

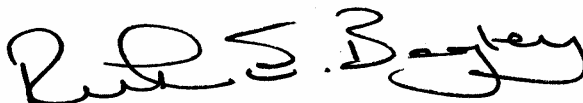
# Public Document Pack

Date of issue: 17<sup>th</sup> July 2007

<b>MEETING</b>	<b>LOCAL ACCESS FORUM</b>
<b>DATE AND TIME:</b>	WEDNESDAY, 25TH JULY, 2007 AT 5.30 PM
<b>VENUE:</b>	MAYOR'S CONFERENCE ROOM, TOWN HALL, BATH ROAD, SLOUGH
<b>DEMOCRATIC SERVICES OFFICER: (for all enquiries)</b>	TERESA CLARK 01753 875018

## NOTICE OF MEETING

You are requested to attend the above Meeting at the time and date indicated to deal with the business set out in the following agenda.



**RUTH BAGLEY**  
Chief Executive

## NOTE TO MEMBERS

This meeting is an approved duty for the payment of travel expenses.

## AGENDA

### PART 1

#### AGENDA ITEM

#### REPORT TITLE

#### PAGE

#### WARD

1. Apologies



<u>AGENDA ITEM</u>	<u>REPORT TITLE</u>	<u>PAGE</u>	<u>WARD</u>
2.	Declarations of Interest. (Members are reminded of their duty to declare personal and prejudicial interests as set out in the Slough Local Access Forum Terms of Reference).		
3.	Minutes of last meeting	1 - 4	
4.	Matters Arising		
5.	Forum membership issues		
6.	Road Safety and Cycle Training		
7.	The List of Streets and Unrecorded Rights of Way – Discovering Lost Ways Project		
8.	Defra Consultation on implementation of the right to apply for orders to extinguish and divert public rights of way	5 - 8	
9.	Future Work Programme		
10.	Next meeting Date - Thursday 11th October 2007, at 5.30 p.m.		

Press and Public

You are welcome to attend this meeting which is open to the press and public, as an observer. You will however be asked to leave before the Committee considers any items in the Part II agenda. Special facilities may be made available for disabled or non-English speaking persons. Please contact the Democratic Services Officer shown above for further details.

Minicom Number for the hard of hearing – (01753) 875030



## SLOUGH LOCAL ACCESS FORUM

Minutes of Meeting held on **25<sup>th</sup> April 2007**, at Town Hall, Bath Road, Slough, Berkshire.

### In attendance

<b>Councillor David Munkley</b>	LAF Member (Chairman), Slough BC
<b>Margery Hitchman</b>	LAF Member
<b>Ian Houghton</b>	LAF Member
<b>Margaret Innis</b>	LAF Member
<b>Councillor Latif Khan</b>	LAF Member, Slough BC
<b>Dick Sable</b>	LAF Member
<b>Laurie Tucker</b>	LAF Member (Vice Chair)
<b>Toby Evans</b>	Observer
<b>Ken Wright</b>	Observer
<b>Jacqui Wheeler</b>	LAF Secretary, Slough BC
<b>Teresa Clark</b>	Democratic Services Officer, Slough BC
<b>Bruce Hicks</b>	Community Parks Project Officer, Slough BC
<b>Matt Davey</b>	Head of Highways Engineering, Slough BC
<b>Aamina Zafar</b>	Slough Observer Newspaper

		<b>Action</b>
<b>1.</b>	<b>APOLOGIES</b> None.	
<b>2.</b>	<b>MINUTES</b> The minutes of the last meeting held on 10 <sup>th</sup> January 2007, were approved as a correct record.	TC to file.
<b>3.</b>	<b>MATTERS ARISING</b>  <b>Cycle Training</b> J Wh advised that the cycle training scheme had ceased in September 2005 and at present the Council could only offer off road training. Volunteers were needed to operate this scheme and they were required to undertake training.  J Wh advised that Tina Housego, the Council's Road Safety Officer was the best person to advise the Forum on how this could be taken forward. It was agreed that she would be invited to attend the next LAF meeting on 25 <sup>th</sup> July 2007. It was also requested that Joe Carter, Head of Transport, provide a report detailing the arrangements for cycle training in the Borough for the next Forum meeting.	JW to note  Joe Carter to note

