading, but it would take too much of the Area Teams’ time to chase down each issue to ensure that the work has actually been carried out, if it is being done by an external agency/body.

The Forum felt that it is good to maintain contact with the Area and HQ teams, and that there should be a rotation of these updates through the year. It was requested that these updates be made available via the HCAF website.

## **10 Reports from other LAFs**

### **10.1 *National Conference***

Graham Flatt and Alan Marlow had attended the National LAF Conference. There had been a presentation on updates and reforms of Defra; copies of the presentations that had been promised were not yet available, so they gave a verbal update based on partial notes. The Deregulation Regulations are expected to be introduced in July 2016. Routes on the List of Streets will be protected.

There was a workshop which was a detailed legal examination on listed rights, the List of Streets, and the Gazetteer etc.; it was felt that the Definitive Map should be incorporated into the Gazetteer, with potential to add non-definitive routes as well.

There was a second workshop on Disabled Rambler use, covering;

- All terrain buggies;
- Barriers to disabled access;
- People do not want smooth surfaces everywhere – some ‘off-road’ use is welcomed

There was an item on influencing your local council re: access and bridleways, and concerning the equestrian rights on highways – this had been demonstrated by equestrians walking and riding their horses through Wokingham.

LARA are trying to push a positive message on motorised rights, and are seeking input on the use of social media.

### **10.2 *South Downs LAF***

The following update was given by Roger Mullenger, Chair of SDLAF:

- Permissive routes are disappearing. Defra have been approached for a database of permissive routes.
- There is a problem with canoeing on the River Rother – the estate landowners and British Canoe Union are being approached to tackle this.
- The SDLAF is looking at how to get access built into Neighbourhood Plans.
- SDNP is currently going through a restructure – some roles may change
- There is a Public Inquiry into the fencing of a common for heathland management with cattle – many access points are being put in, along with mounting blocks.
- The end result of the Meon Valley Trail works is felt to be very good overall
- Network Rail are intending to close all rail level crossings, although this has not been publicised.
- The South Downs Way will have new end points, with the Winchester End Point being at the City Mill. On the Chilcomb Range issue, Mark Ludlow has walked the route. Ballistic mapping shows an unacceptable level of risk on the deviation route within MoD land, so a negotiation with the neighbouring landowner will be necessary.
- The grant funding body for the National Park will not give money for surfacing work as this is the statutory responsibility of the Highway Authority.
- The possibility of an ETRO or TRO on Hawkley BOAT 25 has been raised, as the landowners do not use that route for access. They would like further discussion on this.

## **11 Members Discussion/Project Development**

### **11.1 *Permissive Access***

Gail Johnson has not undertaken any further work on this as there had been no response regarding the loss of routes under stewardship, suggesting that this is not seen as a priority. Often established relationships between landowners and local people are more likely to succeed in establishing long-term permissive routes. HCC has no remit for unlicensed permissive routes, and Parish Councils tend not to chase them. It is not easy to identify which HLS routes will be closing: expiry dates are available on the Defra website but collating them is not a straightforward task. HCAF may wish in future to look at how to raise awareness.

## 11.2 ***HCAF input to planning consultations***

Given the numbers of planning consultations and timescales for comments (the statutory minimum is 21 days), the Forum is not in a position to respond to individual planning consultation affecting rights of way. The Countryside Service is usually only consulted on applications where rights of way are directly affected (currently around 650 a year), and even with a full-time officer in post would not expect to respond to all of those.

HCAF has a remit to advise on improving public access. Planning can restrict access, but can also provide enhancement opportunities. The Forum could develop a set of principles or guidelines for local planning authorities, provided that these all relate to matters that are within the remit of a Local Access Forum.

It would need to be determined how any form of guidance would be disseminated to planning authorities – for example, to circulate it to all planning officers as well as to planning departments in general. It was also suggested that the document might also be sent to parish councils, and form a key reference in planning major development areas (MDAs).’.

HCC has started to formulate key criteria for planning consultation responses, pulling information from several sources, including Defra, NPPF and local planning policies. Pre-application discussions on MDAs are lengthy, detailed, and often confidential – it is a real challenge to get involved before the ‘masterplan’ is set. Jonathan Woods drew attention to paragraph 75 of the NPPF:

“Planning policies should protect and enhance public rights of way and access. Local authorities should seek opportunities to provide better facilities for users, for example by adding links to existing rights of way networks including National Trails.”

It was agreed that this should be an item for the next meeting.

## 12 **Work Programme for 2016**

There was brief discussion of this and it was agreed that those members who are less familiar with planning policy and processes would benefit from a training session, possibly from an external trainer.

***Date of next meeting: 21 June 2016 – Venue TBA***