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		Action
	<p><b>Cinder Track Inspection</b> Members were advised that J Wh, KW and IH walked the route of the cinder track on 26<sup>th</sup> March 2007. KW was pleased that rubbish had been cleared and it was suggested that the inspection should be carried out on a frequent basis. It was hoped that environmental services could attend so that problems could be resolved quickly.</p> <p><b>Baylis Park</b> BH advised that the lottery funding bid had not yet been submitted but this would be done in the near future.</p> <p><b>Safety of Paths and Parks</b> LT referred to the problem caused by people occupying seats in Crown Meadow, whilst drinking alcohol. Signs had been requested to deter people from doing this but he had not yet heard from Anne Farmer. He would follow this up.</p>	<p>J Wh to note.</p> <p>LT to note.</p>
4.	<p><b>Forum Membership</b> DM advised that there were now 9 LAF Members in place and 3 potential Members. He had been contacted by the 'Friends of Slough Canal' group who were interested in enhancing the towpath, and it was possible that the group would be interested in membership of the LAF. Jean Woods had resigned from the LAF, due to other commitments but it was agreed that future agenda would be sent to her. MH asked how an individual could become a full LAF Member and DM advised that the LAF Regulations required the ratification of Members by the 'Appointing Authority'- this would be done at Council meetings. DM advised that at the Council meeting, he would move on Standing Orders that the Highway Authority could appoint at any time rather than waiting for a specific Council meeting. It was anticipated that all Members would be ratified in the near future.</p> <p>J Wh advised Members that their names and area of interest could be added to the LAF Website (with their approval). The photograph of Members had not yet been posted on the Website.</p>	<p>JWh to note.</p> <p>TC to note.</p> <p>DM to note.</p> <p>Members to note.</p>
5.	<p><b>Bridleway Update</b> J Wh advised that the creation order on the new bridleway was imminent. The section that bordered the motorway had been widened to 5 metres and new 'dismount' signs were in place at either side of the M4 bridge. The surface of the bridleway needed raising in places and a quote had been requested for the work. The adjacent wooded areas were being cleared of brambles etc. J Wh advised that a draft letter</p>	

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		Action
	<p>exploring funding from the Council would be brought to the next meeting. DM advised that a costing would be needed if the Council approved the funding in principle.</p> <p><b>LAF Funding</b> In response to a question by LT, DM advised that there was no dedicated budget for the LAF within the Council's annual budget. Funds were being drawn from the Highways and Transport budget.</p>	J Wh to note.
6.	<p><b>Rights of Way Improvement Plan (ROWIP)</b> J Wh advised that the ROWIP would be in place for 10 years before being renewed. By the year 2010, it would be incorporated with the Local Transport Plan and would require comment and approval by the LAF. The ROWIP would have a 12 week public consultation period, commencing June/July 2007. LAF Members were requested to submit any comments by the end of May 2007.</p> <p>DM asked that a report on precise deadlines be brought to the next meeting.</p> <p>It was suggested that a Sub Group could be created to consider and comment on walking and cycling routes that the Council is due to implement. Toby Evans, Bruce Hicks, Margery Hitchman, David Munkley, and Dick Sable agreed to participate and JWh would arrange a meeting date.</p> <p><b>Off Road Cycleway next to Uxbridge Road (A412).</b> DS advised that he had received a leaflet regarding the pathway and in his opinion the cycleway did not need funds spending on it. He was concerned about the location of the bus shelter and felt that the pathway should run behind the shelter. DS advised that the pathway continued to Uxbridge and part of this section required work. He suggested that the London Borough of Hillingdon should be contacted to discuss this.</p>	<p>J Wh to note.</p> <p>JWh to note.</p> <p>JWh to note.</p>
7.	<p><b>New LAF Regulations and Guidance</b></p> <p>Members were referred to the booklet', Guidance on Local Access Forums in England', which outlined the role of LAF's, their working arrangements and procedure regarding appointment of Members. There was a requirement to send copies of LAF Minutes and other related papers to Natural Engand. It was noted that the LAF would now advise the Council and other bodies on issues such as functional access. Members were advised that under the Countryside and Rights of Way Act 2000, the LAF had the statutory function of providing advice to bodies including the appointing authority, the Secretary of State, Parish Councils and Sport England.</p>	

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		Action
	<p>LT asked whether a Parish Council Member could be a LAF Member and was advised that apart from the two Council Members allowed within the regulations, other Member were appointed to represent specific groups such as users of local rights of way. JWh advised that the LAF was now a statutory Consultee on 'gating orders'. (LT advised that there would be a gating order to the rear of Crown Meadow).</p> <p>Members discussed ways in which changes to the role of the LAF could be publicised and it was suggested that the website could be expanded and that an article could be placed in the 'Citizen' newspaper.</p>	J Wh to note
<b>8.</b>	<p><b>FUTURE WORK PROGRAMME AND ANNUAL REPORT</b></p> <p>The programme was noted and Members were asked to email details of future items to J Wh. DM asked that J Wh circulate the work programme to Members.</p>	J Wh to note
<b>9.</b>	<p><b>ANY OTHER BUSINESS</b></p> <p><b>Joined up Working</b></p> <p>DS suggested that the LAF should liaise more with neighbouring authorities, so that in particular, access to bordering areas could be discussed. He felt that more 'joined up' working was needed and it was agreed that this idea should be added to the future work programme to consider. It was agreed that some neighbouring LAF Members should be invited to a future meeting.</p> <p><b>Fennerfest</b></p> <p>Toby Evans advised Members that he hoped to build a model of the solar system in Slough and a long pathway was needed to do this. If anyone was interested in helping with this project they could contact him through J Wh.</p>	J Wh to note.  All Members to note
<b>10.</b>	<p><b>DATE OF NEXT MEETING</b></p> <p>The date of the next meeting on <b>25<sup>th</sup> July 2007 at 5.30 p.m</b> was noted.</p> <p>(The meeting commenced at 5.30 p.m. and ended at 8.20 p.m.)</p>	

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## Public consultation on the Right to Apply

### Briefing note for local access forums

1. This note is intended to assist secretaries and members in developing their response to Defra's public consultation on the Right to Apply.
2. Defra is keen to receive views from all interested individuals and organisations, but local access forums will be particularly well placed to offer impartial, balanced and locally-informed views. The consultation paper is relatively long and covers a range of issues, some of which are fairly technical and detailed (which may be of more interest to local authority officers who have to administer the application process). It is appreciated that not every forum member will necessarily have the time to read through the entire consultation paper. This note therefore highlights areas which might be of most interest to forums, although **forums (or individuals forum members) remain free to comment on any aspect of the consultation.**
3. The proposals are summarised in the Executive Summary, reproduced below:

### Executive Summary

4. The consultation paper seeks views on a proposed approach to commencing new statutory rights of application and appeal in connection with making changes to the public rights of way network. The new rights were introduced by the Countryside and Rights of Way Act 2000 (which inserted new provisions into the Highways Act 1980), and were in recognition of the difficulties that land managers can encounter in persuading authorities to use their discretionary order-making powers.
5. The right to apply would enable owners, lessees and occupiers of land used for agriculture, forestry or for the breeding or keeping of horses, and school proprietors, to **apply** to a local authority (or National Park authority) for a public path or special order to permanently extinguish or divert a public right of way.
6. The rights to appeal would enable applicants to **appeal** to the Secretary of State at two stages in the decision-making process: firstly, if a local authority refuses to make the order applied for, and secondly where (after having made an order) the authority refuses to confirm it or to submit it to the Secretary of State. Making an appeal will ensure that the applicant's reasons, and any objections, are considered at a public inquiry, hearing or through an exchange of written representations.
7. The new provisions contain two other significant features - the level of charges would be prescribed by the Secretary of State in the regulations, and if authorities are slow to deal with an application or an order, the Secretary of State could be asked to direct the authority to deal with it within a specified time.

8. The new rights provide **no guarantee** that applicants would be able to obtain an order. However, an order should usually be forthcoming provided all the relevant statutory criteria and requirements are met (including those relating, as appropriate, to the convenience and enjoyment of the public, payment of charges and agreement to defray or contribute towards certain costs and expenses).

9. The consultation paper seeks views on the proposed approach to implementing the new rights through the making of regulations, including the level of prescribed charges to be paid by applicants.

10. An assessment of the likely impacts, costs, risks and benefits has been carried out. The results are set out in the partial Regulatory Impact Assessment (partial RIA) which accompanies the consultation paper (Annex F). Views are sought on whether the partial RIA is a realistic assessment upon which decisions can be taken. Since it shows that there might be only **marginal net benefits** for applicants and, at the national level, a significant dis-benefit, the consultation also seeks views on whether the legislation relating to the new rights should be **commenced in present form, repealed or amended**.

### Key issues

11. The new rights will probably result in **higher costs for all stakeholder groups**. These are assessed in the partial RIA (Annex F of the consultation document). All things being equal, the procedures involved in considering a single application and making an order should not be significantly different or more costly to the existing procedures. However, the overall cost of administering the new statutory procedures would be higher.

12. The charges to be paid by applicants - and the circumstances in which refunds should be made - will be prescribed in regulations, and the exact cost to applicants will depend on the circumstances. The consultation paper proposes an **application charge of £1000**, plus **further charges** payable if the application leads to the making of an order (or to an appeal). It is estimated that the charges for a typical unopposed application/order could be up to 30-40% higher than what land managers currently pay (on average) - perhaps £2,500 including newspaper notice costs. Views are sought on the proposed charges and proposed refunds - Section 6 of the consultation document provides more detail.

13. An assessment of the likely impacts, costs, risks and benefits has been carried out. The results are set out in the partial RIA which forms Annex F of the consultation document. Views are sought on whether the partial RIA is a realistic assessment upon which decisions can be taken ?

14. The partial RIA assumes the following volumes of casework per annum:

Applications for public path orders special orders	2,630
Applications for special orders for schools	50
Public path orders made by authorities on application	900



Refusal notices	1,680
Appeals to the Secretary of State (= 25% of refusals)	432
Orders confirmed by authorities	770
Orders made/confirmed by Secretary of State	302

15. The partial RIA also looks at the costs and benefits for different groups. For applicants it is estimated that the financial benefits (in terms of convenience, improved security and increased land) will marginally outweigh the costs. It is assumed that an individual applicant will - on average - gain financial benefits, spread over ten years, in the order of £6,000. No financial benefits are identified for other stakeholder groups, although they may incur additional costs (e.g. in objecting to applications and orders).

16. The partial RIA estimates that the costs and the benefits for the different stakeholder groups, over a 10 year period, would be:

<b>Stakeholder Group</b>	<b>Benefits (£m)</b>	<b>Costs (£m)</b>
Applicants	39.3	37.6
Authorities	0.2	16.2
Statutory Undertakers / Highway Authorities	0.0	0.6
Other Stakeholder Groups	0.0	1.2
Central Government	0.0	14.7
Total	39.5	70.4

### **Issues for forums to bear in mind**

17. Forums should in bear in mind the following points:

- (a) whether the proposals are likely to be workable and efficient within the context of their own local area;
- (b) the extent to which the proposals would benefit land managers in their own local area;
- (c) the impact on other local stakeholders (e.g. ramblers groups, parish councils, local residents, local authorities etc) in their own area; and
- (d) whether the partial RIA is accurate and comprehensive.

18. Forum secretaries may like to request information from their local authorities about the current approach, policies and charges which apply to the making of extinguish and diversion orders in the locality. This might assist help forums to formulating their views.

19. Defra has written to all local authorities to invite their views, in contrast to individual land managers, few of whom can be expected to have the time to comment. Therefore, whilst forums can comment on the impact which the proposals will have on local government (and service levels), it would be especially useful if forums could

consider the proposals from the view point of **land managers** and **other local interests** which they represent.

### **Further information**

20. Further information on the public consultation is available on the Defra website at <http://www.defra.gov.uk/corporate/consult/row-rights/index.htm>, including:

- the full consultation paper and partial RIA;
- the consultation letter;
- a list of organisations consulted;
- answers to some Frequently Asked Questions; and
- a link to further background material.

### **Defra participation in local access forum meetings**

21. With over 80 forums in England, Defra cannot offer to attend all forum meeting at which these issues are discussed. However, officials would welcome the opportunity to attend a small number of forums meetings, should any forums wish to extend an invitation.

22. If you have any questions, would like further information or would like to invite a Defra representative to a forum meeting, please contact Geoff Audcent on 0117 372 8339 (E-mail: [geoff.audcent@defra.gis.gov.uk](mailto:geoff.audcent@defra.gis.gov.uk)).

Department for Environment, food and Rural Affairs  
May 2007